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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 907

[Navel Orange Reg. 547]

Naval 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 April 2–April 8, 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: April 2, 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 30, 1982 at Lindsay, 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, enagage 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.

List of subjects in 7 CFR Part 907: Agricultural Marketing Service. Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

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

1. Section 907.847 is added as follows:

§ 907.847 Navel Orange Regulation 547.

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 2, 1982, through April 8, 1982, are established as follows:

(a) District 1: 1,650,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons.

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

Dated: March 31, 1982.

Michael A. Castille

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

[FR Doc. 82–8987 Filed 3–31–82; 12:58 pm]

BILLING CODE 3410–02–M

7 CFR Part 1093

[Milk Order No. 93; Docket No. AO–386]

Milk in the Alabama-West Florida Marketing Area; Order Regulating the Handling of Milk

Correction

In FR Doc. 82–7171 appearing at page 11495 in the issue for Wednesday, March 17, 1982, please make the following corrections:

(1) On page 11498, in the second column, in § 1093.13(c)(4), in the third line, please insert "the" immediately before "control".

(2) On page 11498, in the third column, in § 1093.15, in the fifth line from the top of the column, "ice mixes" should have read "ice milk mixes".

(3) On page 11499, in § 1093.31, in paragraph (a)(2) at the top of the middle column, in the second line, the last word should be "producer;".

(4) On page 11499, in the middle column, in § 1093.32, in paragraph (b), in the third line, the word "adn" should have been "and" and the reference to § 1092.30" should have referred to "§ 1093.30".

(5) Also in § 1093.32(b), in the fifth line, please insert "market" immediately before "administrator".

(6) On page 11499, in § 1093.40, in paragraph (b)(3), in the sixth line from the top of the third column, the word "package" should have been "packages".

(7) Also in § 1093.40, in paragraph (c)(4), in the third column, please insert "milk" immediately before "products" in the first line.

(8) On page 11500, in § 1093.42, in the third column, in paragragh (b)(1), in the third line, please insert "a" immediately before "fluid".

(9) On page 11501, in the middle column, in paragraph "(vi)" (§ 1093.42(d)(2)(vi)), in the fourth line, please insert "order immediately before "plants".

(10) Also on page 11501, in the third column, in paragraph "(e)" (§ 1093.42(e)), in the third line, the second word should be "transferred".

(11) On page 11502, in the third column, in paragraph "(*c*)" (§ 1093.44(a)(8)(ii)(*c*)), in the sixth line, please insert "this" immediately before "allocation".

(12) On page 11503, in the first column, in the first paragraph "(i)" (§ 1093.44(a)(11)(i)), in the eleventh line, "plan to" should have been "plant of".

(13) Also on page 11503, in the third column, in the first paragraph "(c)" (§ 1093.44(c)), in the seventh line, the word "his" should have been "this".

(14) On page 11504, in the first column, in fourth line from the top (§ 1093.45(d)), the first word should be "received".

(15) On page 11506, in the first column, in § 1093.71, in paragraph (a)(2)(i), in the third line, the word "each" should have been "such".

(16) On page 11507, in the first column, in § 1093.75, in paragraph (b), in the fourth line, the reference to "§ 1052.93(a)" should have read "1093.52(a)".

(17) Also on page 11507, in the third column, in the eighth line from the top of the column § 1093.76(b)(1)(ii)), the fifth word should have been "computed".

(18) On page 11508, in the middle column, in the first paragraph "(a)" (§ 1093.85(a)), in the fourth line, the cross reference should be to "§ 1093.9(c)".

(19) Also on page 11508, in the middle column, in § 1093.86, in paragraph (a), in the second line, after the word "this" please insert "section,".

(20) On page 11509, in the first column, in paragraph "(e)" (§ 1093.93(e)), in the eleventh line, please insert "market" immediately before "administrator".

BILLING CODE 1505-01

Farmers Home Administration

7 CFR Part 1900

Farmers Home Administration Appeal Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding the appeals procedure for FmHA administrative actions directly and adversely affecting persons or organizations. This action is being taken because the results of a recent informal study of concluded appeal cases revealed that it takes an average of 5.9 months to conclude the FmHA appeal process and appellants have complained of long FmHA delays. The change will clarify present FmHA regulations, reduce the number of reviews held in the National Office and simplify internal reporting requirements. The intended effect of this action is to expedite the FmHA administrative appeals process while affording appellants an adequate opportunity to be heard.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: The below listed persons at Farmers Home Administration, USDA, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250, for:

- *Single Family Housing*—Frank Colon, Room 5347, Telephone (202) 382–1482.
- *Farmer Programs*—Ron Thelen, Room 5314, Telephone (202) 447–4669.
- *Community Programs*—John Madding, Room 6304, Telephone (202) 382–1490.
- *Multiple Family Housing*—Cliff Herron, Room 5337, Telephone (202) 382–1626.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1, which implements Executive Order 12291 and has been determined to be "nonmajor."

This action has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for individuals, organizations or other government agencies affected. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets, since it does not affect FmHA loan eligibility requirements or loan servicing requirements.

The following alternatives and effects were considered in the implementation of this action.

Alternatives and Effects

1. Take no action—Cause lengthy delays for appellants to complete the entire administrative appeal process.
—It will continue to impose a heavy workload on FmHA personnel.
—It will be costly to the appellant and the government.
2. Reduce steps in the appeal process and make other changes which would clarify and facilitate the appeal process—Reduce lengthy delays for an appellant to complete the entire administrative appeal process.
—Reduce the workload on FmHA personnel.
—Reduce the cost to the government and the appellant.
3. Authorize a special independent body of government employees to handle only FmHA administrative appeals—Increased cost to government.
—May provide better unbiased system of review but at a greater cost to the government.
4. Contract out the FmHA administrative appeals process—Increase cost to government.
—Could cause greater delays.

Alternative 2 was selected since it will provide the greatest net benefits to society at the lowest cost.

This action will reduce the burden on the public and reduce FmHA administrative costs by reducing the number and complexity of FmHA administrative reviews.

FmHA became aware of the need for this action through the recent informal study of concluded appeal cases involving County Supervisor and County Committee adverse decisions. This study revealed that it took an average of 5.9 months to go through the entire existing administrative appeal process. Appellants and FmHA personnel have voiced complaints that the present appeal process is taking too long to render a final decision.

Charles W. Shuman, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because the changes will have little or no effect on any State or local government receiving grants from the FmHA.

The FmHA programs and projects which are affected by this regulation are subject to State and local clearinghouse review in the manner delineated in Subpart H of Part 1901 of this chapter. This change will affect all of the listed FmHA programs.

Catalog of Federal Domestic Assistance Reference List

CFDA No. and Program Title

10.404 Emergency Loans.
10.405 Farm Labor Housing Loans and Grants.
10.406 Farm Operating Loans.
10.407 Farm Ownership Loans.
10.408 Grazing Association Loans.
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10.410 Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502—Insured).
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10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed Protection and Flood Prevention Loans.
10.420 Rural Self-Help Housing Technical Assistance (Section 523 Technical Assistance).
10.421 Indian Tribes and Tribal Corporation Loans.
10.422 Business and Industrial Loans.
10.423 Community Facilities Loans.
10.424 Industrial Development Grants.
10.426 Area Development Assistance Planning Grants (Section 111).
10.427 Rural Rental Assistance Payments.
10.428 Economic Emergency Loans.
10.430 Energy Impacted Area Development Assistance Programs.
10.431 Technical and Supervisory Assistance Grants.
10.432 Biomass Energy and Alcohol Fuels Loan and Loan Guarantees.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

It is the intention of FmHA that ongoing appeals will be handled in the following manner: Where a notice of a decision has been sent to an appellant, the appeal step described in that notice will be in accordance with the appeal regulation in effect at the time notice was sent. Any future steps will be in accordance with the new regulation.

A proposed rule was published in the **Federal Register** (46 FR 54949) on November 5, 1981. That proposal provided for a 60–day comment period through January 4, 1982. Comments on the proposed rule were received from a wide range of interests, including individuals; legal services groups; and other groups. In all, 31 separate comments were received, 23 of which were received within the comment period, and 8 received following the January 4, 1982, deadline.

The final rule contains revisions to the proposed rule which reflect FmHA's consideration of all the comments received and a thorough review of the proposal. The following is a discussion of the comments received:

Section 1900.51. One comment suggested retaining language prohibiting the delay or denial of approved assistance pending the outcome of an appeal of a partial adverse action. The final rule revision contains language to this effect in the last sentence of the section.

Section 1900.52. Many commments were received regarding deletion of "stayed" assistance during the appeal process. We believe that any action which required a stay of assistance in the past has been provided for in the proposed change. For example, during an appeal process, foreclosure will not be pursued until time for the appeal has expired or the appeal is terminated or resolved. Therefore, assistance is continued throughout the appeal process. In other actions, a decision to terminate or not renew assistance, if reversed, will be effective as of the date of the adverse decision.

Other comments requested the term "directly and adversely affected" be defined and placed in this section. "Directly and adversely affected" has been properly defined in § 1900.56 (a) of the final rule as it was in the proposed rule.

Section 1900.53(a). Three comments expressed concerns that erroneous decisions may result from using the examples of nonappealable items set forth in this section. We believe these concerns are not well-founded. The new rule (both proposed and final) does not significantly change the existing rule in this regard. We feel that by providing a nonexclusive listing of examples of nonappealable items, we can best demonstrate what actions are not appealable. In this way, we believe all interested parties will be provided proper guidance in this area.

Section 1900.54 (renumbered to § 1900.53 (d) in final rule). Several comments suggested that appraisals be included in the formal appeal process. One other comment recommended that we continue to allow for review of appraisals upon an appellant's request to the State Director. We have included this State Director review, as it appeared in the existing procedure. We believe this approach is reasonable and fair.

Section 1900.56(a). One comment suggested that the appeals procedure should be clear regarding the handling of an offer for curing a default after acceleration of the account. We agree with the suggestion and have provided this guidance in the final rule as § 1900.56 (a)(4).

Section 1900.56(a)(3). One comment suggested that the words "or other similar language mandated by FmHA Instructions" be inserted in the last sentence between the words "language" and "must" to comply with existing FmHA regulations. This change has been made to accommodate language in Subpart G of Part 1951.

Section 1900.56(c)(2). Several comments suggested that FmHA retain the provision for supplying appellants with the name and address of the nearest legal services representative and any known legal referral assistance, upon request. We feel this information is beyond the scope of FmHA programs and services. All exhibits clearly notify appellant of the right to bring a representative [or legal counsel] to the initial meeting and any subsequent meetings.

One comment suggested that specific language should be included in the final rule to limit the examination of "FmHA material concerning the case." The comment stated there had been some abuse of this privilege in the past. We feel that the FmHA Freedom of Information regulations are adequate to prevent misuse. Therefore, we do not plan to change this language in the final rule publication. This section was also amended to provide guidance regarding where the appellant may examine the file when a real estate loan is accelerated.

Section 1900.56(c)(5). Some comments suggest that the option given the appellant to have a hearing or a review of the file in lieu of a hearing is not in the best interest of the appellant. We feel that by allowing the appellant this choice, it will provide the opportunity to have an adverse decision reviewed without the expense of missing work or incurring other added expenses. If the Hearing Officer's decision is unsatisfactory to the appellant, the remainder of the appeal process is still available. FmHA only wishes to provide a choice to the appellant. It will remain the appellant's decision whether to choose a review in lieu of a hearing or the hearing.

Section 1900.57(a). One comment suggested FmHA provide appellants the right to subpoena witnesses upon a reasonable, advanced showing to the Hearing Officer that a potential witness has evidence bearing on a material issue. We feel this suggestion is not relevant to the revision of the FmHA appeal procedure. The FmHA appeal procedure is not a formal process and FmHA does not have the legal authority to subpoena or to provide the right for subpoena of witnesses.

Section 1900.57(e)(1) (renumbered to § 1900.57(d)(1) in final rule). One comment suggested retention of the mandatory taping of hearings to lessen disputes over hearing notes. We realize the importance of accurate hearing notes, however, taping facilities may not be available to all Hearing Officers. Therefore, we have changed the language in the final rule publication to FmHA "is encouraged to" tape record

hearings rather than "*** may tape record hearings."

Section 1900.57(i) (renumbered to § 1900.57(h) in final rule). One comment suggested the Hearing Officer, upon making a decision, be required to notify the decision maker "and any other level servicing the account." We feel this suggestion is relevant and have made appropriate changes within this paragraph and in § 1900.58(d) of the final rule publication.

Section 1900.57(j) (renumbered to § 1900.57(i) in final rule). One comment suggested the appellant be given an opportunity to identify significant errors in hearing notes when the Hearing Officer is the Administrator or designee. This change was made.

Section 1900.59(a). One comment suggested that dates referred to in acceleration notices should be addressed in this section to provide guidance once an appeal process is concluded. We agree and have added language in the second sentence of this paragraph.

One comment suggested that FmHA appeals procedure exhibits are readable only by those appellants who are high school graduates. This conclusion was reached after an analysis of Exhibits B–1, B–2, B–3, B–4, and C. The primary emphasis of the analysis, completed on Exhibits B–1, B–2, and B–3, appears to be the content of the paragraph concerning the Equal Credit Opportunity Act. This paragraph cannot be changed; its contents are mandated by law (12 CFR 202.9(b)).

We feel the language contained in the other exhibits is necessary to adequately describe the appellant's rights.

Exhibit B–1. One comment recommends that this exhibit and the FmHA instruction be amended to make it more clear that the scheduling and attendance of a prehearing meeting is mandatory and to set out the consequences involved. we feel this suggestion is relevant and we have incorporated the changes in Exhibit B–1 as well as § 1900.55(c) of the final rule publication.

Exhibit B–4. It became apparent there was some confusion as to whom the appellant is to contact in order to review the records when the acceleration of a real estate loan is involved. In order to clarify this issue Exhibit B–5 has been developed to be used as an attachment to real estate acceleration notices only. Exhibit B–4 will continue to be used as an attachment to Exhibit B–2, B–3, and chattel acceleration notices as applicable.

Exhibit D. Comments suggesting changes in the content and format of this exhibit were received. We feel the format of this exhibit is very clear and simplified. However, we do agree changes in content are needed. One comment suggested a modification of the "Decision to Foreclose Real Estate" section contained in the chart. It was suggested there should be a separation in this category of accounts serviced in the County Office from those serviced in the District Office. This change, along with the appropriate designation of Hearing/Review Officers, has been made.

A change in the chart regarding County Committee decisions has been made to reflect the State Director or designee as Hearing Officer and the Administrator or designee as Review Officer.

One comment suggested that a person designated to act on behalf of a Hearing/Review Officer, be allowed signature authority for the hearing/review decision letter. A change has been made to the "notes" section of this Exhibit to provide authorization for a designee to sign the hearing/review decision letter without obtaining the concurrence of the original Hearing/Review Officer in all cases except that of a hearing on County Committee decisions. In the case of a hearing on County Committee decisions, the State Director or Acting State Director must sign the hearing decision letter rather than the designee. The corresponding change has been made in § 1900.57(j) (renumbered to § 1900.57(i) in final rule).

Another comment suggested that "County Supervisor" be defined to include an Assistant County Supervisor with loan approval authority. This change has been made in the notes section of this exhibit.

Also, many comments suggested that when a real estate acceleration notice is signed by the State Director, a District Director should not be designated as the Hearing Officer. There will be no change in the existing procedure at the present time since the Agency is unable to develop another system for appealing real estate acceleration notices signed by a State Director which would be both administratively feasible and as fair to the appellant as the existing one.

One comment also suggested the Hearing/Review Officer designations were misleading as presented in the proposed rule publication of the **Federal Register**. We have made a change to correct any confusion.

Two comments suggested that District Directors should not be allowed as Hearing Officers within their own districts. We feel no change to this situation is necessary. The definition of a decision maker in § 1900.52 and the guidance provided in Exhibit D are adequate to assure an unbiased Hearing Officer.

There were many comments expressing concern about discontinuing National Office review of decisions made by the County Supervisors. We feel that by performing regular state assessment team reviews, training sessions, and normal docket reviews, the FmHA National Office can adequately assist FmHA State Directors in appropriate policy interpretations, thereby alleviating any inconsistencies or irregularities in administering FmHA programs.

In addition to these changes, FmHA's review of the proposal resulted in two substantive revisions.

Section 1900.53(c). This paragraph has been added so that decisions made in connection with pending litigation or the initiation of litigation where time is of the essence are not appealable.

Section 1900.59. This paragraph has been revised to provide that when an appeal results in the making of a loan, the interest rate on that loan will be the rate in effect the date the loan is actually approved.

Other editorial changes have been made from the proposal for clarification.

Summary of Major Changes

The following major substantive changes also have been made to Subpart B of Part 1900, Chapter XVIII, Title 7, Code of Federal Regulations:

1. The number of appeal steps has been reduced. There may be no more than one appeal at the National Office level. The appeal process is set out in chart form as Exhibit D to Subpart B of Part 1900 to simplify its use by FmHA personnel.

2. The FmHA internal appeal reporting process will be simplified by requiring only the number of hearings and reviews to be reported, and by incorporating the reporting system into FmHA Instruction 1992–C (available in any FmHA office).

3. The Guide Letters are changed to Exhibits and their use is required without change. The appellant's appeal rights are deleted from the body of the guide letters and incorporated within the unsigned attached exhibits.

4. The Hearing Officer is encouraged rather than required to tape record hearings, and instructions are added for the disposition of tapes.

5. The decision maker is allowed to determine if a pre-hearing meeting is to be required and to eliminate such hearings in cases involving acceleration of accounts. The consequences of not scheduling or attending a required pre-

hearing meeting is set forth in the instruction.

6. Provisions for amending acceleration notices for appeal hearings are set forth. The time period for requesting a hearing is changed. The appeal rights will be furnished in an exhibit attached to the acceleration notice.

7. To allow the appellant access to his/her files before they are sent to the Hearing Officer the request for a hearing must be mailed through the initial decision maker's office, except where the acceleration of a loan secured by real estate is involved. When a real estate loan is accelerated, if appellant requests to examine or copy the FmHA material concerning the case, the Hearing Officer will arrange for the file (other than privileged material) to be available in the servicing office.

8. Reorganization of the section entitled "General".

9. The appellant is allowed the option to request a review of the written records in lieu of a hearing *or* have a hearing.

10. Allow the continuation of a hearing to be subject to a 15 day time limit.

11. If the Review Officer reviews any information the appellant has not previously reviewed, the appellant will be allowed an opportunity to review it and respond accordingly.

12. Regarding the appeal process, the review will be based on the record and any additional written information the appellant wishes to submit. The appellant may no longer present information in person to the Review Officer.

13. Appellant is allowed a representative [or legal counsel] to act on his/her behalf.

14. FmHA officials may not deny or delay approved assistance to appellant pending the outcome of an appeal of a partial adverse action.

15. Examples of certain nonappealable actions are identified.

Accordingly, FmHA revises Subpart B of Part 1900, Chapter XVIII of Title 7, Code of Federal Regulations, to read as follows:

PART 1900—GENERAL

* * * * *

Subpart B—Farmers Home Administration Appeal Procedure

Sec.

1900.51 General.
1900.52 Definitions.
1900.53 Decisions which are not appealable.
1900.54 [Reserved]
1900.55 FmHA actions to limit the need for appeals.
1900.56 Appeal from an initial FmHA decision.
1900.57 The hearing.
1900.58 The review.
1900.59 Effect of appeal decision.
1900.60 Records and reporting requirements.
1900.61–1900.100 [Reserved]
Exhibit A—Guide to Conducting a Hearing.
Exhibit B–1—Letter for Notifying Applicants and Borrowers of Adverse Decisions Where the Decision is Appealable.
Exhibit B–2—Letter for Notifying Applicants and Borrowers of Adverse Decisions Where the Decision is Appealable.
Exhibit B–3—Letter for Notifying Applicants and Borrowers of Unfavorable Decision Reached at the Pre-hearing Meeting.
Exhibit B–4—Appeals of Adverse Action.
Exhibit B–5—Appeals of Real Estate Acceleration.
Exhibit C—Letter for Notifying Applicants and Borrowers of Adverse Decisions When Part or All of the Decision is not Appealable.
Exhibit D—Hearing/Review Officers Designations.

Subpart B—Farmers Home Administration Appeal Procedure

§ 1900.51 General.

This subpart provides a uniform procedure whereby a person or organization may appeal any program administrative decision made by Farmers Home Administration (FmHA) which directly affects that person or organization. This subpart does not replace any existing procedures for handling discrimination complaints. This procedure does not apply to:

(a) Guaranteed loans.

(b) Debt settlement action found in Part 1864 of this chapter (FmHA Instruction 456.1).

(c) Freedom of Information Act appeals.

(d) Privacy Act appeals.

(e) Suspension and Debarment procedure in Subpart E of Part 1924 of this chapter.

(f) Procurement activity that may be appealed to the Department of Agriculture Board of Contract Appeals.

(g) Tenant appeals, which are covered in Subpart L of Part 1944 of this chapter.

This procedure supersedes all other FmHA appeals procedures affecting applicants, borrowers, or grantees including the foreclosure appeal procedure found in § 1955.15 of Subpart A of Part 1955 of this chapter. The provisions of 5 U.S.C. 551–559, Administrative Procedure Act, as amended, are not applicable to proceedings under this Subpart except for the requirements concerning public information. Accordingly, the Equal Access to Justice Act (Pub. L. 96–481) does not apply to these proceedings. FmHA officials may not deny or delay approved assistance pending the outcome of an appeal of a partial adverse action.

§ 1900.52 Definitions.

(a) *Appellant* is an applicant for FmHA assistance or an FmHA borrower or grantee, either individual or organizational, that is directly and adversely affected by an administrative decision by FmHA.

(b) *Hearing* as used in this Subpart, is an informal proceeding at which an appeal from an adverse decision is heard.

(c) *Decision maker* is the FmHA official who actually makes the specific decision but not the official who serves in an advisory capacity in interpreting instructions, policies, or technical items, or who performs routine supervision. For example, if an FmHA official reviews a preapplication from an organization and directs a subordinate to include specific items in Form AD 622, "Notice of Preapplication Review Action," the official is the decision maker. However, when the official or designee serves only in an advisory capacity and is not significantly involved in the decision, the subordinate will be considered the decision maker.

(d) *Hearing officer* is the FmHA official who has the authority to uphold, reverse, or modify decisions of the decision maker. See Exhibit D of this Subpart for the designations of hearing officers.

(e) *Review officer* is the FmHA official who has the authority to uphold, reverse, or modify the decision of the hearing officer. See Exhibit D of this Subpart for the designations of review officers.

(f) *Record* means the FmHA file, papers filed by an appellant, notes, or transcript (if any) of a hearing, and decisions made by FmHA.

(g) *Official positions.* The terms County Supervisor and District Director may vary in a few geographical areas. These terms will also mean Assistant Area Loan Specialist and Area Loan Specialist, respectively.

§ 1900.53 Decisions which are not appealable.

(a) FmHA decisions based on statutory requirements or on objective standards that are included in published regulations may not be appealed. Exhibit C will be used without revision to notify applicants or organizations of a denial of assistance based on this type of action. The letter will state that if there is objection as to whether the

action is appealable, the individual or organization may write to the State Director requesting review of the determination. Examples of types of action which are not appealable include but are not limited to the following:

(1) Denial of a Section 504 grant to an applicant less than 62 years of age.

(2) Denial of a loan and/or grant to an individual or organization in an ineligible area.

(3) Denial of a loan and/or grant to a type of organization not identified as an eligible applicant by the regulations.

(4) Denial of a loan because an application or an Emergency loan was not filed before a prescribed termination date.

(5) Decision not to release basic security for unauthorized purposes.

(6) Denial of a loan because of *confirmed* income that is above FmHA published limits.

(7) Interest credit reduction that is the result of a *confirmed* income increase.

(8) A determination of ineligibility for Emergency loans based on confirmation or verification by the Agricultural Stabilization and Conservation Service (ASCS) or the Federal Crop Insurance Corporation (FCIC) that the applicant did not have the required production losses of 30 percent or more.

(9) A finding that a cooperative, corporation, or partnership applying for an Economic Emergency loan is not eligible when it has been *confirmed* that less than 50 percent of the applicant's total income is from farming.

(10) Denial of compensation for construction defects when it has been determined that the contractor is willing and able to correct the deficiencies.

(11) Requirements and conditions designated by law to be developed by agencies other than FmHA. They include, but are not limited to: Davis-Bacon wage rates; flood plain determinations; archaeological and historical areas preservation requirements, and designation of areas that have been determined to be inhabited by endangered species.

(12) Minimum property standards for construction and other development. An appeal may only be made when the appellant claims FmHA is misapplying the written standards.

(13) Interest rates as set forth in FmHA procedure.

(14) A rent increase rejection when the borrower fails or refuses to apply for rental assistance according to Exhibit C of Subpart C of Part 1930 of this chapter.

(b) A decision to deny a new application or request for FmHA assistance, when a previous adverse decision has been appealed and upheld, and when the applicant provides no new supportive information or substantive change, may not be appealed.

(c) A decision by FmHA made in connection with pending litigation, or in connection with the initiation of litigation to protect the security interest of FmHA (*e.g.*, suit to enjoin conversion of security or damage and waste to a structure serving as security), where OGC or the U.S. Attorney advises FmHA that the borrower will be able to adequately assert its position in the litigation, may not be appealed. Litigation includes bankruptcy. This provision does not apply to the normal acceleration process even though judicial action is ultimately necessary.

(d) A decision to initiate foreclosure action where FmHA holds a lien and another lienholder is proceeding in a foreclosure action may not be appealed.

(e) Appraisals of property value will not be appealed through the hearing and review process provided for in this subpart. When a loan is not made because the appraisal did not justify the amount requested, the applicant will be notified and advised that a request may be made for a review of the appraisal by the State Director. When a request is made, the State Director will review the specific appraisal documents and, when warranted and deemed necessary, send a representative to make an on site review.

(f) In cases where denial of assistance is based upon both appealable and nonappealable actions, the denial of assistance is not appealable. Exhibit C will be used in these cases and will include all reasons for the decision, both appealable and nonappealable.

§ 1900.54 [Reserved]

§ 1900.55 FmHA actions to limit the need for appeals.

Without jeopardizing the rights of the appellant, the following steps should be taken to minimize the need for appeals:

(a) FmHA personnel should carefully check the accuracy of any adverse actions to be taken.

(b) The specific reasons for adverse actions should be clearly explained when the applicant or borrower is notified. Vague reasons should be avoided. For example, avoid "you lack repayment ability"; the applicant or borrower should be specifically advised why repayment ability is lacking.

(c) A meeting will be required to be held between the affected parties and the decision maker to explain the adverse decision before the appeals process will begin. The required meeting may be waived by the decision maker if the decision maker previously met with or advised the affected parties of the specific reasons for the denial or the decision maker determines that a meeting would likely not avoid an appeal. In such cases, Exhibit B–2 with attachment Exhibit B–4 will be used without revision, except in cases involving acceleration of accounts which are provided for in § 1900.56(a). When a meeting is required, Exhibit B–1 will be used without revision to inform the appellant. If the appellant or appellant's representative (or legal counsel) without good cause, fails to schedule/attend this meeting, there will be no further appeal.

§ 1900.56 Appeal from an initial FmHA decision.

(a) If an applicant for FmHA assistance, an FmHA borrower, or an FmHA grantee is directly and adversely affected by an FmHA decision or action, the official taking action or making the decision will inform that person or organization by letter of the action taken within 15 calendar days of the action. The term "directly and adversely affected" means having a request for FmHA assistance denied in whole or in part or having FmHA assistance reduced, canceled, or not renewed. Letters, as indicated in § 1900.53 or § 1900.55, as appropriate, will be used to notify the applicant. The following actions will also be taken if the adverse action is an acceleration on an FmHA loan:

(1) Foreclosue action will not be pursued until time for appeal has expired or the appeal is terminated or resolved.

(2) When there are pending any other related matters (such as denial of a moratorium or interest credit) at the time the borrower appeals a decision to accelerate, all such other matters will be merged into a single appeal subject to the time limits in effect for an appeal of the decision to accelerate.

(3) In acceleration notices, the letter will read substantially as found in Exhibit C, "Notice of Acceleration * * *," Subpart A, Part 1955 of this chapter or Form FmHA 455–21, "Notice of Acceleration and Demand for Payment," with attachment Exhibit B–4 or B–5 as appropriate. The term "hearing" will be used in lieu of "meeting" in the "Notice of Acceleration * * *". The following language or other similar language mandated by FmHA instructions, must be included in the acceleration notice: "The request for this hearing must be made within 30 calendar days from the date of this notice."

(4) Any offer by the borrower for partial payment of (or curing) the default

after acceleration of a loan secured by real estate should be referred to the State Director in accordance with FmHA Instruction 1955–A, § 1955.15(d)(2)(i)(D).

(b) When the person or organization officials attend a meeting with the decision making official and the meeting results in a resolution of the matter, the official will send the person or organization a letter within 7 calendar days of the meeting, setting forth the conclusions reached at the meeting. If the meeting does not result in a resolution of the matter, Exhibit B–3 with attachment Exhibit B–4 will be used without revision to notify the person or organization of appeal rights within 7 calendar days of the meeting.

(c) When an applicant appeals a decision and requests a hearing, the appeal will be handled as follows:

(1) Upon receipt of the request, the decision maker will verify whether the appeal was submitted within the authorized period. If the appeal was not submitted within the authorized time period, appeal rights are terminated unless the delay of the appeal was for good reason.

(2) If the appellant has made a request to examine or copy the FmHA material concerning the case, except where the acceleration of a loan secured by real estate is involved, the material (unless privileged) will be made available to the appellant or the appellant's representative (or legal counsel) at the FmHA decision maker's office for 10 calendar days following the receipt of the request for appeal. When a real estate loan is accelerated, if the appellant has made a request to examine or copy the FmHA material concerning the case, the hearing officer will arrange for the file (other than privileged material) to be available in the servicing office for a reasonable period of time. An FmHA employee should ensure that no material is destroyed or removed from the files. The decision maker will then submit the request for hearing with the complete file to the hearing officer.

(3) If, upon receipt of the file, the hearing officer determines that the decision will be reversed, he or she will notify all parties of the determination and of the actions to be taken. Otherwise, the hearing officer will arrange for a hearing to be held as soon as possible, but within 45 calendar days of the receipt by the decision maker of the request for a hearing. The hearing will be held at a location convenient to the appellant, decision making official and hearing officer. If no place can be agreed on, the hearing officer will select the location. The hearing officer, after reviewing the file, should keep it and, after completion or cancellation of the hearing, return it to the FmHA field office unless it is requested by the decision maker for other processing actions.

(4) When the appellant or appellant's representative (or legal counsel), without reasonable cause, fails to appear at the hearing, the appellant's appeal will be considered concluded. If the appellant's failure to appear is for reasons beyond the control of the appellant or a request for postponement is with reasonable cause, the hearing officer will reschedule the hearing at a time convenient to all interested parties, but usually not later than 15 calendar days after the initially scheduled date.

(5) At any time up to the day of the scheduled hearing, the appellant may waive the opportunity for a hearing and, instead, request that the hearing officer make a decision based on the file, any written statements or evidence the appellant may submit and any other information the hearing officer deems necessary.

(6) The decision maker or hearing officer, as appropriate, will provide the appellant any new reasons for adverse action to be presented by FmHA, if available, at least 7 calendar days before the hearing. If the reasons cannot be given at that time, the appellant will be advised that a rebuttal may be made in writing within 7 days after the hearing.

(d) Cases originating in Samoa, Guam, remote areas of Alaska, and the Western Pacific Territories and submitted to the State Office for a hearing, may be acted upon without a hearing when circumstances due to travel and time involved preclude it. In those cases, the decision maker will allow a reasonable period of time for the appellant or the appellant's representative (or legal counsel) to, upon request, examine or copy documents pertaining to the case. The decision maker will advise the appellant within 7 calendar days of the request for appeal to provide written documentation to support the allegations and/or any written statements from other witnesses which supports the appellant's position. Appellant is to provide the information to the decision maker within 30 calendar days from the date of request for appeal. Exhibit B–1 will be modified as necessary. The decision maker must obtain and mail to the hearing officer the complete FmHA file for the case together with any available documents from the appellant supporting the appeal and written statements from other witnesses who would have appeared at a hearing.

§ 1900.57 The hearing.

(a) The hearing will be an informal proceeding at which the appellant will bear the burden of proving the initial decision erroneous. To do so the appellant may provide any information or witnesses the appellant believes should be considered in reaching a proper decision. The appellant may present evidence, witnesses (when practicable, FmHA witnesses requested by the appellant will be made available at the hearing) and arguments in support of appellant's appeal, controvert evidence relied on by FmHA, and may question all witnesses. Any evidence may be received by the hearing officer without regard to whether that evidence could be employed in judicial proceedings. A suggested guide for the order of presentation at a hearing is included in Exhibit A to this subpart.

(b) The decision making official (or successor) or informed delegate (who must be one who participated in the decision making process) will be at the hearing and will present evidence if necessary. Any other witnesses or FmHA personnel the decision making official thinks necessary to support the initial decision will be at the hearing to present evidence.

(c) During the hearing, the hearing officer may request additional witnesses to appear or request further information if the hearing officer considers this necessary to reach a proper decision.

(d) Hearing record:

(1) The hearing officer is encouraged to tape record hearings, and may use the tapes as a backup to support the outline notes taken at the hearing. Tapes may be destroyed (erased) 6 months after the final determination has been made and the appeal process has been completed or terminated.

(i) Appellants may tape record the proceedings at their own expense or may obtain a copy of a tape made by FmHA for the cost of reproduction. The other party must be notified when the taping begins.

(ii) The taking of transcripts is neither required nor prohibited. Either party may arrange to have a transcript of the hearing made at their own expense. When one party has a transcript made the other will make their own arrangements to obtain a copy. Ordinarily, FmHA will not have transcripts made. Prior approval of the Administrator is required when transcripts are made or copied for FmHA.

(2) A FmHA employee (not the decision maker) will take notes at the hearing. The hearing officer may take

the notes or assign this responsibility to another FmHA employee.

(3) The notes will *informally reflect* the pertinent information presented and essential positions by both parties. The notes *may be in outline form,* and *need not repeat proceedings* verbatim. The notes will indicate if the appellant arranged for a transcript or a copy of the FmHA tape. A typed copy of the notes will be mailed or presented to the appellant together with the letter informing the appellant of the hearing officer's decision. The letter should also advise the appellant of further appeal rights, if any.

(4) File documents and other written materials used in the hearing will be included as part of the FmHA record.

(e) For good cause, the hearing officer will, at the request of either the appellant or a FmHA official, continue the hearing to a future time. However, the length of the continuance will be at the hearing officer's complete discretion and will usually not exceed 15 calendar days.

(f) *The decision of the hearing officer* shall be based on facts presented at the hearing or in writing, rebuttal by appellant of new evidence, additional information requested by the hearing officer, appropriate FmHA files, applicable statutes and regulations, and the hearing officer's general knowledge of FmHA program functions.

(g) Within 30 calendar days of the hearing, the hearing officer will determine what action to take with regard to the appeal, unless FmHA has ordered a transcript, in which case the decision will be made within 15 calendar days of receipt of the transcript. If the appellant waives the opportunity for a hearing and the hearing officer reviews any information the appellant has not previously reviewed, the appellant will be advised by the hearing officer of the additional information and be allowed an opportunity to review it and respond accordingly. Usually, the total time given the appellant to review and respond to this additional information will not exceed 15 calendar days. The hearing officer will render a decision within 30 calendar days of the date set for the hearing, unless this would not allow sufficient time to consider the appellant's response to any additional information.

(h) If the initial decision is reversed, the hearing officer will inform the appellant, original decision making official, and any other official servicing the account, by letter of the decision, the reason for it, and what action will be taken.

(i) If the initial decision is upheld or modified but not reversed, the hearing officer will send a copy of the notes and inform the appellant by letter of the decision giving specific reasons, with a copy to the decision making official and any other official servicing the account. The State Director or Acting State Director must sign the letter on County Committee decision reversals, regardless of who conducts the hearing for the State Director. When the hearing officer is the Administrator or designee, the letter will state "this review concludes the administrative appeal of your case. However, if you feel there are significant errors in the hearing notes, you may notify the Hearing Officer within 15 calendar days of the date of this letter. Upon consideration of your comments on the hearing notes, the Hearing Officer will notify you within 10 calendar days as to whether there will be a change in the decision." When the hearing officer is someone other than the Administrator or designee, the letter must contain the following statement:

> If you wish to have the above decision further reviewed, you may appeal in writing to (*review officer/address*) within 30 calendar days of the date of this letter explaining why you believe the decision is incorrect. Your request for review should be submitted through this office. Since this review will be based on the record, including papers filed, FmHA files, notes, or transcripts of the appeal meeting, my decision, applicable statutes and regulations, and any *additional written* information you wish to submit, you should include any additional information you think is important, including any changes you believe should be made on the attached hearing notes.

(j) If the appellant does not request in writing a review of the hearing officer's decision within the 30 calendar day period provided in the letter, the appeal will be considered concluded.

§ 1900.58 The review.

If the appellant appeals to the review officer:

(a) With prior approval of the Administrator, the review officer may obtain a copy of the transcript of the hearing if one was arranged for by the appellant.

(b) The review officer will review the case record, applicable law and regulations, any additional written information furnished by the appellant including appellant's review of the hearing notes, and any additional information as the review officer deems necessary. However, if the review officer reviews any information the appellant has not previously reviewed, the appellant will be advised by the review officer of the additional information and be allowed an opportunity to review it and respond accordingly. Usually, the total time given the appellant to review and respond to this additional information will not exceed 15 calendar days. The review officer will render a decision within 30 calendar days of receipt of the appeal from the hearing officer, unless additional information has been submitted or obtained. The review officer will then render a decision within 15 calendar days of receipt of any timely comments by the appellant.

(c) The review officer's decision will be based on written facts presented for the review, the hearing notes, appellant's review of the hearing notes, additional information requested by the review officer, appellant's written response to the additional information reviewed by the review officer, appropriate FmHA files, applicable statutes and regulations, and the review officer's general knowledge of FmHA program functions.

(d) The appellant will be informed of the final decision by letter. A copy will be sent to the decision maker, the hearing officer and any other official servicing the account. If the decision is upheld, the letter must contain the following statement:

> "This review concludes the administrative appeal of your case."

§ 1900.59 Effect of appeal decision.

(a) *Effective date.* When an appeal is concluded, the effective date of the action to be taken will be the date of the initial decision from which the appeal was taken. All dates and deadlines provided for in acceleration notices will remain in effect. Regulations in effect on the effective date will govern the action unless those requirements would not be authorized under statutory or case law at the time the appeal is concluded. Any loan made as the result of an appeal will bear interest at the rate in effect for that type of loan on the date of actual loan approval. When an emergency loan appellant is given relief, it will include the right to file a new application (if necessary) within 30 days of the date of the decision letter or before the termination date established for the disaster, whichever is later.

(b) *Legal effect.* A decision made when an appeal is concluded will be administratively conclusive. It will not, however, be determinative of the legality of the action to be taken.

§ 1900.60 Records and reporting requirements.

(a) *Appeal records.* Appeal records will be maintained in the applicant's or borrower's case folder.

(b) *Reporting requirements.* See FmHA Instruction 1992–C (available in any FmHA office).

§§ 1900.61–1900.100 [Reserved]

Exhibit A—Guide to Conducting a Hearing

A. Upon receipt of the file, the hearing officer will become familiar with the case to be sure that pertinent information is presented at the hearing.

B. The hearing officer will arrange a hearing to be held within 45 calendar days of receipt of the notice of appeal at a place convenient to the appellant, decision making official, and hearing officer.

C. Be an unbiased presiding officer.

1. The hearing officer is not representing the decision maker nor is the hearing officer an advocate for the initial decision.

2. The hearing officer should have no preconceived opinions concerning the issues.

3. To preserve this unbiased atmosphere—

a. It is preferable that the hearing not be held in an FmHA office. We suggest places such as Conference Room—Agricultural Service Center, SCS, ASCS, Extension Service, etc. This may not be possible, but an attempt should be made to hold the hearing at a neutral place.

b. The hearing officer should not fraternize with the decision maker or other FmHA personnel in the presence of the appellant before, during, or after the hearing. This can be accomplished by having the hearing officer seated separate from the others at the hearing.

D. Conduct an informal proceeding. (Pass attendance sheet which will be made part of the record.)

1. The appellant will bear the burden of proving the initial decision erroneous.

2. The hearing officer may receive evidence without regard to whether that evidence could be employed in judicial proceedings.

3. The hearing must be conducted in a manner to get facts on the record. Therefore, the hearing must deal in facts and professional opinions.

4. The hearing officer should keep control over the hearing and not allow any of the participants, including counsel for the appellant or the decision maker, to unduly attempt to set the tone of the hearing. If any person(s) become uncontrollable, they may be requested to leave. If they refuse to leave, the hearing may be terminated.

5. As a fact-finder, the hearing officer may question any witness, request additional witnesses to appear and/or request further information if this information is necessary to reach a proper decision. If the hearing officer is going to request additional witnesses, these witnesses should be given adequate notice of the time and place of the hearing.

E. Order of presentation. The order listed below should be followed:

1. The opening statement by appellant setting forth why original decisions was erroneous. This is an outline of how appellant plans to proceed.

2. The opening statement by decision maker to show why decision is correct.

3. The appellant presents evidence including documents, witnesses, and arguments supporting their position. The decision maker can be questioned at this time by the appellant. Any witnesses presented by the appellant can be questioned by the decision maker or other Government representative.

4. The decision maker or other Government representative then has an opportunity to rebut appellant's arguments and/or evidence by presenting evidence including witnesses. Any witnesses may be questioned by appellant.

5. The hearing should be concluded with a summary by both sides.

6. If the appellant has arranged to have a transcript of the hearing made at the appellant's expense, the hearing officer, with the prior approval of the Administrator, may purchase a copy of the transcript.

F. Attach typed notes of the hearing to the hearing officer's letter with decision to the appellant.

G. Make a decision based on the following:

1. Facts presented at the hearing.

2. Appropriate FmHA files.

3. Applicable statutes and regulations.

4. The hearing officer's general knowledge of FmHA program functions.

H. After reaching a decision, the hearing officer must prepare the appropriate letter setting out the decision and forward it to the appellant, with a copy to the decision maker or any other official servicing the account.

1. This letter must set out *specific* reasons for the decision, and *the facts on which the decision is based.*

2. The decision will be communicated by letter to the appellant within 30 calendar days of the hearing.

a. If the initial decision is reversed, the letter will so inform the appellant and the decision maker, giving the reasons and action to be taken.

b. If the initial decision is upheld or modified, the letter will contain a statement set out in the regulations that the appellant may have the decision reviewed further if the appellant files an appeal within 30 calendar days of the date of the letter.

EXHIBIT B–1—LETTER FOR NOTIFYING APPLICANTS AND BORROWERS OF ADVERSE DECISIONS WHERE THE DECISION IS APPEALABLE

(Use when meeting with Decision Maker is required)

United States Department of Agriculture

Farmers Home Administration

(Insert address) _____

(Date)_____.

Dear_____:

After careful consideration, we (were unable to take favorable action on your application/request for Farmers Home Administration services) (are canceling/reducing the assistance you are presently receiving). The specific reasons for our decision are:

(Insert here the adverse decision and all of the *specific* reasons for the adverse action.)

If you have any questions concerning the decision or the facts used in making our decision and desire further explanation, you may request a meeting with (this office) (the County Committee) within 15 calendar days of the date of this letter. You may present new information or evidence along with possible alternatives for our consideration. You may also bring a representative (or legal counsel) with you. Should we be unable to satisfactorily resolve your case, you will be advised of your appeal rights and how to begin the appeal process. If, without good cause, you fail to schedule or attend this meeting, there will be no further appeal.

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age, (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Sincerely,

(Decision Maker)_____

(County Supervisor for County Committee)

(Title)_____

EXHIBIT B–2—LETTER FOR NOTIFYING APPLICANTS AND BORROWERS OF ADVERSE DECISIONS WHERE THE DECISION IS APPEALABLE

(Use when meeting with Decision Maker is not required)

United States Department of Agriculture

Farmers Home Administration

(Insert address) _____

(Date) _____.

Dear _____:

After careful consideration, FmHA (was unable to approve your application/request for service) (is canceling/reducing the assistance you are presently receiving). The specific reasons for our decision are as follows:

(Insert here the adverse decision and all of the *specific* reasons for the adverse action.)

See attachment for your appeal rights.

The hearing officer will be _____ (name and title). A request for a hearing should be sent to the hearing officer in care of this office _____ (address).

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Sincerely,
(Decision Maker)———————
(County Supervisor for County Committee)
(Title)———————

EXHIBIT B–3—LETTER FOR NOTIFYING APPLICANTS AND BORROWERS OF UNFAVORABLE DECISIONS REACHED AT THE PRE-HEARING MEETING

United States Department of Agriculture

Farmers Home Administration

(Insert address) ———————

(Date) ———.

Dear ———————:

We appreciated the opportunity to review the facts relative to (your application/request for FmHA services) (the assistance you are presently receiving). We regret that our meeting with you did not result in a satisfactory conclusion.

See attachment for your appeal rights.

The hearing officer will be ———————— (name and title). A request for a hearing should be sent to the hearing officer in care of this office ———————— (address).

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Sincerely,
(Decision Maker)———————
(County Supervisor for County Committee)
(Title)———————

EXHIBIT B–4—APPEALS OF ADVERSE ACTIONS

(Use as an Attachment to Exhibit B–2, B–3, and Chattel Acceleration Notice, as Applicable)

Appeals of Adverse Actions

The decision described in the attached letter did not grant you the FmHA assistance you requested or will terminate the assistance you are presently receiving. You have the right to appeal this decision to the Hearing Officer identified in the letter and to have a hearing or a review in lieu of a hearing. In order for this decision to be changed, you will have to show the decision is wrong. If you wish to appeal the decision, the request for a hearing must be received in this office within 30 days after the date of this letter.

The hearing will generally be completed within 45 days of the receipt of your request.

You or your representative (or legal counsel) may come to this office anytime during regular office hours in the 10 days following our receipt of your request for a hearing to examine or copy relevant non-confidential material in your file. Photostatic copies will be provided in accordance with the Freedom of Information Act.

Eleven days after we receive your request for appeal, we will forward the file, any additional documents, and your request to the Hearing Officer.

The Hearing Officer will contact you regarding a time and place for the hearing. You may have a representative [or legal counsel] with you and may present your own witnesses. The FmHA decision maker or representative will be there and available for you to cross-examine, as will all other witnesses presented by FmHA. If you wish to have other FmHA employees present as your witnesses, let the Hearing Officer know and, if possible, they will be there.

At your own expense, you may tape record the hearing or have a transcript made. If FmHA records the hearing you may purchase a copy of the tape for the cost of reproducing it.

At any time up to the day of the scheduled hearing you may request that the Hearing Officer make a decision without a hearing. If you do, the Hearing Officer's decision will be based on the FmHA file, any written statements or evidence you may provide and any additional information the Hearing Officer thinks necessary.

Within 30 calendar days after the hearing (or the date you notify the Hearing Officer that you elect to waive the opportunity for a hearing) the Hearing Officer will advise you by letter of the decision made, the reasons for it, and, if your request for assistance is not granted, what further administrative appeals may be available to you.

A more complete description of the hearing (A Guide to Conducting an Appeals Hearing) may be obtained from any FmHA office.

EXHIBIT B–5—APPEALS OF REAL ESTATE ACCELERATION

(Use as an Attachment to Real Estate Acceleration Notices)

The decision described in the attached letter will terminate the assistance you are presently receiving. You have the right to appeal this decision to the Hearing Officer identified in the letter and to have a hearing or a review in lieu of a hearing. In order for this decision to be changed, you will have to show the decision is wrong. If you wish to appeal the decision, the request for a hearing must be received by the Hearing Officer within 30 days after the date of this letter.

The hearing will generally be completed within 45 days of the receipt of your request.

You or your representative (or legal counsel) may arrange with the Hearing Officer to examine or copy relevant non-confidential material in your file. Photostatic copies will be provided in accordance with the Freedom of Information Act.

The Hearing Officer will contact you regarding a time and place for the hearing. You may have a representative (or legal counsel) with you and may present your own witnesses. The FmHA decision maker or representative will be there and available for you to cross-examine, as will all other witnesses presented by FmHA. If you wish to have other FmHA employees present as your witnesses, let the Hearing Officer know and, if possible, they will be there.

At your own expense, you may tape record the hearing or have a transcript made. If FmHA records the hearing you may purchase a copy of the tape for the cost of reproducing it.

At any time up to the day of the scheduled hearing you may request that the Hearing Officer make a decision without a hearing. If you do, the Hearing Officer's decision will be based on the FmHA file, any written statements or evidence you may provide and any additional information the Hearing Officer thinks necessary.

Within 30 calendar days after the hearing (or the date you notify the Hearing Officer that you elect to waive the opportunity for a hearing) the Hearing Officer will advise you by letter of the decision made, the reasons for it, and what further administrative appeals may be available to you.

A more complete description of the hearing (A Guide to Conducting an Appeals Hearing) may be obtained from any FmHA office.

EXHIBIT C—LETTER FOR NOTIFYING APPLICANTS AND BORROWERS OF ADVERSE DECISIONS WHEN PART OR ALL OF THE DECISION IS NOT APPEALABLE

United States Department of Agriculture

Farmers Home Administration

(Insert address) ———————

(Date)———.

Dear———————:

After careful consideration we (were unable to take favorable action on your application/request for Farmers Home Administration services) (are canceling/reducing the assistance you are presently receiving).

(Insert and number all of the *specific* reasons for the adverse action. Examples of nonappealable reasons are listed in § 1900.53(a).)

If you have any questions about this action, we would like the opportunity to explain in detail why your request has not been approved, explain any possible alternative, or provide any other information you would like. You may bring any additional information you may have and you may bring a representative (or legal counsel) if you wish. Please call (*telephone number*) for an appointment.

Applicants and borrowers generally have a right to appeal adverse decisions, but FmHA decisions based on certain reasons are not appealable. We have determined that the reason(s) numbered———for the decision in this case make(s) the decision not appealable under FmHA regulations. You may, however, write the State Director (insert name and address) for a review of the accuracy of our finding that the decision is not appealable. (Substitute the appropriate hearing officer's name and address in the event the decision was made by a State Director or National Office Official.)

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a

binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580

Sincerely,
(Decision Maker)
(County Supervisor for County Committee)
(Title)

EXHIBIT D—HEARING/REVIEW OFFICERS DESIGNATIONS

Decision maker or decision	Hearing officer	Review officer
County supervisor	District director or person designated by State director.	State director or designee (who has not been significantly involved with the case).
County committee	State director or designee	Administrator or designee.
District director	State director or designee	Administrator or designee.
State director	Administrator or designee	(No review).
Division director	Administrator or designee	(No review).
Assistant, deputy or associate administrator.	Administrator or designee	(No review).
Decision to foreclose chattels	District director	State director or designee.
Decision to foreclose real estate:		
(For accounts serviced in the county office).	District director from another district or other person not involved in the initial decision designated by State director.	Administrator or designee.
(For accounts serviced in the district office).	Administrator or designee	(No review).

Notes.—1. District Director also means Assistant District Director.

2. County Supervisor also means Assistant County Supervisor with loan approval authority.

3. *Designee:* A person designated by the Hearing Officer or Review Officer to conduct hearing or review. The Designee signs the decision letter to appellant without obtaining the concurrence by original Hearing/Review Officer, except in the case of a hearing on County Committee decisions. In the hearing on County Committee decisions, the State Director or Acting State Director may designate other persons to act on his or her behalf in conducting the hearing, however, the State Director or Acting State Director *must* sign the hearing decision letter.

4. For decisions not directly covered above, the Hearing/Review Officer is the person in the next higher level of FmHA authority.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: March 18, 1982

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-8517 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

10 CFR Ch. II

Administrative Procedures and Sanctions: Interpretations of the General Counsel

AGENCY: Energy Department.

ACTION: Notice of interpretations.

SUMMARY: Attached are interpretations (Appendix A) and responses to petitions for reconsideration (Appendix B) issued by the Office of General Counsel of the Department of Energy (DOE) during the period September 1, 1981 through February 28, 1982.

FOR FURTHER INFORMATION CONTACT:
Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6F067, Forrestal Building, Washington, D.C. 20585, (202) 252-2440.

SUPPLEMENTARY INFORMATION:
Interpretations issued by the DOE are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations respond to formal written requests for interpretation. They depend for their authority on the accuracy of the factual statement used as a basis for the interpretation and may be rescinded or modified at any time. Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them. An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling. The interpretations published below are not subject to administrative appeal.

Certain of the interpretations published below pertain to provisions of the Mandatory Petroleum Allocation and Price Regulations. Effective at 12:01 a.m., January 28, 1981, Executive Order 12287, 46 FR 9909 (January 30, 1981), exempted all crude oil and refined petroleum products from controls imposed by these regulations. However, because the various issues presented for review involved past years governed by these regulations or provisions specifically exempted from decontrol, it was both appropriate and necessary to resolve the issues for the parties requesting the interpretation.

The responses to petitions for reconsideration published herein have been issued in accordance with the provisions set forth in 10 CFR 205.85(f). It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

Also published today is Interpretation 1981-17M which has been modified in accordance with 10 CFR 205.85(d). The modification corrects an inaccuracy in the statement of facts and does not alter the decision reached in Interpretation 1981-17.

Issued in Washington, D.C., on March 26, 1982.

Lona Feldman,

Assistant General Counsel for Interpretations and Rulings.

APPENDIX A—INTERPRETATIONS

No.	To	Date	Category
1981-20	Mobil Oil Corp	Sept. 23	Price.
1981-21	Gulf Oil Corp	Sept. 25	Price.
1982-1	The Great River Gas Co	Feb. 23	Fuel Use Act.
1981-17M	Murphy Oil Corp	Dec. 7	Allocation.

Interpretation 1981-20

To: Mobil Oil Corporation
Regulation Interpreted: 10 CFR 212.165(c)(3)(iii)
Code: GCW-PI-Natural Gas Processing Agreements

Facts

Mobil Oil Corporation (Mobil) is a firm engaged primarily in the exploration, production, transportation, processing, refining and marketing of crude oil and natural gas and their products. In its submission, Mobil requests a clarification of the application of 10 CFR Part 212, Subpart K to Mobil's production and processing of its natural gas to recover natural gas liquids (NGLs) and natural gas liquid products (NGLPs). Specifically, Mobil addresses the processing payments made to unaffiliated firms during the period between the deregulation of butane and natural gasoline,

January 1, 1980, and the deregulation of all crude oil and refined petroleum products, January 28, 1981.[1]

In order to process the natual gas that it produces, Mobil has entered into a variety of contractual agreements with other firms. In a significant number of these arrangements, Mobil makes in-kind transfers of NGLs or NGLPs as payment for the processing of its natural gas.

Mobil produces natural gas from several leases in the Mobil-David Field located in Nueces County Texas. This natural gas is delivered to Coastal States Gas Producing Company (Coastal) for processing at Coastal's Corpus Christi gas processing plant in Nueces County. In payment for Coastal's processing activities, Mobil delivers to Coastal a percentage of the NGLPs produced from Mobil's gas. The percentage is based on the gallons per thousand cubic feet of propane and heavier hydrocarbons contained in Mobil's gas. Mobil is unaffiliated with Coastal and has no interest in the Corpus Christi gas processing plant.

Issue

For the period January 1, 1980 to January 28, 1981 and pursuant to 10 CFR 212.165 of Subpart K of the Mandatory Petroleum Price Regulations, how should Mobil Oil Corporation have calculated the value of in-kind payments to Coastal States Gas Processing Company for processing natural gas in order to determine Mobil's increased processing costs for propane?

Interpretation

For the period January 1, 1980 to January 28, 1981, Mobil Oil Corporation was required to calculate the value of in-kind payments to Coastal States Gas Producing Company for processing natural gas pursuant to the express language of 10 CFR 212.165(c)(3)(iii)(B). This provision requires a firm that makes in-kind payments to determine the value of the "current" period in-kind transfers of NGLPs at the higher of its actual May 15, 1973 price or its adjusted base period price (§ 212.164) for each NGLP. The difference between this value and the firm's actual May 15, 1973 price represents the allowable increased processing costs attributable to the in-kind payments for processing.

The method for computing increased costs for processing natural gas or natural gas liquids was set forth at § 212.165. Section 212.165(b)(1) provided for the calculation of increased processing costs. That provision stated:

For any firm, processing costs with respect to any gas plant or plants for any current month are the total amount of allowable costs incurred (or deemed under this section to have been incurred) by that firm with respect to that gas plant or plants in that month, divided by the volume of natural gas liquids and natural gas liquid products owned by the firm (after processing) and produced in that plant or plants in that month. Processing costs with respect to such plant or plants for the base quarter are the total amount of allowable costs incurred, or deemed to have been incurred, by that firm with respect to such plant or plants in the base quarter, divided by the volume of natural gas liquids and natural gas liquid products owned by the firm and produced in that plant or plants in the base quarter. *Provided,* That in calculating such processing costs, the rules hereinafter set forth in this paragraph (b) and in paragraph (c) of this section shall be followed. Increased processing costs for any current month are the difference between processing costs for the current month and processing costs for the base quarter, multiplied by the volume of natural gas liquids and natural gas liquid products owned by the firm (after processing) and produced in the current month in the plant or plants for which processing costs are being measured. Total increased processing costs are the net of increases in particular items of allowable costs (including payments made or received under paragraph (c)(3) of this section), less decreases in other particular items of allowable costs (including payments made or received under paragraph (c)(3) of this section).

Firms which made processing payments to unaffiliated firms were required to calculate those costs pursuant to § 212.165(c)(3)(iii) which read in part as follows:

Payment and receipt of cash or in-kind consideration for processing natural gas or natural gas liquids. Where a firm makes or receives a bona fide payment, whether in cash or in the form of an in-kind transfer of natural gas liquids or natural gas liquid products, to or from another firm in return for the processing of natural gas liquids or natural gas liquid products, the firm shall calculate increased processing costs incurred by it as follows:

(A) The firm making such payments shall add to its otherwise allowable processing costs (as defined in paragraph (b)(2) of this section), in both the current month and the base quarter, the amount of such payments made in the current month and the amount of such payments made in the base quarter, respectively. The firm shall then derive its increased processing costs as provided in paragraph (b)(1) of this section * * *.

(B) * * * A firm shall value payments made in the form of in-kind transfers of natural gas liquids or natural gas liquid products under this paragraph (c)(3)(iii), by multiplying the number of gallons of the products paid or received by the firm's applicable base period price for the natural gas liquids or natural gas liquid products. To value base quarter transfers the firm shall use its actual May 15, 1973, selling price for the products transferred, and *to value current period transfers the firm shall use the higher of its actual May 15, 1973, price or the applicable adjusted price of § 212.164.* Once the transfers are valued a firm shall calculate its increased processing costs with respect to such in-kind payments in accordance with paragraphs (c)(3)(iii) (A) and (B) of this section. (Emphasis added.)

Processing arrangement similar to Mobil's were discussed in the preamble to § 212.165.

Section 212.165(c)(3)(iii) provides for the valuation of in-kind transfers. The payor and the payee calculate the addition to, or subtraction from, their allowable processing costs by multiplying the number of gallons transferred by the base period price. The payor determines this amount by using its base period price; the payee, by using its base period price. If both the payor and payee are currently using the adjusted prices of § 212.164, then the amount to be added to, or subtracted from, their respective current processing costs would be the same (since the volume of liquids transferred is of course the same). However, for purposes of determining the amount to be added to, or subtracted from, the base period processing costs, the processor and processee would each use their own actual May 15, 1973, price. (Emphasis added.)

43 FR 42984, 42993 (September 21, 1978).

Mobile's request accepts the accuracy of the foregoing expository preamble. The firm's contentions, which involve the value of the in-kind (liquid) transfers used in computing increased processing costs, center upon other language contained in the September 21, 1978 preamble.

The preamble states in pertinent part at 42994:

With respect to the valuation of in-kind transfers, the approach adopted today was suggested in some comments. *Its premise is that the processee in the current month gives up its opportunity to sell the liquids transferred at its adjusted base period price.* That is, regardless of whether it has or would have incurred any increased costs since the base period, it could ostensibly have sold its fee liquids at its base period price. In the base quarter it gave up its opportunity to sell the liquids transferred at its actual May 15, 1973, price. The difference in value of the liquids in the two periods is the processee's increased costs * * *. (Emphasis added.)

Mobil contends that the January 1, 1980 deregulation of butanes and natural gasoline,[2] two of the liquids referred to in the preamble, undermines the preamble's rationale for valuing those liquids at their adjusted base period price. According to Mobil, the rationale for valuing butane and natural gasoline at their adjusted May 15, 1973 prices for purposes of § 212.165(c)(3)(iii) was that the firm transferring such liquids was merely giving up its opportunity to sell the liquids transferred at its adjusted May 15, 1973 price. Subsequent to the deregulation of butanes and natural gasoline, the transferring firm gave up its opportunity to sell the butanes and natural gasoline transferred at market-level prices. Mobil would permit the

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Effective March 30, 1981, the regulations discussed in this interpretation were removed pursuant to the Executive Order. 46 FR 20508 (April 3, 1981). Because the treatment of processing payments presented here for review pertains to a period governed by the Mandatory Petroleum Price Regulations, it is necessary to resolve the issue in order to determine whether Mobil complied with the regulations during the period January 1, 1980 to January 28, 1981. All regulatory references herein are to the former regulations in effect during that period.

[2] 44 FR 70118 (December 6, 1979).

valuing of in-kind processing fees paid subsequent to deregulation of butanes and natural gasoline and prior to January 28, 1981 to reflect the market price the processee could have received were it not for the processing agreement.

Mobil's contentions are unconvincing for several reasons. First, Mobil's proposed change in the method of valuing current in-kind transfers of NGLPs is contrary to the explicit language of § 212.165(c)(3)(iii), which requires the use of the May 15, 1973 price or the adjusted price of § 212.164, whichever is higher. The September 21, 1978 preamble to § 212.165 unequivocally supports the references to those prices. Second, while it was anticipated that the deregulation of butanes and natural gasoline could increase the actual value of those liquids in market sales, there was no attempt to alter the language describing the method employed in valuing those liquids for purposes of determining the value of an in-kind payment for processing under § 212.165(c)(3)(iii). The exemption of butane and natural gasoline from price controls did not alter the methodology provided by the regulations to calculate allowable increased processing costs for products still subject to control under Subpart K. That methodology specified that firms were to use the higher of actual May 15, 1973 selling prices or adjusted base period prices in the "current" month to value their in-kind payments, rather than market or maximum lawful selling prices in the "current" month.

Mobil's conclusion that the "premise" stated in the September 21, 1978, preamble supports the notion that in-kind payments of butane and natural gasoline after their decontrol should be valued at market level prices is faulty. The premise was that the processee gave up its opportunity to sell the NGLPs at its "adjusted *base price,*" [3] not at its maximum lawful selling price. In other words, the valuation of the in-kind payment under the regulations was never based on the value of the NGLP in terms of what it possibly could have been sold for had it not been used for an in-kind payment. Indeed, the adjusted base price for the NGLP transferred to the processor naturally would have been lower than the maximum lawful selling price of the NGLP. Rather than valuing the NGLP in the current period on the basis of what the processee could have lawfully sold the product for, the agency established the value of the NGLP in the current period as the higher of the May 15, 1973 price or the adjusted base price. No provision was made for any increased costs in valuing in-kind payments. It was recognized that the value of the in-kind payment would be less than the price for which the processee could have sold the NGLP.

The regulations governing the calculation of allowable increased processing costs for propane were not amended when butane and natural gasoline were decontrolled on January 1, 1980. The decontrol of butane and natural gasoline, therefore, does not suggest that their market price should have been substituted for the higher of the May 15, 1973 price or their adjusted base price under § 212.164. To allow such a change would have resulted in increased processing costs (and thus increased maximum lawful selling prices) for propane solely due to the decontrol of butane and natural gasoline. Such a result would have contradicted the preamble decontrolling those products.

We emphasize that the removal of price controls on butane and natural gasoline, including the butane and natural gasoline components of natural gas liquids, cannot be used in particular cases to achieve a *de facto* removal of price controls on propane * * *.

* * * This final rule also cannot be construed to allow sellers * * * to take any increased * * * nonproduct costs * * * attributable to natural gas liquid products that are hereby exempted from price controls and pass those costs on to purchasers of propane.

44 FR at 70119.

Accordingly, Mobil must value "current" period in-kind transfers of NGLPs at the higher of their actual May 15, 1973 price or their adjusted base period price for purposes of determining their increased processing costs under 10 CFR Part 212, Subpart K.[4]

Issued in Washington, D.C. on September 23, 1981.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

Interpretation 1981–21

To: Gulf Oil Corporation
Regulation Interpreted: 10 CFR 212.83(c)(2)(iii)(E)
Code: GCW–PI–Calculation of Increased Non-product Costs

Facts

Gulf Oil Corporation (Gulf), a major integrated oil company, is a refiner, as that term was defined in 10 CFR 212.31, and was subject to the refiner pricing rules set forth in 10 CFR Part 212, Subpart E.[1]

As part of its gasoline refining operations, Gulf employs highly specialized "coker units" at both its Port Arthur, Texas (Port Arthur) and Alliance, Louisiana (Alliance) refineries. The use of coker units increases motor gasoline and distillate yield and also yields a carbon based by-product known as petroleum coke. A by-product known as calcined petroleum coke is obtained by further refining the petroleum coke. The refining process called calcining or calcination involves the introduction of heat to petroleum coke which has been placed in a rotating kiln. After the initial introduction of heat, the calcining operation is a self-perpetuating reduction process which yields a diminished volume of almost pure carbon called calcined petroleum coke. Gulf obtained and refurbished an abandoned facility in Lake Charles, Louisiana in order to refine petroleum coke from both Port Arthur and Alliance at a central location. The Lake Charles calcining facility went into operation in April 1979.

In its request, Gulf argues that the costs incurred in calcining the petroleum coke should have been included in the "C_n^t" factor of the non-product cost increase equation of § 212.83(c) and that the volume of calcined petroleum coke produced for Gulf's account should have been included in the "R^t" factor of that formula.

Issue

Did § 212.83(c)(2)(iii)(E) allow the costs incurred in calcining petroleum coke to be included in the C_n^t factor of the non-product cost increase formula?

Was the volume of calcined petroleum coke included in the R^t factor of § 212.83(c)(2)(iii)(E) for purposes of calculating maximum allowable prices for covered products?

Interpretation

Pursuant to § 212.83(c)(2)(iii)(E) the non-product costs incurred in calcining the petroleum coke should have been included in the C_n^t factor of Gulf's non-product cost increase equation to the extent that such costs were attributable to refining operations under the generally accepted accounting practices historically and consistently applied by Gulf. The volume of calcined petroleum coke produced by Gulf should have been included in the R^t factor of the non-product cost increase equation.

Section 212.83(c)(2)(iii)(E) provided the method which all refiners were required to use in order to calculate certain allowable increased non-product costs. Specifically, § 212.83(c)(2)(iii)(E) provided that as of January 1, 1977, refiners were to use the following formula to calculate maximum permissible prices for covered products.

$$E_n^t = R^t \left\{ \frac{C_n^t - C_n^o}{R^t} - \frac{C_n^o}{R^o} \right\}^2$$

E_n^t is the total increased non-product costs (excluding marketing cost increase which is included in "F_t^L") of the type "n" incurred during the period "t", provided that such costs are included only to the extent that such costs are attributable to refining

[3] The adjusted base price in 10 CFR 212.164 was adopted on January 1, 1975, to provide for a base price, other than the otherwise applicable actual May 15, 1973 price, that more accurately reflected a free market price on May 15, 1973, than did the actual price on that day for many firms.

[4] This interpretation addresses only the narrow issue of valuing in-kind payments and does not address the more general issues regarding aggregation or allocation of processing costs.

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because Gulf must determine its compliance with the pricing requirements imposed by the Mandatory Petroleum Price Regulations in order properly to determine prices charged in past transactions, it is necessary to resolve the issues presented in this request.

[2] o = The month of May 1973.

t = The month of measurement (the month of measurement is the month preceding the current month). *See* § 212.83(c)(2)(iii)(E).

operations during the period "t" under the generally accepted accounting practices historically and consistently applied by the firm concerned or as otherwise provided in this § 212.83(c)(2)(iii)(E) and are not included in computing May 15, 1973 prices or in computing increased product costs.

Where:

"n" references the particular types of increased non-product costs, and for purposes of paragraphs (I) through (X) is respectively refinery fuel, labor, additive, utility, interest, container, tax, maintenance, depreciation, and overhead cost increase.

R^t=The total volume of all products refined by the refiner from crude oil (including unfinished oils which were covered products as of May 31, 1976 and synthetic fuels), and including volumes attributable to additives, in the period "t".

R^o=The total volume of all products refined by the refiner from crude oil (including unfinished oils which were covered products as of May 31, 1976 and synthetic fuels), and including volumes attributable to additives, in the period "o".

C_n^t=The total dollar amount of the particular non-product cost of the type "n" incurred in the period "t."

C_n^o=The total dollar amount of the particular non-product cost of the type "n" incurred in the period "o."

Although petroleum coke was originally subject to price regulation under authority of the Economic Stabilization Act, it was exempted from the price control regulations of the Federal Energy Administration and its successor agency the Department of Energy, in April 1974. 39 FR 12353 (1974). Section 210.34(a) stated:

"Petroleum refinery products such as * * * petroleum coke * * * which are not crude oil, refined petroleum products, or residual fuel oils are exempt from the provisions of Parts 211 and 212 of this chapter."

The C_n^t factor of the non-product cost increase equation was the total dollar amount of the particular non-product cost of the type "n" incurred in the period "t." The phrase "the *total* dollar amount" signified that each and every non-product cost of the type "n" was to be included in the equation. Nothing in the regulations limited the costs covered by the C_n^t factor to those attributable to covered products. Although the refinery expenses associated with the production of calcined petroleum coke should not have been excluded from the C_n^t factor simply because petroleum coke was exempt from the regulations, the refinery expenses incurred in the production of petroleum coke should have been included only to the extent that such costs were attributable to refining operations under the generally accepted accounting practices historically and consistently applied by Gulf. Accordingly, the costs associated with calcined petroleum coke were eligible for inclusion in the C_n^t factor of Gulf's increased non-product cost calculations so long as such costs were attributable to refining operations under the generally accepted accounting practices historically and consistently applied by Gulf.

The total dollar amount of increased non-product expenses, E_n^t, was a function of the total volume of products refined, R^t. The term R^t was defined in § 212.83(c)(2)(iii)(E) "as the total volume of all products refined by the refiner from crude oil * * * in the period 't.'" Crude oil is processed at Gulf's Port Arthur refinery, where Gulf uses coker units to make motor gasoline and a by-product known as green petroleum coke. Gulf then transports the petroleum coke to Lake Charles, where it undergoes a further refining technique and emerges as calcined coke. Calcined coke, therefore, is simply a more purified form of petroleum coke, both of which result from refining crude oil.[3] Instead of including green petroleum coke in its refinery yield totals, Gulf should have included only the final end products, i.e. calcined coke, in its refinery yield totals. Because calcined petroleum coke is refined from crude oil, Gulf's volume of calcined petroleum coke should have been included in Gulf's R^t factor of the non-product cost increase formula.

Accordingly, the costs incurred in calcining petroleum coke should have been included in the C_n^t factor of Gulf's non-product cost increase equation. The volume of calcined petroleum coke produced by Gulf should have been included in the R^t factor of the non-product cost increase equation.

Issued in Washington, D.C., on September 25, 1981.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

Interpretation 1982–1

To: The Great River Gas Company
Regulations Interpreted: 10 CFR 515.5 and 515.12
Code: Transitional facilities—existing classification, impact of sale or lease upon

Facts

The Great River Gas Company (Great River) is a natural gas distribution company primarily engaged in the storage, distribution and sale at retail of natural gas to residential, commercial and industrial customers in Iowa and Missouri. Great River also operates a wholly-owned subsidiary, Keokuk Energy Systems Company, which offers natural gas equipment and other appliances for sale or lease within the states of Iowa and Missouri.

The Wabash Power Equipment Company (Wabash) has offered to sell Great River two packaged boiler units known as Wabash Units No. 22505 and 22507, each capable of producing 125,000 pounds of steam per hour using natural gas as the primary energy source. If purchased, these units would be rented to several of Great River's industrial customers for use in meeting increased energy requirements that have resulted from plant expansion.

On April 3, 1980, the Economic Regulatory Administration (ERA) issued its determination that the two Wabash units met the statutory criteria for automatic classification and were, accordingly, existing facilities for the purposes of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA) (45 FR 24223, April 9, 1980). The determination was made in accordance with 10 CFR Part 515, the final rules governing transitional facilities under FUA (44 FR 60692, October 19, 1979; redesignated and amended at 44 FR 69920, December 5, 1979). The existing facilities classification permitted these units to operate with natural gas as their primary energy source, subject to sections 302 and 303 of FUA, rather than to § 202 which prohibits the use of petroleum or natural gas as the primary energy source in new MFBI's.

Issue

Does the existing facility classification obtained by Wabash for Units No. 22505 and 22507 attach to the units and therefore continue to be valid following a transfer of an ownership interest in them to Great River; or, following the sale, must Great River or its lessee comply with the FUA statutory and regulatory requirements applicable to transitional facilities?

Interpretation

Section 103(a)(12)(A) of FUA defines an existing MFBI as any installation that is not a new MFBI. 10 CFR 500.2 defines a new MFBI as any MFBI not classified as existing under 10 CFR Part 515, one that has been reconstructed, or one on which construction was begun after November 9, 1978. Section 103(a)(12)(C) provides that "Any installation treated as an existing major fuel-burning installation shall not be treated thereafter as a new major fuel-burning installation merely by reason of a transfer of ownership."

The Congressional Conferees underscored their intention by stating that:

"Any MFBI or powerplant that does not meet the test of a new MFBI or powerplant shall be an existing MFBI or powerplant for purposes of this Act. The conference substitute provides that an existing MFBI or powerplant which is acquired by another person after April 20, 1977 shall not be treated as a new plant merely by reason of the transfer of ownership. The transfer of title to an existing facility, including controlling stock, does not make a new unit. Once a plant is determined to be a new or an existing plant, it shall always retain that designation for purposes of the prohibitions and exemptions."

(Joint Explanatory Statement of the Committee of Conference, H.R. (Conf.) Rep. No. 95–1749, 95th Cong., 2d Sess., at 70 (1978))

Based upon the clear and unambiguous statutory language and the legislative history cited, DOE has concluded that existing facility classifications issued to Wabash Units No. 22505 and 22507 under 10 CFR Part 515 are unaffected by the transfer of an ownership interest in the unit, subjecting these units to the requirements of Title III of FUA, so long as reconstruction within the meaning of 10 CFR 500.2 does not occur.

[3] *See, e.g.*, § 210.34 and § 211.51. The DOE also concurred with the Department of Commerce Action which, in amending 15 CFR Part 368, *et seq.*, effective June 19, 1979, "removed the validated licensing requirement for exports of petroleum coke, both calcined and uncalcined * * *." 44 FR 36375 at 36376 (1979).

Issued in Washington, D.C., on February 23, 1982.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1981–17M

To: Murphy Oil Corporation
Regulations Interpreted: 10 CFR 211.62; 211.63
Code: GCW–AI–Supplier/Purchaser Relationship

Facts

Murphy Oil Corporation is a small and independent refiner whose principal place of business is El Dorado, Arkansas. Murphy entered into a series of purchase/sale contracts between July 25, 1974 and September 4, 1979 with Ferguson Energy Corporation (Ferguson), a reseller of crude oil. These contracts provided for the purchase by Murphy of the crude oil produced by Ferguson in the Magnolia, Arkansas area. The contracts stated that the agreement would be effective for an initial one-month period, "continuing thereafter until cancelled by either party hereto on thirty (30) days advance written notice to the other party." The most recent contract between Murphy and Ferguson further stated thet "notice by either Party shall constitute mutual consent for purposes of termination of the Supplier/Purchaser Relationship established pursuant to the DOE Domestic Crude Oil Supplier/Purchaser Regulations 10 CFR 211.63." On June 25, 1980 Ferguson notified Murphy that all of the purchase/sale contracts would be cancelled effective July 25, 1980. Effective July 1, 1980, Mid-America Refining, Inc. (Mid-America) a small and independent refiner located in Chanute, Kansas, purchased the assets of Ferguson, including the production rights to some crude oil previously sold under contract between Murphy and Ferguson. Mid-America advised Murphy that it would continue performance under the purchase/sale contracts between Murphy & Ferguson during July 1980, but would discontinue deliveries of crude oil on July 31, 1980. Mid-America continued to deliver crude oil to Murphy during July 1980 at the delivery point provided for in the supply contracts. However, Mid-America ceased supplying Murphy after July 1980 and neither Ferguson nor Mid-America made further deliveries after July 1980.

Murphy contends that sales between it and Ferguson gave rise to a supplier/purchaser relationship pursuant to 10 CFR 211.63 and therefore Ferguson was required to continue to supply Murphy with crude oil. Mid-America claims that the termination provisions of the purchase/sale contracts constituted advance consent by Murphy to termination of its supplier/purchaser relationship with Ferguson. Mid-America also claims that because Murphy's meters consistently shorted Ferguson's, crude oil deliveries resulting in thousands of dollars of alleged losses to Ferguson, Murphy had breached its contract with Ferguson, which could terminated deliveries of crude oil to Murphy under the regulations, citing *Mack C. Colt, Inc.*, Interpretation 1978–56, 43 FR 40209 (August 25, 1978).

Issues

(1) Did the termination clauses in the purchase/sale contracts between Murphy and Ferguson constitute consent by Murphy to terminate the supplier/purchaser relationship in accordance with 10 CFR 211.63(d)(1)(i).[1]

(2) Did Murphy's alledged breaches of the purchase/sale contracts allow Ferguson to terminate the deliveries of crude oil to Murphy?

Interpretation

The termination clauses in the purchase/sale contracts between Murphy and Ferguson did not constitute consent by Murphy to terminate the supplier/purchaser relationship in accordance with § 211.63(d)(1)(i). Murphy's alleged breaches of the purchase/sale contracts did not allow Ferguson to terminate the deliveries of crude oil to Murphy.

Section 211.63, the provision governing crude oil supplier/purchaser relationships, provided in relevant part:

(b) *General Rule.* (1) All supplier/purchaser relationships with respect to crude oil within the scope of paragraph (a) of this section which were in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program: *Provided, however,* That any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.[2]

Therefore, because the purchase/sale contracts between Murphy and Ferguson were in effect on January 1, 1976, Ferguson established a supplier/purchaser relationship with Murphy pursuant to § 211.63(b). Accordingly, Ferguson was required by § 211.63(b) to continue this relationship for the duration of the Federal Crude Oil Allocation Program unless terminated in compliance with the specific mandates of § 211.63(d).

In July 1980, the month of Ferguson's proposed termination of supply, § 211.63(d) governed the termination of supplier/purchaser relationships. Section 211.63(d)(1)(i), which provided the mechanism for the termination of supplier/purchaser relationships, stated:

(d) *Termination of supplier/purchaser relationships.* (1) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(i) At the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer, provided all subsequent purchasers of the crude oil involved have consented to such termination in writing * * *.[3]

Thus, Murphy could have consented in advance to a termination of the supplier/purchaser relationship pursuant to § 211.63(d)(1)(i), as long as the strict requirements of the provision were satisfied.

In *Arizona Fuels Corporation*, Interpretation 1979–18, 44 FR 60266 (October 19, 1979), the DOE concluded that the purchaser could give its advance consent to terminate only if the express regulatory requirements set forth in § 211.63(d)(1)(i) were satisfied. The agreement at issue contained a clause providing for written notice of the termination of the supply agreement a minimum of 65 days prior to cancellation. Because a specific termination date was not included in the agreement, the termination clause was found to be insufficient on its face to constitute consent. In *Giant Industries, Inc.*, Interpretation 1981–2, issued January 6, 1981, the DOE concluded that the provisions under which a crude oil supply contract could be "cancelled by either party giving 30 days notice" did not constitute consent to terminate the supplier/purchaser relationship in accordance with § 211.63(d)(1)(i). *Southwestern Refining Co., Inc.*, Interpretation 1981–7, issued March 12, 1981, concluded that because the agreement between the purchaser and seller did not give notice of a specific termination date, the termination clause was insufficient on its face to constitute consent to terminate pursuant to § 211.63(d)(1)(i).[4]

[1] Executive Order 12287, 46 FR 9909 (January 30, 1980), exempted effective January 28, 1981, all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended. Because Murphy's request involves matters which occurred prior to January 28, 1981, under § 211.63, the request has not become moot by the issuance of the Executive Order.

[2] As originally adopted in January 1974, § 211.63 basically provided that all contracts for sales, purchases, and exchanges of domestic crude oil in effect on December 1, 1973, were to be maintained for the duration of the crude oil allocation program. The rule originated as 10 CFR 211.64, 39 FR 1924 (January 15, 1974), but was amended and renumbered 10 CFR 211.63 on May 10, 1974. 39 FR 17287 (May 14, 1974). On February 12, 1976 § 211.63 was amended to substitute January 1, 1976 for December 1, 1973, as the relevant date for determining supplier/purchaser relationships. Section 211.63 was amended on August 18, 1980 effective October 1, 1980, to read as quoted above in this Interpretation. Although all of the purchase/sale contracts between Murphy and Ferguson were entered into between July 1974 and September 1979, the August 1980 Amendments to the supplier/purchaser rule have not altered its application to the facts in the case.

[3] 42 FR 54261 (October 5, 1977), effective December 1, 1977. Section 211.63(d)(1) was amended by 45 FR 56732 (August 25, 1980), effective October 1, 1980, as follows:

(d) *Termination of supplier/purchaser relationships.* Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(1) Mutual Consent.

(i) A purchaser and supplier may mutually agree to terminate their relationship, as evidenced by their written consent thereto, together with notice of the termination date, if all subsequent purchasers of the crude oil involved that have a supplier/purchaser relationship with respect to such crude oil have consented to such termination in writing;

(ii) With respect to any new supplier/purchaser relationship created after September 30, 1980, other than a relationship created pursuant to paragraph (3) of this paragraph, a purchaser and supplier may mutually agree to terminate their relationship, as evidenced in a contract entered into on or after October 1, 1980, expressly waiving the requirements of subsections (b) and (c) of this section of providing for the termination of a supplier/purchaser relationship.

[4] *Arizona Fuels, Giant,* and *Southwestern* also made it clear that it was consistent with the

Continued

Similarly, in this case the termination clause in the purchase/sale contracts between Murphy and Ferguson failed to specify a termination date. The termination clause in most of the purchase/sale contracts merely provided that the contract would continue "until cancelled by either party hereto on thirty (30) days advance written notice to the other party." The termination provision in the most recent contract further provided that the advanced written notice by either party "shall constitute mutual consent for purposes of termination of the Supplier/Purchaser Relationship established pursuant to the DOE Domestic Crude Oil Supplier/Purchaser Regulations 10 CFR 211.63." This further contractual provision does not change the result, since the version of § 211.63(d)(2) that determined the parties' rights and obligations in this case did not refer to termination by "mutual consent," and the further contractual provision did not provide the notice of a termination date that the rules required.

Murphy's alleged breach of the purchase/sale contracts did not allow Ferguson to terminate the deliveries of crude oil to Murphy under the regulations. Mid-America claims that Murphy's meters consistently shorted Ferguson's crude oil deliveries. Because of Murphy's failure to adjust its meters and the alleged financial loss resulting to Ferguson, Mid-America claims that Ferguson had just cause to cease supplying Murphy with crude oil pursuant to § 210.62(a), the normal business practices rule. Section 210.62(a) provided in relevant part:

Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period specified in Part 211 for that allocated product * * * Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for allocated products, as customarily associated with that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

Accordingly, § 210.62(a) granted suppliers the right to terminate sales of an allocated product to purchasers who did not arrange proper credit or payment terms customarily associated with sale of that product to that purchaser. In *Mack C. Colt, Inc., supra,* The DOE noted that pursuant to § 210.62(a) a supplier may terminate its § 211.63 supplier/purchaser relationship where a purchaser substantially breaches the customary payment practices. However, the DOE specifically observed that just "what constitutes a 'substantial' deviation from a proper payment practice is a subjective judgment which must be made on a case by case basis."

Such case-by-case scrutiny focuses upon whether there has been a "substantial" deviation from normal payment practices to the supplier's detriment. The facts as presented by Mid-America and Murphy do not support the conclusion that use of the meters in question to determine the amount of crude oil sold by Ferguson to Murphy caused a substantial deviation in Murphy's payment practices to Ferguson. The "Transporter and Storers Monthly Reports" which were presented by Mid-America and Murphy seem to indicate that from September 1973 until September 1979 the shortages and overages of barrels of crude oil were roughly equivalent. Although the reports indicate that from October 1979 through July 1980 the shortages clearly outweighed the overages, the shortage in number of barrels of crude oil was only about 1% of the total crude oil sold by Ferguson to Murphy.[5]

The termination clauses in the purchase/sale contracts between Murphy and Ferguson did not constitute consent by Murphy to terminate the supplier/purchaser relationship in accordance with § 211.63(d)(1)(i). Further, Murphy's alleged breaches of the purchase/sale contracts did not allow Ferguson to terminate the deliveries of crude oil to Murphy. Accordingly, under the facts presented, Mid-America was required to continue to supply crude oil to Murphy pursuant to the supplier/purchaser relationship under § 211.63(b).

Issued in Washington, D.C., on December 7, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

APPENDIX B—RESPONSES TO PETITIONS FOR RECONSIDERATION

Petitioner	Interpretation	Date of response
Amorient Petroleum Co., California (Amorient).	Amorient, 1981-12, 46 FR 27295 (May 18, 1981).	Oct. 30, 1981.
Exxon Co., U.S.A.	Northville Industries Corp., 1981-14, 46 FR 27298 (May 18, 1981).	Nov. 12, 1981.
Mid-America Refining Co., Inc.	Murphy Oil Corp., 1981-17, 46 FR 46293 (Sept. 18, 1981).	Dec. 7, 1981.

Interpretation: Amorient Petroleum Co.

1981-12

Petitioner: Amorient

Date: Oct. 30, 1981.

This responds to the petition submitted on behalf of Amorient Petroleum Company, California (APCC), seeking reconsideration of *Amorient Petroleum Company, California,* Interpretation 1981-12, 46 FR 27295 (May 18, 1981). In evaluating the petition for reconsideration, the materials submitted prior to the issuance of the Interpretation have also been reviewed. For the reasons discussed below, we have concluded that the request for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered in certain limited circumstances. In these cases the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation issued to APCC, the DOE determined that APCC's sale of XXXXX to XXXXX, a foreign firm with which APCC claims it is nonaffiliated, constituted an export sale pursuant to § 212.53(a), despite the allegedly related sale of XXXXX to the Department of Defense (DOD). Therefore, XXXXX and XXXXX the refiners of the XXXXX on whose behalf APCC filed its request, must deduct the exported volumes from their calculations of crude oil runs to stills under the entitlements program pursuant to § 211.67(d)(2).

APCC contends that Interpretation 1981-12 departs from binding DOE precedent by requiring that a direct nexus must exist between exports and imports of petroleum products in order for the arrangements to be an exchange of petroleum products and not an export sale that would require the refiners concerned to make entitlement adjustments under § 211.67(d)(2). The DOE and its predecessor agencies have considered a direct exchange of equal volumes of the same or equivalent petroleum products involving one or two domestic firms and one foreign firm not to be an "export sale" under § 211.67(d)(2) and § 212.53(a). *Western Trading Co.,* Interpretation 1980-41, 45 FR 76048 (November 17, 1980); *Hawaiian Independent Refinery, Inc.,* Interpretation 1978-55, 43 FR 40209 (September 11, 1978); *Tesoro Petroleum Corp.,* Interpretation 1978-10, 43 FR 15621 (April 14, 1978); *Guam Oil and Refining Co.,* Interpretation 1977-36, 42 FR 54270 (October 5, 1977). Although in this case APCC may have intended to arrange an exchange of petroleum products that would not constitute an "export sale," APCC in fact did make such a sale to. The complicated business arrangements described in that Interpretation, whose accuracy APCC does not contest, extended over a substantial period of time and involved at least two domestic firms (APCC *et al.* and DOD) and two foreign firms and, substantially different quantities of four different petroleum products and various financing agreements among these firms. These facts bear little resemblance to the exchanges DOE has previously considered not to be "export sales."

APCC also asks for reconsideration of the DOE's determination that APCC's sale of to constituted an export sale on the basis that APCC realized sales revenue from a foreign source by means of that sale. APCC proposes instead that under the relevant regulations a sale of a petroleum product to a foreign firm be considered an export sale only if it produces net sales revenue from a foreign source, which APCC argues it did not receive

objectives of the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. 93-159 (November 27, 1973), to require that the purchaser's option to terminate be exercised in strict compliance with § 211.63(d). Specifically, § 211.63 was promulgated to further "(the) preservation of * * * the competitive viability of independent refiners, (and) small refiners." Strict compliance with § 211.63 protected the purchaser from the unexpected interruption of its crude oil supplies at the discretion of its suppliers. EPAA Section 4(b)(1)(D).

[5]As successor to Ferguson, Mid-America may have a right under State law to sue Murphy for the additional money owed for crude oil allegedly sold to but not paid for by Murphy.

in this case. The facts presented do not support this argument, which has no basis in the DOE's regulations or in the prior interpretations clarifying what is not an "export sale" as that term is used in § 211.67(d)(2).

In addition APCC claims that various economic, foreign policy and national security considerations favor treating APCC's sale of to as other than an "export sale" under DOE regulations. APCC has not demonstrated the relevance of these claims to the legal issue presented in its request and addressed in the Interpretation.

An interpretation does not take into account any hardship that might result to any person from the application of the regulations. Requests for exception from DOE regulations should be addressed to the Office of Hearings and Appeals.

In other respects the petition for reconsideration presents no new facts or substantive arguments of law. Inasmuch as the petition has failed to demonstrate that the Interpretation is erroneous in fact or in law or arbitrary or capricious, the petition for reconsideration is hereby denied. The denial of this petition for reconsideration is a final order of the DOE from which APCC may seek judicial review.

Interpretation: Northville Industries Corp. 1981–14

Petitioner: Exxon Co., U.S.A.

Date: Nov. 12.

This responds to the petition for reconsideration of *Northville Industries Corp.*, Interpretation 1981–14, 46 FR 27298 (May 18, 1981), filed on behalf of Exxon Company U.S.A. (Exxon). For the reasons discussed below, Exxon's petition for reconsideration is denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In these cases, the burden is on the petitioner to demonstrate that the Interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

The Interpretation determined that Northville Industries Corp. (Northville) was entitled to receive an allocation of motor gasoline from Exxon based upon its obtaining that product pursuant to exchanges which took place during the base period for motor gasoline. This conclusion was based on the express language of § 211.10(b)(2)(ii), which required a supplier to include in a wholesale purchaser's base period use any volume of allocated product which the purchaser "purchased or obtained" from the supplier in the base period. Allocated products obtained in the base period pursuant to unlike product exchanges were not excluded from base period use. Northville's right to an allocation of motor gasoline from Exxon under the regulations was also not conditioned upon Northville continuing to supply Exxon with No. 2 heating oil,[1] since No. 2 heating oil was no longer subject to allocation controls under § 211.1(b)(5). 41 FR 24516 (June 16, 1976).

Exxon's petition for reconsideration raises several arguments to support its view that the Interpretation reached erroneous conclusions of law. Exxon argues that the general supplier/purchaser rule for allocated products (§ 211.9) and the rule setting forth a supplier's method of allocation (§ 211.10) did not require a firm to supply motor gasoline under an allocation to a wholesale purchaser to which it transferred that product pursuant to base period exchanges of unlike products. This argument is based on differences in language between §§ 211.9 and 211.63(b), the general supplier/purchaser rule for crude oil.[2]

The volumes of an allocated product to which a wholesale purchaser was entitled was a function of its "base period use" of that product. §§ 211.12(b), 211.10(b)(2)(iii). The term "base period use" was defined in § 211.10(b)(2)(ii) as:

> [B]ase period volume or adjusted base period volume, as appropriate. A wholesale purchaser's base period volume of a particular allocated product is the volume of that allocated product *purchased or obtained* during the appropriate base period * * *. *Base period volume, however, does not include any amounts of an allocated product obtained pursuant to in kind exchange agreements involving a single product which are normal operating procedures except the difference between the total amounts received under exchange agreements and the total amounts supplied to customers through exchange agreements.* (Emphasis added.)

The inclusion of all volumes of an allocated product "purchased or obtained" in a purchaser's base period volume, coupled with the narrow exception for netting out equal volumes in exchanges involving a single product, requires the conclusion that other volumes of an allocated product obtained in exchanges, including exchanges of unlike products, were included in a wholesale purchaser's base period volume. Contrary to Exxon's argument, the imposition of supply obligations based on historical exchanges of crude oil pursuant to § 211.63 does not suggest any intent by the Department to exclude allocated products obtained in unlike product exchanges from a purchaser's base period use.

Exxon repeats the arguments made in its comments to Northville's request for interpretation that including volumes of an allocated product obtained in an exchange in a firm's base period use is inconsistent with § 211.23. According to Exxon, under the express language of § 211.23 "the Exxon-Northville exchange was neither subject to nor to be encumbered by the allocation obligations of the supplier/purchaser rule." Petition for Reconsideration at 16. Section 211.23 provided that:

> Nothing in this part is intended to *exclude or supercede* exchange or borrow/payback operations which are normal operating procedures provided these procedures are not used to circumvent the intent of this part. (Emphasis added.)

As demonstrated in the interpretation, 10 CFR Part 211 permitted exchanges even though they could have resulted in reduced allocations to the base period customers of a supplier, and the inclusion of volumes of an allocated product obtained in an exchange of unlike products in a firm's base period use did not contravene § 211.23. *See* 10 CFR 211.10(b)(1).

Exxon also cites § 211.25(b) in support of its contention that the Exxon-Northville exchange did not give rise to a mandatory supplier/purchaser relationship for motor gasoline. Section 211.25(b) provided:

> In order to alleviate imbalances, suppliers may make normal business exchanges among themselves.

This provision merely states that normal business exchanges are permitted in order to alleviate imbalances. Section 211.25(b) clearly does not exempt such exchanges from the allocation provisions of 10 CFR Part 211.

Exxon argues that the Interpretation's construction of §§ 211.9 and 211.10 "collides" with the proper functioning of the allocation program and the objectives of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976). As indicated in the Interpretation, by including in a wholesale purchaser's base period use volumes of an allocated product received in base period exchanges of unlike products, the regulations gave protection from supply curtailments to ultimate purchasers in the chain of distribution for the allocated product in accordance with the provisions of section 4(c) of the EPAA, directing that, to the extent practicable and consistent with the objectives of section 4(b), any allocation program for a refined petroleum product based on a historical base period reflect volumes of the product "sold or otherwise supplied" to an independent marketer or refiner during the base period.

Exxon also contends that if Northville was entitled to an allocation of motor gasoline, the pricing regulations in 10 CFR Part 212 required Northville to pay for this motor gasoline with No. 2 heating oil. The interpretation addressed only the allocation regulations, contained in 10 CFR Part 211, which were the subject of Northville's request for interpretation. This pricing issue was not raised by Exxon in its comments on Northville's request and is itself a significant interpretive issue under DOE regulations which could be resolved by DOE by a formal interpretation after the matter is fully briefed by all affected parties. *See* 10 CFR 205.83, 205.84. If Exxon wishes to obtain such an interpretation, it should file a formal request for interpretation following the appropriate procedural requirements of 10 CFR Part 205, Subpart F.

Inasmuch as Exxon has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the

[1] This conclusion was supported by Ruling 1974–21, 39 FR 24359 (July 2, 1974), which modified *Sound Refining, Inc.*, Interpretation 1974–2, 42 FR 25649 (May 18, 1977) (issued on March 18, 1974), cited in the petition. As provided in 10 CFR 205.85(e), an interpretation is modified by a subsequent ruling to the extent that it is inconsistent with such ruling.

[2] As noted in the petition, while § 211.9(a) gave wholesale purchasers a right to an allocation of an allocated product "purchased or obtained" in the appropriate base period, § 211.63(b) imposed supply obligations for crude oil obtained in "sales, purchases, and *exchanges.*" (Emphasis added.)

petition for reconsideration is hereby denied. The denial of Exxon's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Interpretation: Murphy Oil Corp. 1981–17

Petitioner: Mid-America Refining Co., Inc.
Date: Dec. 7.

This is in response to the petition for reconsideration of *Murphy Oil Corporation,* Interpretation 1981–17, issued on June 15, 1981, filed on behalf of Mid-America Refining Company, Inc. (Mid-America). Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In such cases, the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f). For the reasons discussed below, the DOE has rescinded Interpretation 1981–17 and is issuing Interpretation 1981–17M to Murphy. The modified interpretation considers all of the new facts and arguments raised by Mid-America in its petition for reconsideration. However, as set forth in the modified interpretation, these new facts and arguments do not alter the basic conclusions reached in Interpretation 1981–17.

Interpretation 1981–17 concluded that the termination clause in the purchase/sale contracts between Murphy and Ferguson Energy Corporation (Ferguson), and its successor, Mid-America, did not constitute consent by Murphy to terminate the supplier/purchaser relationship pursuant to 10 CFR 211.63(d)(1)(i).

In support of its view that Interpretation 1981–17 is arbitrary and capricious and erroneous in fact and law, Mid-America first contends that DOE did not consider Murphy and Ferguson's continuing supplier/purchaser relationship. Mid-America states that the interpretation does not consider Murphy's alleged breach of its contractual duties and failure to pay for all of the crude oil delivered by Ferguson. Citing *Mack C. Colt, Inc.,* Interpretation 1978–56, 43 FR 40209 (August 25, 1978), Mid-America contends that Murphy's breach allowed it to terminate further deliveries of crude oil. Mid-America also argues that Interpretation 1981–17 is factually incomplete because it did not consider the most recent purchase/sale contract between Murphy and Ferguson. This contract contained language which deemed the cancellation of the contract by either party on 30 days advance written notice to be "mutual consent" to the termination of the supplier/purchaser relationship in accordance with DOE regulations. Mid-America finally asserts that the interpretation failed to address Mid-America's argument that Murphy's failure to pay for all of the crude oil delivered by Ferguson constituted a breach of contract that allowed Ferguson and Mid-America to terminate deliveries of crude oil.

Murphy could have given advance consent to terminate the Ferguson/Murphy contract, but only if the express regulatory requirements set forth in § 211.63(d)(1)(i) were satisfied. These requirements included consent by the purchaser to termination as of a specific date. Because the contracts between Ferguson and Murphy did not establish a termination date, they could not constitute consent by Murphy to terminate its supplier/purchaser relationship with Ferguson and Mid-America. The mutual consent provision contained in the most recent contract does not alter the determination reached in the Interpretation, since the contract did not contain a specific termination date.

Moreover, Murphy's alleged breach of its contractual duties under the contract did not allow Mid-America to terminate its supplier/purchaser relationship with Murphy. The normal business practices rule as clarified in *Mack C. Colt, supra,* allowed a supplier to terminate such a relationship when a purchaser substantially breached its customary payment practices. The facts as presented do not demonstrate that such a substantial breach occurred.

Accordingly, the DOE is partially granting Mid-America's petition by revising Interpretation 1981–17 to consider the arguments raised by Mid-America in its petition. However, in all other respects, Mid-America's petition for reconsideration is denied, as Mid-America has failed to demonstrate that Interpretation 1981–17, as modified, is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious. The denial of Mid-America's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

[FR Doc. 82–8856 Filed 3–31–82; 8:45 am]
BILLING CODE 6450–01–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 60, 72 and 81

Reporting, Recordkeeping, and Application Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending certain parts of its regulations to indicate that Office of Management and Budget clearance is not required for the information collection requirements contained in these parts. This action is required by the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492–8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96–511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each agency "ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 * * *" of the Act. This requirement applies to the reporting, recordkeeping, and application requirements contained in NRC regulations on the licensing procedures for disposal of high-level radioactive wastes in geologic repositories (Part 60); licensing requirements for the storage of spent fuel in an independent fuel spent storage installation (Part 72); and standard specifications for the granting of patent licenses (Part 81). The information collection requirements contained in each of these parts pertain to nine or fewer persons. Therefore, the NRC is not required to obtain OMB approval for these information collection requirements. This document adds a new section to the General Provisions of each part to indicate that OMB approval is not required.

Because these are nonsubstantive amendments dealing with minor procedural matters, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendments effective upon publication.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 60, 72, and 81 are published as a document subject to codification.

The authority citation for this document is:

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201))

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES; LICENSING PROCEDURES

1. Section 60.8 is added to read as follows:

§ 60.8 Reporting, recordkeeping, and application requirements: OMB approval not required.

The information collection requirements contained in this part affect fewer than ten persons. Therefore,

under section 3506(c)(5) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), OMB clearance is not required for these information collection requirements.

Part 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT FUEL STORAGE INSTALLATION

2. Section 72.9 is added to read as follows:

§ 72.9 Reporting, recordkeeping, and application requirements: OMB approval not required.

The information collection requirements contained in this part affect fewer than ten persons. Therefore, under section 3506(c)(5) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), OMB clearance is not required for these information collection requirements.

Part 81—STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

3. Section 81.8 is added to read as follows:

§ 81.8 Reporting, recordkeeping, and application requirements: OMB approval not required.

The information collection requirements contained in this part affect fewer than ten persons. Therefore, under section 3506(c)(5) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), OMB clearance is not required for these information collection requirements.

Dated at Bethesda, Maryland, this 23d day of March 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82–8884 Filed 3–31–82; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 29

[Docket No. 82–3]

Adjustable-Rate Mortgages

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This document makes two technical amendments to the regulation establishing a framework within which national banks may make or purchase adjustable-rate mortgage loans. 12 CFR Part 29. That regulation was published on March 27, 1981. 46 FR 18932. These amendments permit a national bank to use as an index for adjustable-rate mortgage loans the weekly, in addition to the monthly, average yield on United States Treasury securities adjusted to a constant maturity of 3 years and the weekly average, in addition to the monthly average of weekly averages, of auction rates on United States Treasury bills with a maturity of 6 months. Additionally, these amendments permit national banks to set the initial index value as of the time they commit to the initial interest rate on an adjustable-rate mortgage loan. These amendments will facilitate national bank participation in mortgage markets without altering the protections provided to the banks or their customers.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Francis S. Rath, Attorney, Legal Advisory Services Division, (202) 447–1880, or David Nebhut, Financial Economist, Banking Research & Economic Analysis Division, (202) 447–1825, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: No Regulatory Flexibility Analysis or Regulatory Impact Analysis has been prepared for this regulation. Pursuant to 5 U.S.C. 603(a) and 604(a), a Regulatory Flexibility Analysis is only required when an agency publishes a general notice of proposed rulemaking. Therefore, a Regulatory Flexibility Analysis is not required, since for reasons set forth below no general notice of proposed rulemaking is required by 5 U.S.C. 553. The Comptroller of the Currency believes that the amendments will ease the application of the existing regulation and will not have any particular effect on small entities. The effect of the amendments is expected to be beneficial and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

A Regulatory Impact Analysis is not required because the Office of the Comptroller of the Currency has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The amendments will not have an annual effect on the economy of $100 million or more, will not result in a major increase in the cost of bank operations or government supervision, and are not likely to generate substantially higher payments for borrowers. The amendments will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets. The regulation will eliminate adverse effects on national banks created by certain provisions of the present regulation.

On March 27, 1981, the Office of the Comptroller of the Currency adopted a final rule establishing a framework within which all national banks may make and purchase residential mortgage loans carrying an interest rate subject to periodic adjustment. One of the provisions of this regulation provided that the base index value used for determining changes in the interest rate would be "the most recently available value * * * on the date of loan origination * * *" (The term "loan origination" for this purpose is synonymous with loan closing.) In accordance with this provision, a national bank which makes an early commitment to lend at a certain interest rate is prevented from setting the base index value until loan closing, which might not occur until several months after the initial interest rate is set.

However, market conditions may change substantially between the date of the loan (and interest rate) commitment and the date of loan closing. Banks offering ARM loan commitments at specified starting interest rates thereby run the risk that the base index value (determined at loan closing) will increase relative to the interest rate specified in the loan commitment, thereby narrowing or even eliminating the interest rate spread between the index and the interest rate on the mortgage loan. To avoid this risk some banks have avoided making interest rate commitments and have instead committed only to a specified spread between the index value at loan closing and the as yet undetermined initial interest rate or simply not set the interest rate until closing. Both of these strategies have disadvantages. Committing to an interest rate without establishing the base index value increases the risk of mortgage lending for national banks, and accordingly makes it more expensive to the banks and their borrowers. Not committing to an interest rate until loan closing may make adjustable-rate mortgage instruments more difficult for borrowers to understand and evaluate.

The first amendment will permit national banks to set the base index value on the date the bank enters into a binding commitment to lend at a specified starting interest rate. This will enable banks to avoid the problems inherent in waiting until loan closing to

establish the initial index value. This change will accordingly encourage simpler and less expensive mortgage loan instruments. This change is also consistent with this Office's original policy of having rate changes on adjustable-rate mortgage loans tied to changes in market rates in an unbiased fashion.

The March 27 regulation also requires national banks to use one of three specified indexes for determing rate changes on adjustable-rate mortgage loans. Among the authorized indexes are the *monthly* average yield on United States Treasury securities adjusted to a constant maturity of 3 years and the *monthly* average of weekly average auction rates on United States Treasury bills with a maturity of 6 months. The number of permissible indexes was limited to create some uniformity, consistent with banks' diverse funding patterns and opportunities, and thereby encourage the development of secondary markets for adjustable-rate mortgage loans. However, the Federal National Mortgage Association, the largest secondary market purchaser of mortgage loans, subsequently adopted as indexes for adjustable-rate mortgages purchased in its secondary market programs the *weekly* average yields or rates for United States Treasury securities of various maturities. These amendments accordingly permit national banks to use as indexes either the weekly or the monthly average rates or yields of the specified securities. This change is consistent with the original policy of providing an objective means of measuring market rate changes. It will also allow national banks to continue to participate in some of the Federal National Mortgage Association Adjustable-Rate Mortgage Plans. To the extent these amendments increase the availability of a secondary market for national bank adjustable-rate mortgages, the banks may be encouraged to increase their lending activity, one of the primary objectives of this Office's adjustable-rate mortgage regulation.

For the reasons discussed above, this Office believes that these amendments are purely technical and in no way reduce the protection provided to national banks and their borrowers in the Office's adjustable-rate mortgage regulation published on March 27, 1981. The Office expects that both the banks and their borrowers will benefit immediately from the relatively lower rates facilitated by reduced market risk and increased borrower certainty likely to result from enabling banks to set their initial index values at the time they make rate-specific loan commitments. Lower costs and increased availability of funds to borrowers are also likely to result immediately from the greater access to secondary market purchasers facilitated by expanding the array of permissible ARM indexes. Because of these immediate benefits to banks and borrowers without any attendant loss of protection, this Office finds, in accordance with 5 U.S.C. 553(b)(B), that notice and public procedure are unnecessary or contrary to the public interest. For the same reasons and because the amendments will simply relieve national banks of certain regulatory restrictions, the Office, in accordance with 5 U.S.C. 553(d) (1) and (3), waives the 30 day deferred effective date for final rules.

PART 29—ADJUSTABLE-RATE MORTGAGES

Accordingly, 12 CFR Part 29 is amended to read as follows:

1. The authority citation for Part 29 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*; sec. 708, Pub. L. 96–221, 94 Stat. 188 (12 U.S.C. 93a); and sec. 711, Pub. L. 93–383, 88 Stat. 716 (12 U.S.C. 371(g)).

2. Section 29.4 is amended by revising the introductory text and paragraphs (b) and (c), to read as follows:

§ 29.4 Index.

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in an index specified in the loan documents, *i.e.*, a 1 basis point (1 basis point = .01 percentage point) change in the index must be translated into a 1 basis point change of the same direction in the contract interest rate, except as otherwise provided in § 29.5. The index values used for the purpose of determining changes shall be either (1) the most recently available value on the date of loan origination or, provided the bank so specifies in its loan commitment, such earlier date on which a national bank enters into a binding commitment to lend at a specified starting interest rate and the values on subsequent dates for notifying borrowers of impending rate changes or (2) the moving averages on such dates of all values of an index over the interval from the prior rate-change notification date to the current rate-change notification date, using as the starting index value the moving average of index values over an equivalent interval ending with the date as of which the initial index value on the loan is determined. The index must be one of the following:

* * * * *

(b) The weekly or monthly average yield on United States Treasury securities adjusted to a constant maturity of 3 years. The weekly average yields are published in the *Federal Reserve Bulletin* and made available weekly by the Federal Reserve Board in Statistical Release H. 15(519). The monthly average yields are published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

(c) The weekly average or the monthly average of weekly average auction rates on United States Treasury bills with a maturity of 6 months. The weekly average rates are published in the *Federal Reserve Bulletin* and made available weekly by the Federal Reserve Board in Statistical Release H. 15(519). The monthly average yields are published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month.

* * * * *

3. Section 29.8 is amended by revising paragraph (d), to read as follows:

§ 29.8 Disclosure.

* * * * *

(d) No later than the date on which a national bank establishes the initial index value, it must inform the borrower of this base index value against which interest rate changes will be measured. This base value must be included in the note which the borrower signs, and the borrower must be given a copy of this note no later than closing.

Dated: March 12, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82–8689 Filed 3–31–82; 8:45 am]

BILLING CODE 4810–33–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 526, 544, 545, 555, 561, 563 and 564

[No. 82–193]

Amendments Relating to Savings Accounts

March 24, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board is amending its regulations to reduce current restrictions on savings accounts by permitting: (1) The imposition of charges in connection with opening or maintaining accounts and the establishment of minimum balances for interest-bearing accounts at the discretion of federal associations; (2) the establishment of classes of accounts on any reasonable basis by federal associations; (3) issuance of savings accounts with fixed terms ("certificate accounts") evidenced by negotiable instruments regardless of denomination; (4) issuance of certificate accounts of less than $100,000 for terms of at least 14 days and issuance of all types of certificate accounts for terms of more than 10 years; (5) issuance of Eurodollar certificates subject only to the term and minimum denomination requirements for certificate accounts generally; and (6) issuance of "loophole" certificate accounts without limitation on the amount of the loan. The amendments grant federal savings and loan associations and other institutions with accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") greater flexibility in issuing savings accounts to meet the needs of the institution, its customers and the financial marketplace.

EFFECTIVE DATE: April 25, 1982.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (202–377–6445), Associate General Counsel; or David J. Bristol (202–377–6461), Attorney; Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Proposed Amendments

On December 17, 1981, the Board proposed amending its regulations governing savings accounts, negotiable and other certificates of deposit, Eurodollar deposits, and savings account loans. *See* Board Resolutions No. 81–798, 81–799 (December 17, 1981); 46 FR 63,076, 63,077 (December 30, 1981). The Board received a total of 35 comment letters in response to Resolution No. 81–798 and 62 comment letters in response to Resolution No. 81–799. Comments were submitted by savings and loan associations, savings and loan trade groups, investment banks, attorneys, and individual consumers. Almost all of the comment letters favored adoption of the amendments either as proposed or with further amendments; only four comment letters opposed adoption of the amendments. Suggested further amendments and arguments for not adopting the proposed amendments are included in the discussion of specific issues.

Activity Charges and Classes of Accounts

The Board proposed to eliminate provisions of the regulation (12 CFR 545.1) which prohibits federal associations from charging any fee for becoming, remaining or ceasing to be a holder of an account and to adopt a new provision expressly authorizing imposition of such fees. The Board also proposed to amend 12 CFR 545.3(g) to eliminate the $50 ceiling for the minimum balance on accounts which must earn interest. The comment letters strongly supported allowing federal associations to impose charges in connection with savings accounts and to establish minimum balance requirements to provide management with increased flexibility to develop different classes of accounts and to encourage profitable liability management. The Board is adopting the amendments essentially as proposed. The final amendments differ from the proposal by eliminating specific reference to plans to encourage thrift by school children. The general authority to establish minimum amount requirements includes the authority to establish different requirements for different types of accounts.

A number of comment letters expressed concern that adequate disclosure be given to accountholders prior to the impositon of any activity charge or increase in the minimum balance required to earn interest. As noted in Resolution No. 81–799, 12 CFR 563.3 currently requires disclosure of charges and minimum balance requirements with respect to any new class of accounts that an association may offer. In amending any rules of class for existing accounts to allow the imposition of activity charges or to establish a new minimum balance requirement, associations must follow procedures set forth in existing rules of class, and, where applicable, must follow local contract law to provide adequate notice to accountholders. A few comment letters also suggested that the provision of the federal charters which excuses associations from distributing earnings on accounts of less than $10 be amended or deleted. In response, the Board notes that it is unnecessary to amend the charters in this regard because they already provide that associations may distribute earnings on the terms and conditions permitted by Board regulations.

At least one comment letter requested clarification of the authority of federal associations to offer non-interest-bearing accounts. The Board notes that § 545.1–1(a) currently authorizes federal associations to offer rates of return lower than the regular rate, including a rate of zero percent, on any designated class or classes of savings accounts other than NOW accounts. This authority includes withholding the payment of interest on any account after a depositor willingly has executed a *bona fide* waiver of such interest.

Several comment letters also called attention to the restrictions in § 545.1–1(a). Section 545.1–1(a) currently authorizes federal associations to issue "regular and various accounts." Under § 545.1–1(a)(1) federal associations are authorized, without limitation, to pay rates of return lower than the maximum authorized by the rate ceilings in 12 CFR Part 526 on any class or classes of accounts. Subparagraph (a)(2) authorizes federal associations to pay higher rates on passbook accounts, subject to Part 526 limitations, provided a minimum balance of $1,000 is maintained for a period of at least 12 months. Subparagraph (a)(3) authorizes federal associations to offer "split rate" accounts on which a rate higher than the regular rate, but within the maximum prescribed rate for regular accounts, is paid on balances which exceed a specified minimum. The minimum specified balance of such "split rate" accounts must be at least $200. Subparagraph (a)(3) also requires that the certificate or passbook disclose that earnings on the account are distributable as determined by the association's board of directors subject to the provisions of § 545.1–1.

Because the Board has adopted provisions which will enhance the ability of federal associations to develop different classes of accounts (subject to rate ceilings), the Board has determined that it would be appropriate to revise § 545.1–1(a) to clarify the existing authority that federal associations possess to offer different classes of accounts. A review of the restrictions placed on the various types of accounts authorized by § 545.1–1(a) indicates that these restrictions are no longer necessary or are superseded by other amendments being made at this time. Therefore, the final regulations delete these restrictions and clarify the authority to establish classes of accounts using any lawful criteria. The final amendments do not refer specifically to use of geographic market as a criteria as suggested by a few comment letters because geographic market is included within the more general authority to use any lawful

criteria in establishing classes of accounts.

Negotiable Certificates of Deposit

Existing Board regulations governing certificate accounts (12 CFR 545.1–1, 545.1–3, 563.3–1) generally prohibit the issuance of any certificate account evidenced by a negotiable instrument. Exceptions to the prohibition are provided for "marketable" certificates of deposit and Eurodollar certificates issued by federal associations (12 CFR 545.1–4, 545.24–4) and for certificate accounts specifically approved by the Board and marketable certificates of deposit issued by other insured institutions (12 CFR 563.3–2, 563.3–3). Marketable certificates of deposit and negotiable Eurodollar certificates must be issued in minimum denominations of $100,000 or more.

The Board proposed to amend §§ 545.1–1, 545.1–3 and 563.3–1 to permit institutions to issue certificate accounts evidenced by negotiable instruments regardless of denomination. Since these amendments would obviate the need for special regulations governing marketable certificates of deposit (§§ 545.1–4 and 563.3–3), the Board also proposed to rescind those regulations. The proposal would have permitted negotiable certificates of deposit to be issued pursuant to regulations governing certificate accounts generally, subject only to the requirement that the opinion of counsel to be filed with the FSLIC along with the certificate form states expressly that the certificate would constitute a negotiable instrument pursuant to applicable law.

In making its proposal, the Board stated its belief that negotiability may offer important benefits for both insured institutions and their customers by providing an alternative to withdrawal prior to the maturity of a certificate account and the imposition of a penalty for early withdrawal. For institutions, negotiability as an alternative to permitting early withdrawal can provide certainty as to the term of a deposit, thus permitting more effective asset/liability management. For savers, negotiability may provide increased liquidity for certificate accounts and the opportunity to realize capital gains if interest rates decline subsequent to the purchase of a certificate. Of course, an institution would have the option of permitting withdrawal of deposits evidenced by negotiable instruments subject to penalty requirements. Lastly, Title II of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96–221, 94 Stat. 136 (March 31, 1980)) has charged the Depository Institutions Deregulations Committee with removing limitations on rates paid on savings accounts. Since commercial banks are not restricted in issuing negotiable certificates, the Board stated its desire to give insured institutions full flexibility to compete with other depository institutions as deregulation of savings accounts unfolds.

Two comment letters opposed permitting certificate accounts to be negotiable without limitation on the minimum denomination. These letters stated the belief that the proposal would increase the cost of funds for insured institutions and increase administrative costs. With regard to cost of funds, the Board notes that the proposal would not alter the rate structure for savings accounts and should not induce withdrawals from passbook accounts. Moreover, to the extent that institutions prohibit withdrawal from negotiable certificates prior to maturity, the proposal would increase the stability of an institution's deposits. With regard to administrative costs, the Board notes that the amendments would be permissive and not mandatory; institutions could choose not to offer negotiable certificates. Further, the Board believes that the use of small denomination certificates will develop only gradually and that there should be no immediate competitive disadvantage for institutions not offering this type of account. Accordingly, the Board is adopting the amendments concerning negotiable certificates of deposit as proposed.

As discussed above, institutions should note that all certificate accounts would continue to be subject to the limitations on the maximum rate of return and any other restrictions of 12 CFR Parts 526 and 1204, including the requirement that 26-week money market certificates and 30-month small savers certificates be issued in nonnegotiable form. In addition, negotiable certificates with an original maturity of less than four years would be subject to the reserve requirements of Regulation D (12 CFR Part 204) issued by the Board of Governors of the Federal Reserve System. Lastly, it should be noted that while the proposal would have eliminated the express authorization contained in §§ 545.1–4 and 563.3–3 permitting institutions to use banks with accounts insured by the Federal Deposit Insurance Corporation to sign and deliver certificate accounts and to collect and transmit funds, in the final amendments this authority has been retained in the Federal Regulations as discussed below.

Minimum and Maximum Terms of Savings Accounts

Existing regulations (12 CFR 545.1–1, 545.1–3, 563.3–1, 563.3–2) provide that the term of a certificate account shall not exceed ten years. To give institutions maximum flexibility in designing certificate accounts, the Board proposed the elimination of the ten-year limit on maximum term. The final amendments adopt this change as proposed.

A few comment letters also pointed out that the minimum term for certificate accounts of less than $100,000 (except for public unit accounts) is 90 days, while the minimum term for accounts of $100,000 or more and public unit accounts is 14 days. These comments suggested that the minimum term for all certificate accounts be 14 days. The Board agrees with, and the final amendments incorporate, this suggestion.

Eurodollar Deposits

The existing regulation (12 CFR 545.24–4) governing the issuance of Eurodollar certificates by federal associations requires a minimum denomination of $100,000 for certificates and $10,000 for participations and a minimum maturity of five years. To grant institutions full flexibility in designing certificate accounts, including Eurodollar certificates, the proposed amendments would have eliminated the minimum denomination and maturity requirements and made these certificates subject only to the denomination and maturity requirements generally applicable to certificate accounts. The final amendments adopt these changes as proposed. Thus, the minimum term for Eurodollar deposits is 14 days and there is no maximum maturity or minimum denomination requirement for either certificates or participations.

The Eurodollar certificate regulation currently permits collateralization of Eurodollar certificates only if the aggregate amount of all association assets securing deposits and outside borrowings does not exceed 20 percent of total association assets. The Board proposed to conform the FSLIC right to purchase collateral securing Eurodollar certificates to the FSLIC right to purchase collateral securing outside borrowings. The final amendments implement this proposal taking into account recent amendments to the borrowing regulations. *See* Board Resolution No. 82–20 (January 14, 1982); 47 FR 4049 (January 28, 1982). These amendments permit outside borrowing

without limitation on the aggregate book value of collateral securing outside borrowing and exempt certain types of collateral from the right of purchase. Thus, the final amendments on Eurodollar certificates permit collateralization without limit on the aggregate amount of assets pledged as collateral and apply the FSLIC right of purchase to any secured Eurodollar certificate regardless of the term to maturity of the certificate. The collateral pool would be subject to sale or other disposition on behalf of a certificate holder only after the FSLIC receives written notice of default and within 30 days did not exercise its right to purchase the collateral at the proposed sale price. Collateral consisting of liquid assets pursuant to 12 CFR 523.10, and collateral that would qualify as liquid assets but for the remaining term to maturity, would be exempt from the right of purchase.

Lastly, the Board proposed, and the final amendments incorporate, a simplification of other requirements for Eurodollar deposits. All of the certification requirements designed to ensure that the certificates are not issued to citizens or residents of the United States, its territories or possessions are restated in a more succinct form, and the written confirmation to be delivered by underwriters to purchasers is eliminated. In addition, the special provisions dealing with the "gross-up" of interest and the insurability of Eurodollar certificates have been eliminated since these terms are subject to the restrictions generally applicable to certificate accounts. Gross-up provisions are permitted subject to the restrictions of Parts 526 and 1204 governing rates of return, and ownership interests in Eurodollar certificates are insured to the same extent as provided in Part 564 for all insured accounts.

Savings Account Loans

The Board ruling currently found at 12 CFR 555.7 provides that a savings account with a sufficient balance must be in existence before a federal association may make a loan on the security of that savings account, and that no part of the proceeds of the loan may be used as collateral for the loan. This ruling was based upon the previously limited authority of associations pursuant to the Home Owners' Loan Act of 1933, as amended ("HOLA"), to lend their funds only on the security of shares or on the security of first liens. Subsequently, the Board has authorized associations to raise capital in the form of savings deposits and the HOLA has been amended to expand the lending authority of federal associations to include expressly loans on all savings accounts. Because of these subsequent developments, the Board determined that the ruling on savings account loans no longer implements a statutory directive but instead limits the ability of federal associations to compete with other depository institutions in offering "loophole" certificates. Loophole certificates are accounts for which the institution lends the depositor part of the funds necessary to meet minimum deposit requirements. Accordingly, the Board proposed to rescind § 555.7.

A few comment letters suggested that the Board not permit unrestricted loophole certificates in amounts of $100,000 or more. These letters argued that "jumbo loophole" certificates would not be subject to interest-rate ceilings and effectively would constitute a deregulated account. The Board recognizes that jumbo loophole certificates could be used to avoid current rate ceilings, but notes that there is no impediment to the use of these certificates under existing regulations except § 555.7. This provision limits, but does not prohibit, use of jumbo loophole certificates. Further, § 555.7 applies only to federally chartered associations, and state-chartered institutions and commercial banks are not limited by federal regulation in the use of these certificates.

Since the Board desires to permit federal associations to compete on an equal footing with other depository institutions, the final amendments rescind § 555.7. The Board believes that the use of jumbo loopholes certificates will be limited by administrative considerations in issuing the certificates and their effects on the financial statements of institutions. Institutions should note, however, that the requirement of 12 CFR 526.2(e) that the rate of interest on a loan secured by a savings account be equal to at least one percent per year more than the rate of return on the account applies to all loophole certificates regardless of amount. Further, the penalty on early withdrawal required by 12 CFR 526.7 applies to the full face amount of a loophole certificate, not just the amount provided by the depositor.

Finders' Fees

A few comments directed the Board's attention to the provisions of 12 CFR 563.25 and 563.26 governing the payment of sales commissions by insured institutions on deposits procured by brokers, salesmen or agents. Sections 563.25 and 563.26 were adopted at a time the Board was concerned that advertising abuses and competitive pressures arising from the use of brokers could affect the safety and soundness of some institutions. However, since that time institutions increasingly have competed for funds in the marketplace without evidence of significant adverse consequences. In addition, the Depository Institutions Deregulation Committee has adopted 12 CFR 1204.110 governing the payment of finders' fees on accounts subject to interest-rate ceilings. This action has limited the application of §§ 563.25 and 563.26 to accounts of $100,000 or more and new IRA and Keogh accounts issued pursuant to 12 CFR 1204.118. Finally, §§ 563.25 and 563.26 do not address the payment of bonuses to an institution's employees participating in programs to increase deposits as is authorized by § 1204.110. For these reasons, the Board has determined to delete §§ 563.25 and 563.26 and to authorize expressly the use of finders' fees by federal associations in §§ 545.1 and 545.2. However, the Board intends to monitor the use of finders' fees to determine whether they are being used in a manner consistent with safe and sound operations and will consider further regulatory action if appropriate.

Filing Requirements

The Board proposed to restate the filing requirements for approval of savings account forms (12 CFR 545.2, 563.1) to clarify that filing is made with the Board's Principal Supervisory Agent (the President of the Federal Home Loan Bank of which the institution is a member). The proposal also would have clarified current procedure by providing that after 30 days an institution may use the form unless the Principal Supervisory Agent has given written notice of objection to the form.

Several comment letters suggested that preapproval of savings account forms is an unnecessary burden on insured institutions. While the Board believes that the preapproval procedure is one of the reasons for the quality of the account forms used by insured institutions, the Board also desires to lessen the paperwork burden on institutions and believes that these comments have merit. Therefore, the final amendments require only that prior to issuance of forms of saving accounts not approved by the Board for use by all institutions, an institution must file a copy of the form and an opinion of counsel regarding compliance with applicable law with the Board's Principal Supervisory Agent and retain the opinion for as long as it uses the form. The Board reminds institutions

choosing to use proprietary account forms that they are responsible for conforming with applicable laws and regulations and that the Board will take steps to require compliance where forms that do not comply with applicable law are used.

In order to effect this change in filing requirements for savings account forms, the final amendments clarify the terminology of Part 563 by dividing debt instruments of insured institutions into "savings accounts" and "securities." This change requires conforming amendments to §§ 561.3, 561.41, 563.1, 563.4, 563.5, 563.6, 563.7 and 563.7–2.

Consolidation of Federal and Insurance Regulations

As proposed, the amendments would have eliminated the substantive differences between the regulations governing certificate accounts issued by federal associations and those issued by other insured institutions. Having proposed parallel rules, the Board believes that the next logical step is elimination of duplicate provisions in the Federal and Insurance Regulations. Therefore, the final amendments eliminate provisions applicable to federal associations that are found in the regulations applicable to all insured institutions. Where necessary, cross-references have been retained in the Federal Regulations.

Other Amendments

The Board also desires to make other simplifying and clarifying amendments to its regulations governing savings accounts, as described below:

1. Current regulations (12 CFR 545.1–3, 563.3–1) permit institutions to pay interest in the form of a discount only in the case of certificates exempt from interest-rate ceilings. The Board proposed to eliminate this restriction, and the proposal has been adopted in the final amendments.

Institutions should note that certificate accounts issued at discount are subject to limitations on rates of return found in 12 CFR Parts 526 and 1204. In addition, regardless of the amount of any discount, an insured institution must receive an amount at least equal to any applicable minimum denomination requirement at the time of accepting a deposit.

2. The proposal would have eliminated the current prohibition of redemption provisions in the certificate accounts of insured institutions and provided for disclosure of such provisions, and the Board is adopting these amendments as proposed. Since a few comment letters expressed confusion as to the effect of this change, the Board believes that some further explanation is warranted.

Redemption includes any reservation on the part of the issuing institution to redeem, call or repurchase the certificate prior to its maturity date. The amendments would permit redemption as long as the terms and conditions of the redemption were disclosed on the face of the certificate. If no redemption right was reserved, an institution would not have to make any disclosure. Further, while redemption by the institution would not trigger a penalty for early withdrawal, the minimum term of the certificate would be measured to the earliest possible redemption date. Thus, any interest-rate ceiling applicable to the certificate would be determined by reference to the redemption date.

3. The proposal would have eliminated the requirement currently found in § 545.2 that a federal association secure and retain signature cards for the owners of savings accounts. In making this proposal, the Board believed that a regulatory signature card requirement was an unnecessary paperwork requirement and that associations should have discretion to determine what records are adequate to identify ownership interests in accounts.

A few comment letters suggested that elimination of the signature card requirement may be misconstrued as a complete elimination of recordkeeping requirements regarding ownership of savings accounts. Since this was not the Board's intention, the final amendments retain the signature card requirement. However, the Board intends to propose for comment appropriate amendments to require all insured institutions to retain adequate records to identify ownership interests in savings accounts while giving discretion to institutions to determine what records are necessary to serve this purpose.

4. The final amendments also make a clarifying amendment in the required provisions for certificate accounts (12 CFR 563.3–1(d)). These provisions currently require that the rate of return on certificate accounts be converted to the rate of return on regular savings accounts whenever minimum balance requirements may cease to be met. This provision was adopted when regular savings accounts were the only type of account without a fixed term offered by insured institutions. Because NOW or checking accounts now may be offered by almost all insured institutions, the final amendments permit conversion of the rate of return on certificate accounts to the rate of return on any account without a fixed term when minimum balance requirements are not met.

5. The proposal would have restated § 563.31 ("Other insurance or guaranty") of the Insurance Regulations to clarify its provisions. The restatement does not affect the substance of § 563.31 as it has been interpreted by opinions of the Board's Office of General Counsel and has been adopted in the final amendments.

6. The final rule adds new language to 12 CFR 526.1(*l*) regarding the types of depositors that are eligible to maintain NOW accounts. This amendment restates the rule appearing at 12 U.S.C. 1832(a)(2), as interpreted by a recent Federal court decision ("American Bankers Association v. Federal Home Loan Bank Board," Civ. Action No. 81–1933 (D.D.C. Sept. 15, 1981)), that depository institutions may offer NOW accounts only to individuals and nonprofit organizations described in certain provisions of the Internal Revenue Code. This amendment is technical in nature, as in merely restates existing law for the information of member institutions.

7. Lastly, the final regulations clarify that the exception of 12 CFR 526.3(c) ("Exceptions as to terms and qualifying periods") for rates of return payable on public unit, IRA and Keogh accounts is limited to term to maturity and does not affect requirements that otherwise apply to those accounts.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the amendments will not have a significant economic impact on a substantial number of small entities. The regulations will reduce a number of existing restrictions on the issuance of savings accounts and will give institutions greater flexibility in designing such accounts. The Board believes that increased flexibility will benefit institutions but does not believe that the amendments will have a significant economic impact on institutions. One comment letter suggested that smaller institutions would not be able to take advantage of any increased flexibility as easily as larger institutions but did not indicate how size alone would be a factor. The Board believes that capable management, regardless of the size of the institution, will be able to determine how best to use the increased flexibility to meet its needs and the needs of its customers.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 526 of

Subchapter B, Parts 544, 545 and 555 of Subchapter C, and Parts 561 and 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 526—LIMITATIONS ON RATE OF RETURN

1. Revise paragraph (l) of § 526.1 to read as follows:

§ 526.1 Definitions used in this part.

* * * * *

(l) *NOW (negotiable order of withdrawal) account.* A savings account on which interest is paid subject to the rate limitation in § 526.3, and from which the owner may make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. The entire beneficial interest in a NOW account must be held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit. For purposes of the preceding sentence.

(1) An organization shall be deemed "operated primarily for religious, philanthropic, charitable, educational, or other similar purposes * * * and not for profit" if it is described in sections 501(c)(3) through (13), 501(c)(19), or 528 of the Internal Revenue Code, and

(2) The funds of a sole proprietorship business or an unincorporated business owned by a husband and wife shall be deemed beneficially owned by "one or more individuals."

* * * * *

2. Revise paragraph (c) of § 526.3 to read as follows:

§ 526.3 Maximum rates of return payable by members on savings accounts.

* * * * *

(c) *Exceptions as to term or qualifying period.* A member may pay a rate of return not exceeding 8.00% on:

(1) A public unit account that is either a certificate account or a notice account, or

(2) A certificate account that qualifies as a retirement account under section 401(d) or 408(a) of the Internal Revenue Code and has a term of at least 3 years.

A member also may pay any rate of return prescribed by this part or Part 1204 of this title on a public unit account or certificate account that qualifies as a retirement account: *Provided,* That the account meets all applicable requirements of those Parts, including requirements pertaining to term or qualifying period.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BYLAWS

3. Amend § 544.6 by adding a new paragraph (l) at the end thereof to read as follows:

§ 544.6 Amendment to bylaws.

* * * * *

(*l*) *Savings account evidence.* Substitute the following for section 9 of the bylaws prescribed in § 544.5:

9. *Savings account evidence.* The officers, employees, or agents as designated by the board of directors shall deliver written evidence of the account to each depositor upon the establishment of a savings account in the association.

PART 545—OPERATIONS

4. Revise § 545.1 by revising paragraphs (b) and (c) to read as follows:

§ 545.1 Savings accounts.

* * * * *

(b) *Fees.* An association may charge fees in connection with the administration of savings accounts.

(c) *Sales commissions.* Subject to the limitations of Part 526 of this Chapter and Part 1204 of this title, an association may pay commissions or fees in cash or merchandise for soliciting deposits to any employee of the association or to any broker or agent as determined by the association.

5. Revise paragraphs (a) and (f) of § 545.1–1 to read as follows:

§ 545.1–1 Rates of return on saving accounts.

(a) *Regular and various accounts.* Subject to the provisions of Part 526 of this chapter and Part 1204 of this title, the board of directors of a Federal association may establish regular and various classes of accounts bearing different rates of return. Classes of accounts may be distinguished on any reasonable basis that does not violate otherwise applicable law.

* * * * *

(f) *Certificate accounts.* Subject to the provisions of Part 526 of this chapter and Part 1204 of this title, an association may issue certificate accounts. The certificate shall comply with the requirements of § 545.1–3 and §§ 563.1 and 563.3–1 of this chapter and provide for penalties for early withdrawal prescribed in § 526.7 of this chapter.

* * * * *

6. Revise § 545.1–3 by removing paragraph (d) and revising paragraphs (b) and (c) to read as follows:

§ 545.1–3 Fixed-term savings deposits.

* * * * *

(b) *Payment of interest.* Subject to the provisions of Part 526 of this Chapter and Part 1204 of this title, a deposit association may pay interest at a rate determined at the time that the deposit is accepted, in accordance with § 545.3. The annual rate of return paid on a savings deposit either may be fixed at the time the deposit is accepted or may vary according to a schedule, index or formula specified at the time the deposit is accepted. The term of such savings deposits shall be at least 14 days.

(c) *Form of account.* Fixed-term savings deposits may be issued in the form of a passbook or certificate as determined by the association's board of directors: *Provided,* That the form of account complies with the requirements of §§ 563.1 and 563.3–1 of this chapter and provides for penalties for early withdrawal prescribed in § 526.7 of this chapter.

7. Revise § 545.1–4 to read as follows:

§ 545.1–4 Eurodollar deposits.

A Federal association may issue Eurodollar certificates in conformity with § 563.3–3 of this Chapter.

8. Remove § 545.1–5 as follows:

§ 545.1–5 Marketable certificates of deposit. [Removed effective April 25, 1982.]

9. Revise § 545.2 to read as follows:

§ 545.2 Evidence of account.

(a) *Signature card.* When a Federal association issues a savings account, it shall obtain and preserve in its records a card containing the signature of the owner, or an authorized representative of the owner.

(b) *Evidence of account.* At the time of opening a savings account, an association shall issue to the accountholder evidence of the accountholder's interest of the account and written evidence of the terms of the account contract.

(c) *Filing.* Prior to issuing any form of savings account, an association shall comply with the filing requirements of § 563.1 of this chapter.

(d) *Ownership of record.—(1) General rule.* An association may treat the holder of record of a savings account as the owner, regardless of any notice to the contrary, until the savings account is transferred on the association's books. Savings accounts shall be transferable only on the association's books on proper application by the transferee and acceptance of the transferee as a member on terms approved by the board of directors.

(2) *Exception.* Paragraph (d)(1) of this section notwithstanding, an association

may issue negotiable certificates in bearer form without recording ownership on the books of the association: *Provided,* That the association's charter provisions regarding membership and voting shall not apply to such certificates.

(e) *Duplicate evidence of account.* Except for accounts issued in negotiable instrument form, an association shall issue a new evidence of account in the name of the holder of record, if the holder of record, or the legal representative of the holder, files an affidavit with the association that the accountholder's evidence of account was lost or destroyed, and that no part of the account has been pledged or assigned except as disclosed to the association. The association's board of directors may require bond sufficient to indemnify the association against any loss that might result from issuance of the new evidence of account.

(f) *Use of collecting agent.* An association may authorize any bank that is a member of the Federal Deposit Insurance Corporation or any institution that is a member of the Federal Savings and Loan Insurance Corporation to prepare, sign and deliver evidence of accounts and to collect and transmit funds obtained from those accounts. The association may provide for issuance of duplicate certificates, bond, security and other protection in connection with such issuance.

10. Revise paragraph (g) of § 545.3 to read as follows:

§ 545.3 Time and manner of distributions.

* * * * *

(g) *Small accounts.* An association may establish minimum balance requirements for savings accounts to be eligible for distribution of earnings.

* * * * *

11. Revise paragraph (b)(3) and paragraph (c) of § 545.3–1 to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(b) *Eligibility requirements.* * * *

(3) *Accounts evidenced by certificates.* A savings account evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate but not in excess of the applicable maximum rate of return prescribed by Part 526 of this chapter and Part 1204 of this title.

* * * * *

(c) *Form of certificate.* Certificates evidencing savings accounts shall comply with the requirements of § 545.1–3 and §§ 563.1 and 563.3–1 of this Chapter and provide for penalties for early withdrawal prescribed in § 526.7 of this Chapter.

* * * * *

12. Revise paragraph (e) of § 545.4 to read as follows:

§ 545.4 Withdrawals.

* * * * *

(e) *Grace period with respect to withdrawals.* A Federal association may compute earnings on amounts withdrawn from its savings accounts during the last 3 business days of any period for which earnings are distributable as if the withdrawal had been made immediately after the close of that period. This paragraph (e) does not apply to savings accounts authorized by § 1204.104 of this title.

13. Remove § 545.24–4 as follows:

§ 545.24–4 Eurodollar deposits. [Removed effective April 25, 1982.]

PART 555—BOARD RULINGS

14. Remove § 555.7 as follows:

§ 555.7 Increase of a savings account with proceeds of a loan on the savings account. [Removed effective April 25, 1982.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

15. Revise § 561.3 to read as follows:

§ 561.3 Insured account.

An "insured account" is any savings account, tax and loan account, or checking account held by an insured member in an insured institution.

16. Add a new § 561.41 to read as follows:

§ 561.41 Security.

A "security" is any non-withdrawable account, note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing, except that a "security" shall not include an insured account.

PART 563—OPERATIONS

17. Revise § 563.1 to read as follows:

§ 563.1 Form of account.

(a) *Submission for approval.* At the time of application for insurance, every applicant shall submit to the Corporation for approval forms of all insured accounts and securities proposed to be issued by the applicant as an insured institution. An applicant also shall submit for approval its charter, constitution, and bylaws, and all amendments thereto, affecting its insured accounts or securities. No insured institution shall issue: (1) Any form of insured account (except NOW accounts as defined in § 526.1 of this chapter) without complying with the requirements of paragraph (b) of this section; or (2) Any security that has not been approved in writing by the Corporation. any insured institution which amends its charter, constitution, or bylaws affecting its insured accounts or securities promptly shall transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account: *Provided,* That where there may be a change from one type of insured account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

(b) *Filing.* Prior to issuing any form of insured account, an insured institution shall file with the Corporation (1) the form of account and (2) an opinion of its legal counsel that the form complies with the requirements of applicable law and regulations and the institution's charter and bylaws. If the account is issued in negotiable instrument form, the opinion must state expressly that the form so qualifies under applicable law. Filing shall be made by delivering a copy of the form and legal opinion to the Corporation's Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter). The institution shall retain a copy of the opinion for as long as accounts in that form are outstanding. The requirements of this paragraph shall not apply if an institution issues a form of insured account that has been approved by the Corporation for use by insured institutions.

18. Revise paragraphs (a) through (d) of § 563.3–1 to read as follows:

§ 563.3–1 Fixed-term accounts (certificate accounts).

(a) *General.* Subject to the requirements of this section, an insured institution may offer certificate accounts, as defined in Part 526 of this chapter, in such form as the board of directors of the institution may authorize by resolution.

(b) *Payment of interest or other earnings.* Subject to Part 526 of this chapter and Part 1204 of this title, an institution may pay earnings on a certificate account at a rate or anticipated rate of return determined at the time that the account is accepted. The rate or anticipated rate on a certificate account either may be fixed or may vary according to a schedule, index, or formula specified at the time that the account is accepted.

(c) *Limitations.* In issuing certificate accounts, no institution shall:

(1) Provide for the payment of interest or the distribution of earnings on any certificate account in excess of the applicable maximum rate of return prescribed in Part 526 of this Chapter;

(2) Accept any fixed-term account for a term of less than 14 days;

(3) Provide for withdrawal from any certificate account prior to the expiration of its term, except as provided in paragraph (f) of this section; or

(4) Issue any form of certificate account, unless the institution has complied with the requirements of § 563.1.

(d) *Disclosure.* Each certificate account shall include in its provisions and display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum-balance requirement;

(4) Any provisions limiting the right of the holder to make additions to the account or to withdraw all or any portion of the account prior to its maturity;

(5) The penalty or penalties for withdrawal prior to expiration of the term;

(6) Any provisions relating to redemption, call or repurchase;

(7) Any provisions relating to a renewal when the term expires;

(8) Any provisions relating to earning after expiration of the term or any renewal period; and

(9) A provision converting the rate of return on the certificate account, whenever the minimum balance requirement may cease to be met, to the rate of return on an account without a fixed term.

* * * * *

19. Remove § 563.3–2 as follows:

§ 563.3–2 Certificates evidencing other accounts. [Removed effective April 25, 1982.]

20. Revise § 563.3–3 to read as follows:

§ 563.3–3 Eurodollar deposits.

(a) *Definitions.* As used in this section:

(1) "Eurodollar certificate" means a certificate account, denominated in United States dollars, evidencing a Eurodollar deposit;

(2) "Eurodollar deposit" means a deposit by a person who is not a United States person;

(3) "United States person" means any national or resident of the United States of America, its territories and possessions, including any corporation, trust, estate, or other entity organized under the laws thereof or of any political subdivision thereof; and

(4) "Participation" means an interest or participation in a Eurodollar certificate.

(b) *General.* To the extent that it has legal authority to do so, an insured institution may issue Eurodollar certificates in conformity with this section and § 563.3–1.

(c) *Collateralization of certificates.* Notwithstanding the provisions of § 563.31, an institution may give security for Eurodollar deposits. For any secured Eurodollar certificate, the terms of the certificate shall provide that the Corporation shall receive prompt written notification of any default on the obligation and, before a sale or other disposition of any portion of the collateral, that the Corporation shall have thirty (30) days after receipt of written notice of the proposed sale or other disposition to exercise a right to repurchase the collateral at the price to be paid at the sale or to acquire the collateral at the value to be assigned to it in any other disposition. The notice and right of purchase required by this paragraph shall not apply to collateral consisting of liquid assets as defined in § 523.10 of this chapter or collateral that would qualify as liquid assets but for its remaining term to maturity.

(d) *Requirements as to distribution.* (1) In exercising authority under this section, an institution shall require an undertaking in writing from each purchaser of a Eurodollar certificate or participation therein to the effect that:

(i) If the purchaser is not a dealer, he will not offer, sell or deliver such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof, including any corporation, trust, estate or other entity organized under the laws thereof or of any political subdivision thereof; or

(ii) If the purchaser is a dealer, he has not offered, sold or delivered, and agrees that he will not offer, sell or deliver, any such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof and he is not purchasing any such Eurodollar certificate(s) or participations therein for the account of any such nationals or residents. Further, if the purchaser is a dealer, he shall agree that he will require the undertaking required by paragraph (d)(1)(i) of this section on any sales of the Eurodollar certificate(s) or participations therein and that he will inform the issuing assocation promptly if any beneficial ownership by a United States person comes to his attention.

(2) Upon completion of the distribution of any Eurodollar certificates or participations therein, the lead or managing underwriter shall deliver to the issuing institution a certification as to the sale stating that to the knowledge of the underwriter no beneficial owner or owners of the Eurodollar certificate(s) or participants therein is a United States person; and, further, that the underwriter has not knowingly sold or offered for sale and will not sell or offer for sale, the Eurodollar certificate(s) or participations therein to any United States person.

(3) To the extent that beneficial ownership of a Eurodollar certificate or participation therein is acquired by a United States person, the return payable may not exceed the maximum rate of return payable on an account without a fixed term from the time ownership is acquired by the United States person. The issuing institution shall take the necessary and appropriate action to ensure that the interest paid on a Eurodollar certificate, or that portion of a Eurodollar certificate attributable to a participation, beneficially owned by a United States person, does not exceed the maximum rate of return payable on an account without a fixed term.

(4) Upon issuance of any certificate under this section, the issuing association shall provide to the Corporation such information as the Corporation deems necessary to monitor effectively the use of the authority provided by this section.

(e) *Requirements as to certificates.* Each Eurodollar certificate and participation, including a temporary Eurodollar certificate or participation, shall bear on its face, in boldface type, a legend substantially in the following form:

This Eurodollar certificate has been issued pursuant to a regulation of the Federal Home Loan Bank Board, an agency of the United States government, which requires that the Eurodollar certificate be sold, and interest at the amount stated hereon paid, only to purchasers who are not United States nationals or residents, and may not be offered directly or indirectly or sold in the United States of America, its territories or possessions, or to persons who are nationals or residents thereof.

(f) *Requirements as to coupons.* Each coupon attached to a Eurodollar certificate or participation shall bear a legend substantially in the following form:

To the extent that beneficial ownership of the Eurodollar certificate or the participation therein to which this coupon appertains is acquired by a United States national or resident of the United States of America or its territories and possessions, including any corporation or other entity organized under the laws thereof or any political subdivision thereof, the return payable thereon will be the maximum permissible rate of return payable on a regular account of the institution.

(g) *Pooling of certificates.* Notwithstanding the provisions of § 531.11 of this chapter, an institution may engage in pooling or participate in pooling funds, or soliciting or promoting pooled accounts, in connection with the issuance of a Eurodollar certificate in conformity with this section.

21. Revise § 563.4 to read as follows:

§ 563.4 Transfer of securities. [Removed effective April 25, 1982.]

22. Revise § 563.5 to read as follows:

§ 563.5 Securities: Statement of non-insurance.

Every security issued by an insured institution must include in its provisions a clear statement that the security is not insured by the Federal Savings and Loan Insurance Corporation.

23. Revise § 563.6 to read as follows:

§ 563.6 Payment of insured accounts on demand.

Except for checking accounts, tax and loan accounts, and note accounts, no insured institution shall issue any insured account, or advertise or represent that it will pay holders of its insured accounts, on demand.

24. Revise § 563.7 to read as follows:

§ 563.7 Definite maturity and rate; securities with definite maturity or rate outstanding at time of application for insurance. [Removed effective April 25, 1982.]

25. Revise § 563.7–2 to read as follows:

§ 563.7–2 Form, return, and maturity of securities.

Securities of any insured institution which are issued in connection with any borrowing which is in conformity with § 563.8 or issued with specific prior approval of the Corporation are, as to form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of the National Housing Act, as now or hereafter in effect, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

26. Remove § 563.25 as follows:

§ 563.25 Sales commissions. [Removed effective April 25, 1982.]

27. Remove § 563.26 as follows:

§ 563.26 Sales commissions; definitions. [Removed effective April 25, 1982.]

28. Revise § 563.31 to read as follows:

§ 563.31 Other insurance or guaranty.

(a) *General rule.* An insured institution shall not acquire any insurance on, or guaranty of, all or any part of its insured accounts in addition to the insurance provided by title IV of the National Housing Act.

(b) *Exceptions.* Paragraph (a) of this section notwithstanding:

(1) A Federal savings and loan association may give bond or security pursuant to § 545.24–2 of this chapter; and

(2) To the extent that it has legal power to do so, an insured institution that is not a Federal association may give bond or security in comformity with § 545.24–2 as if such institution were a Federal deposit association as defined in § 545.1–2 of this chapter.

PART 564—SETTLEMENT OF INSURANCE

29. Revise paragraph (a) of § 564.1 to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued in negotiable instrument form, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

* * * * *

30. Revise paragraph (b)(5) of § 564.2 to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

* * * * *

(b) *Records.* * * *

(5) The foregoing provisions of this paragraph (b) shall not be applicable with respect to any account evidenced by a certificate of deposit which was issued in negotiable instrument form. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such an account as to the existence of any relationship upon which a claim for insurance coverage is founded.

* * * * *

(Sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 82–8819 Filed 3–31–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22011; Amdt. 39–4357]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires removal and replacement of the fasteners between the inboard leading edge and the spar box of the horizontal stabilizer on Airbus Industrie Model A300 series airplanes. The FAA believes that this AD is needed to prevent progressive failures of the fasteners resulting in loss of the stabilizer inboard leading edge and possible loss of control of the airplane.

EFFECTIVE DATE: May 1, 1982.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of the service bulletin is contained in the Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, ANE–190, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or J. McGrath, Chief, Certification Program Management Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require removal and replacement of the fasteners between the inboard leading edge and the spar box of the horizontal stabilizer on Airbus Industrie Model A300 series airplanes was published in the **Federal Register** (46 FR 38928).

The proposal was prompted by the manufacturer's test results which showed that the fasteners which secure the inboard leading edge to the box spar of the horizontal stabilizer may fail due to fatigue after a number of hours in service. Failure of the inboard set of fasteners would result in increased loads on the adjacent fasteners and progressive failures in the leading edge horizontal stabilizer structure, and possible loss of control of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the AD would require removal and replacement of these fasteners on Airbus Industrie Model A300 series airplanes before accumulating 10,000 hours time in service or within 750 hours time in service after the effective date of the AD, whichever occurs later.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter opposed the issuance of the AD reasoning that an unsafe condition does not result from the failure of one screw, but from the consequence of multiple fastener failures. The operator contends that total failure of the fasteners would be detected during layover service and would be corrected before loss of the leading edge could occur. The FAA does not agree that total failure of the fasteners would always be detected during a layover period and finds that an unsafe condition could still exist.

In addition, the commenter stated that there was an inconsistency between the accomplishment instructions in the manufacturer's service bulletin and those in the proposal. The proposal calls for removal and replacement of "* * * the right and left side, upper and lower screws, anchor nuts and reinforcement plates from the inboard set out to and including the set at rib 5 of the inboard horizontal stabilizer leading edge * * *" The commenter stated that the service bulletin calls for installation of reinforcement plates (there were no reinforcement plates installed on his airplane), and the area affected by the bulletin goes out to an area just past rib 4, not including rib 5.

The FAA disagrees with the commenter regarding the installation of reinforcement plates. The service bulletin specifies removal of existing reinforcement plates and requires installation of new reinforcement plates. Accordingly, new reinforcement plates are to be installed.

Concerning the horizontal stabilizer inboard leading edge area affected by the service bulletin, the FAA agrees with the commenter that it includes only the fasteners just past rib 4 and does not include rib 5. The proposal is modified accordingly.

Adoption of the Amendment

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

Airbus Industrie. Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required before accumulating 10,000 hours time in service or 750 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent progressive failures of the attachment fasteners between the inboard horizontal stabilizer leading edge and the spar box, accomplish the following:

(a) Remove and replace the right and left side, upper and lower screws, anchor nuts and reinforcement plates from the inboard set out to and including the set at rib 4 of the inboard horizontal stabilizer leading edge in accordance with paragraph 2.B, "Modification," of Airbus Industrie Service Bulletin No. A300–55–006, Revision No. 4, dated March 21, 1980, or an FAA-approved equivalent.

(b) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, ANE–190, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective May 1, 1982.

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

Note.—The FAA has determined that this regulation 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) and certifies that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

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

Issued in Washington, D.C., on March 23, 1982.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82–8818 Filed 3–31–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–CE–9–AD; Amdt. 39–4353]

Airworthiness Directives; Cessna Models 170A, 170B, 172, 172A through 172P, 175, 175A, 175B, 175C, P172D and R172E (USAF T–41B) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to those Cessna Models 170A, 170B, 172, 172A through 172P, 175, 175A, 175B, 175C, P172D and R172E (USAF T–41B) airplanes modified to include 150 through 180 horsepower Lycoming engines in accordance with Supplemental Type Certificates (STC) SA3–13, SA3–126, SA3–571, SA3–672, SA3–674, SA135CE, SA420CE, SA421CE, SA424CE, SA610SW, SA647CE, SA777CE, SA806CE, SA807CE or SA1324CE, respectively. This AD requires a one-time inspection and, if necessary, modification of the engine crankcase breather tube to incorporate an acceptable alternate vent. This action is necessary to prevent complete vent blockage if the exit is obstructed by ice. Ice blockage of this vent may increase engine crankcase pressure to a level that will cause the front crankcase seal to be forced out, which may result in loss of engine oil and engine failure.

DATES: Effective Date: April 8, 1982.

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

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7010.

SUPPLEMENTARY INFORMATION: An incident occurred wherein there was ice blockage of the engine crankcase breather vent exit on Cessna Models 170B and R172E airplanes equipped with a 180-horsepower Lycoming engine per a Supplemental Type Certificate. Subsequent investigation disclosed that some Cessna Models 170A, 170B, 172, 172A through 172P, 175, 175A, 175B, 175C, P172D and R172E (USAF T–41B) airplanes modified in accordance with STCs SA13, SA3–126, SA3–571, SA3–672, SA3–674, SA135CE, SA420CE, SA421CE, SA424CE, SA610SW, SA647CE, SA777CE, SA806CE, SA807CE or SA1324CE may not have necessary alternate vent provisions in the engine crankcase breather system. Examination of the data disclosed that some of these STCs require incorporation of an alternate engine crankcase breather outlet while others do not. On those STCs not having this provision, the breather outlet was protected from freezing over due to the proximity of the hot engine exhaust outlet. Subsequently, the engine exhaust system was redesigned and the exhaust outlet was moved to the opposite side of the cowling. This left the crankcase breather unprotected on those airplanes equipped with the redesigned engine exhaust system. The original exhaust system is no longer available from any of the STC owners that are currently manufacturing parts. Therefore, some airplanes with the original exhaust system have had it replaced with the redesigned exhaust system. More of the original exhaust systems will be replaced as they reach their service life. Since the condition described herein may result in loss of engine oil and engine failure, and may exist on other airplanes of the same type design, the FAA is issuing an AD, applicable to the airplanes set forth above.

It requires inspection of the existing engine crankcase breather vent, and modification, when necessary, to incorporate an alternate engine crankcase breather outlet (hole drilled in tube) to prevent breather obstruction by ice at the outlet.

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

Adoption of the Amendment

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

CESSNA: Applies to Models 170A, 170B, 172, 172A through 172P, 175, 175A, 175B, 175C, P172D, and R172E (USAF T–41B) airplanes modified in accordance with STCs SA3–13, SA3–126, SA3–571, SA3–672, SA3–674, SA135CE, SA420CE, SA421CE, SA424CE, SA610SW, SA647CE, SA777CE, SA806CE, SA807CE, or SA1324CE, certificated in any category.

Compliance: required as indicated, unless already accomplished.

To reduce the possibility of rapid loss of engine oil caused by ice obstruction of the engine crankcase breather, accomplish the following:

(A) Within the next 50 hours time-in-service after the effective date of this AD.

1. Visually examine the engine crankcase breather to determine if an alternate air outlet is drilled or cut in the tube as shown in Figure 1. If any of these provisions exist, make an appropriate entry in the aircraft maintenance records per paragraph (B). No further action is necessary.

2. If the hole or cutout shown in Figure 1 is not in the engine crankcase breather tube:

a. Inspect the crankcase to crankshaft seal and ensure that the seal is secure. (This seal is located behind the starter ring gear in the forward most part of the crankcase.) Reinstall or replace this seal if it is not flush with the forward face of the crankcase.

b. Drill the engine crankcase breather tube line to include an alternate air outlet as shown in Figure 1.

(B) Paragraph (A)1 of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person. Make the prescribed entry in the aircraft maintenance records, including those airplanes on which it has already been accomplished, indicating compliance with this AD.

(C) The airplane may be flown in accordance with FAR 21.197 to a location where paragraph (A)2 of this AD may be accomplished.

(D) Any equivalent method of compliance with this AD may be used when approved by the Chief, Wichita Aircraft Certification Office, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 269–7000.

This amendment becomes effective on April 8, 1982.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspection and modifications applicable to only a few aircraft owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required.

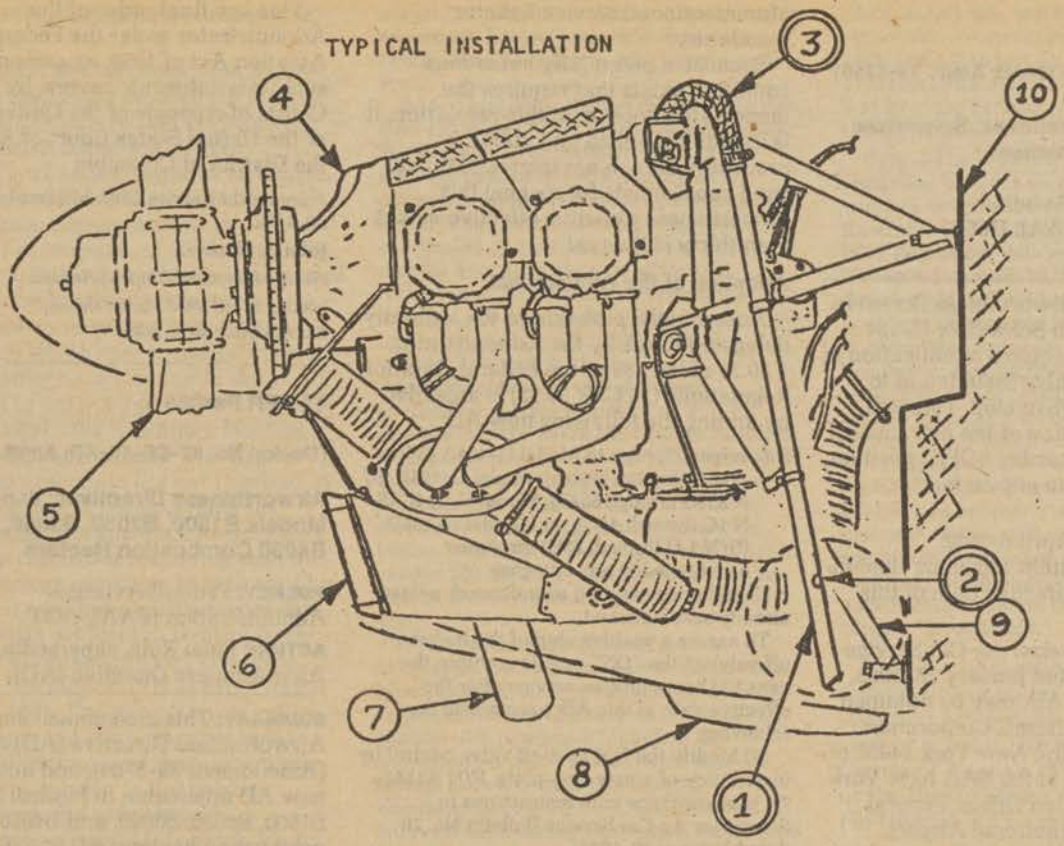
This is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Courts of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on March 19, 1982.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910–13–M



1. BREATHER TUBE
2. ICE HOLE
3. HOSE (TO ENGINE)
4. LYCOMING ENGINE
5. PROPELLER
6. AIR FILTER
7. EXHAUST PIPE
8. LOWER COWL LIP
9. ENGINE MOUNT
10. FIREWALL

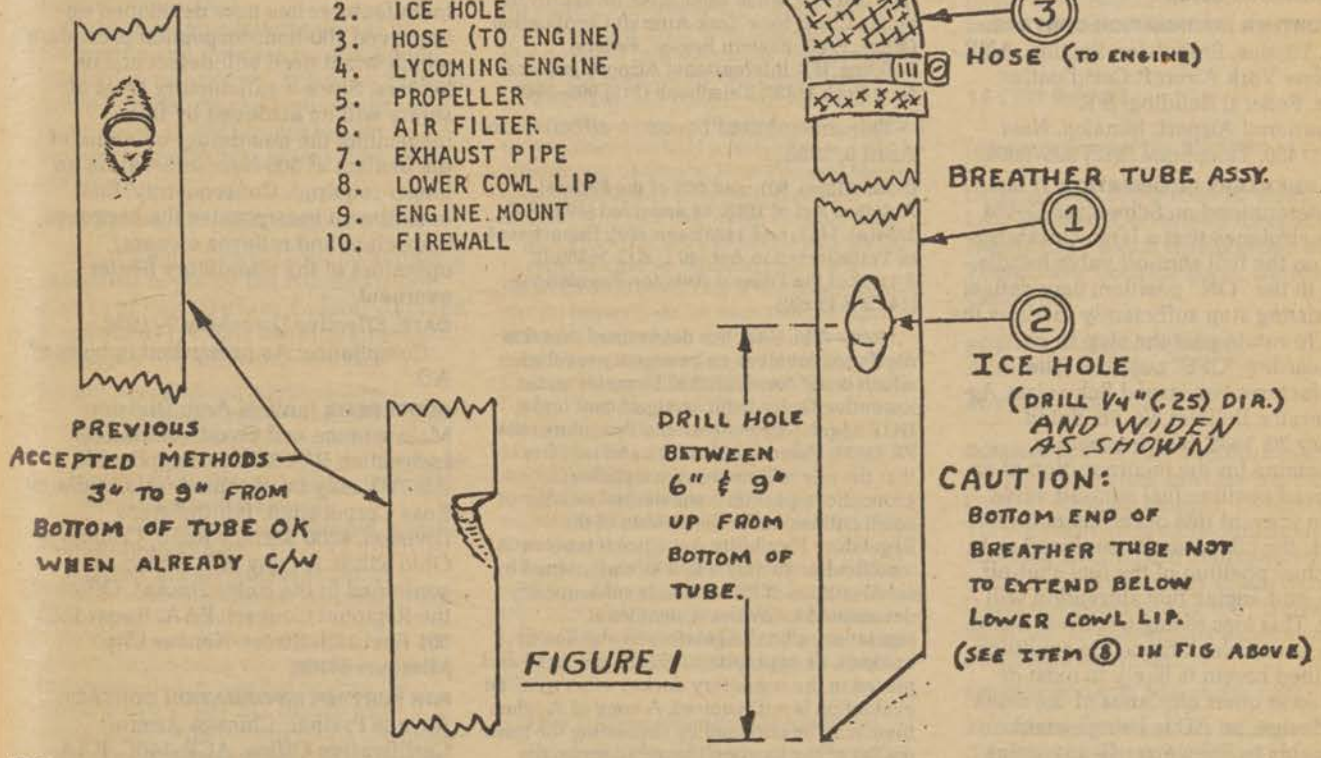


FIGURE 1

[FR Doc. 82-6590 Filed 3-31-82; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 82-CE-12-AD; Amdt. 39-4355]

Airworthiness Directives; Schweizer G-164 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Airworthiness Directive (AD), applicable to Schweizer G-164 series airplanes, requires modification of the fuel shut-off valve installation to incorporate a positive stop. This will prevent over-rotation of the fuel shut-off valve to an unplacarded "OFF" position which may result in engine fuel starvation.

EFFECTIVE DATE: April 6, 1982.

Compliance: Within 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Schweizer Ag-Cat Service Bulletin No. 78 dated January 26, 1982, applicable to this AD, may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902 or may be examined at the FAA New York Aircraft Certification Office, Federal Building, JFK International Airport, Jamaica, New York 11430. A copy of it is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. L. Lipsius, Propulsion Section, ANE-174, New York Aircraft Certification Office, Federal Building, JFK International Airport, Jamaica, New York 11430; Telephone (212) 995-2894.

SUPPLEMENTARY INFORMATION: It has been determined on Schweizer G-164 series airplanes that a large clockwise force on the fuel shut-off valve handle, when in the "ON" position, may deflect the existing stop sufficiently to allow the valve to rotate past the stop to an unplacarded "OFF" position. The manufacturer has issued Schweizer Ag-Cat Service Bulletin No. 78, dated January 26, 1982, which provides instructions for the incorporation of an improved positive fuel shut-off valve stop to prevent this occurrence. If this occurs, the pilot may be confused as to the actual position of the fuel shut-off valve, and engine fuel starvation will result. This loss of engine power could cause an accident. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued, applicable to Schweizer G-164 series airplanes, making compliance with the aforementioned service bulletin mandatory.

Because a potentially hazardous condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this airworthiness directive effective in less than thirty (30) days.

Adoption of the Amendment

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

Schweizer: Applies to Model G-164A (S/Ns 1726A through 1730A); Model G-164B (S/N 335B through 659B); Model G-164C (S/N 1C through 44C); and Model G-164D (S/N 1 D through 22D) airplanes certificated in any category.

Compliance required as indicated, unless already accomplished.

To assure a positive stop of the fuel shut-off valve at the "ON" position, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Modify the fuel shut-off valve control by installation of a new stop-plate, P/N A1552-71, in accordance with instructions in Schweizer Ag-Cat Service Bulletin No. 78 dated January 26, 1982.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) Any equivalent method of compliance with this AD, when used, must be approved by the Chief, New York Aircraft Certification Office, FAA, Eastern Region, Federal Building, JFK International Airport, Jamaica, New York 11430; Telephone (212) 995-2842.

This amendment becomes effective on April 6, 1982.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a modification to only a few aircraft owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the rules docket at the location identified under the caption "ADDRESSES."

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

Issued in Kansas City, Missouri, on March 22, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-8591 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-10-AD; Amdt. 39-4354]

Airworthiness Directives; Janitrol Models B1500, B2030, B3040, and B4050 Combustion Heaters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule, superseding existing Airworthiness Directive (AD).

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 80-09-10 (Amendment 39-3766), and adopts a new AD applicable to Janitrol Models B1500, B2030, B3040, and B4050 combustion heaters. AD 80-09-10 requires repetitive inspections of the heaters at intervals of 100 hours time-in-service and overhauls at intervals of 500 hours time-in-service. The heater manufacturer has now developed an improved 100-hour inspection procedure which when used will detect unsafe heaters. Since a satisfactory level of safety will be achieved by this inspection, the mandatory overhaul of the heaters at 500-hour intervals is no longer required. Consequently, this amendment incorporates the improved inspection and relieves owners/operators of the mandatory heater overhaul.

DATE: Effective Date: May 6, 1982.

Compliance: As prescribed in body of AD.

ADDRESSES: Janitrol Aero Division Maintenance and Overhaul Manual Instruction P/N 24E25-1, applicable to this AD, may be obtained from Midland-Ross Corporation, Janitrol Aero Division, 4200 Surface Road, Columbus, Ohio 43228. A copy of it is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Royace Prather, Chicago Aircraft Certification Office, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines,

Illinois 60018; Telephone number (312) 694–7132.

SUPPLEMENTARY INFORMATION: AD 80–09–10, Amendment 39–3766 (45 FR 29561), applicable to Janitrol Models B1500, B2030, B3040 and B4050 combustion heaters, requires repetitive inspection of these heaters at intervals of 100 hours time-in-service and their overhaul at intervals of 500 hours time-in-service. Subsequent to the issuance of this AD, the heater manufacturer developed an improved inspection procedure which may be relied upon to detect heater deterioration in the incipient or early stage before it results in an unairworthy condition. Heaters inspected in accordance with this improved procedure are not required to be overhauled at 500 hour time-in-service intervals and such heaters may be safely continued in-service until an unsatisfactory condition is indicated by the inspection finding. This inspection procedure is set forth in Janitrol Aero Division Maintenance and Overhaul Manual, Instruction P/N 24E25–1 dated October 1981. The regulatory adoption of the improved inspection procedure and discontinuance of these overhauls reduces the burden to the field in maintaining airworthy heaters. Accordingly, a new AD is being issued, superseding AD 80–09–10 applicable to Janitrol Models B1500, B2030, B3040 and B4050 combustion heaters requiring compliance with the aforementioned Janitrol instruction.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than thirty (30) days.

ADOPTION OF THE AMENDMENT

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

Janitrol Aero Division (Midland-Ross Corporation): Applies to Models B1500, B2030, B3040, and B4050 combustion heaters marked as meeting the standards of FAA TSO–C20, installed in aircraft certificated in any category.

Compliance required as indicated, unless already accomplished.

To detect and prevent the failure of affected combustion heater tube assemblies, accomplish the following:

(a) For installed affected heaters with 450 or more heater-hours time-in-service, since last overhauled or installed new, on the effective date of this AD, comply with paragraph (e) within the next fifty (50) heater-hours time-in-service or twelve (12) months from effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 heater-hours time-in-service or twenty-four (24) months, whichever occurs first.

(b) For installed affected heaters with less than 450 heater-hours time-in-service, since last overhauled or installed new, on the effective date of this AD, comply with paragraph (e) before the accumulation of 500 heater-hours time-in-service since last overhauled or installed new, or twelve (12) months from effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 heater-hours time-in-service or twenty-four (24) months, whichever occurs first.

(c) For uninstalled out-of-service/overhauled heaters without a new combustion tube assembly that are installed in aircraft subsequent to the effective date of this AD, comply with paragraph (e) before the accumulation of 250 heater-hours time-in-service or twelve (12) months, whichever occurs first, and thereafter at intervals not to exceed 100 heater-hours time-in-service or twenty-four (24) months, whichever occurs first.

(d) For uninstalled affected new or overhauled heaters with a new combustion tube assembly that are installed in aircraft subsequent to the effective date of this AD, comply with paragraph (e) before the accumulation of 500 heater-hours time-in-service or twenty-four (24) months, whichever occurs first, and thereafter at intervals not to exceed 100 heater-hours time-in-service or twenty-four (24) months, whichever occurs first.

(e) Conduct 100 hour inspection of affected heaters in accordance with Janitrol's Maintenance and Overhaul Manual, Instruction P/N 24E25–1, dated October 1981. Prior to further flight, overhaul any heater that does not pass the combustion pressure decay test required by this inspection.

For all affected Janitrol Aircraft Heaters installed in Cessna or Piper Aircraft, conduct the required overhaul in accordance with the appropriate Cessna or Piper Aircraft Heater Overhaul Manual or Janitrol Overhaul Manual, P/N 24E25–1, dated October 1981.

(f) A HEATER HOURMETER may be used to establish heater operating time. If a HEATER HOURMETER is not used, count one (1) heater hour for each two (2) flight hours for normal aircraft flight operation.

(g) Upon request of an operator, the Chief, Chicago Aircraft Certification Office, FAA, Central Region, may adjust the compliance time specified in paragraphs (a), (b), (c), and (d) of this AD provided such requests are made through an FAA maintenance inspector, and the request contains substantiating data to justify the request for that operator.

(h) An equivalent method of compliance with this AD may be used when approved by the Chief, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7357.

This AD supersedes AD 80–09–10.

This amendment becomes effective May 6, 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)); and § 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspection and overhaul of heaters installed on only a few aircraft owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the rules docket at the location identified under the caption **"ADDRESSES."**

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

Issued in Kansas City, Missouri, on March 22, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–8592 Filed 3–31–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–AWP–4]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Temporary Control Zone, Daggett, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the Barstow-Daggett Airport, Daggett, California. This action will provide controlled airspace for aircraft/helicopters making instrument approaches to the Barstow-Daggett Airport during the "Gallant Eagle 82" United States Readiness Command Exercise.

EFFECTIVE DATE: March 22, 1982.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch,

AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261.

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Barstow-Daggett Airport, Daggett, California, during the March 22, 1982, through April 15, 1982, time period.

A temporary control tower will be furnished by the Department of the Army with air traffic control services provided by U.S. Army air traffic controller personnel.

Between 40 and 100 aircraft will be temporarily based at the Barstow-Daggett Airport for use by the military services.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. (b) is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 22, 1982, through April 15, 1982, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

Dagget, California

Within a five mile radius of Barstow-Daggett Airport (latitude 34° 51' 20" North; longitude 116° 47' 10" West).

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) 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 Los Angeles, California, on March 18, 1982.

R. L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 82-8593 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AWP-5]

Designation of Federal Airways, Area Low Routes Controlled Airspace, and Reporting Points; Designation of Control Zone, San Diego, California, (Brown Field)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule reestablishes a control zone for Brown Field Municipal Airport, San Diego, California. This action will provide controlled airspace for aircraft conducting instrument operations at Brown Field.

EFFECTIVE DATE: March 22, 1982.

ADDRESS: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261.

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

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a control zone for Brown Field Municipal Airport, San Diego, California. Brown Field Tower has again been staffed and control personnel will resume regular duties.

Revocation of Brown Field control was necessitated by the requirement of the FAA to redeploy all available resources following the controller strike.

Under the circumstances presented, the rule will provide air traffic service to all users and would further enhance safety. Therefore, I find notice and public procedure under 5 U.S.C. 533 is unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 g.m.t., March 22, 1982.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71, Federal Regulations to read:

San Diego, California (Brown Field)

Within a 3-mile radius of Brown Field Municipal Airport (latitude 32° 34' 22" N., longitude 116° 58' 47" W.), excluding that airspace west of longitude 117° 01' 00" W., and south of the United States/Mexican Border. This control zone is effective from 0800 to 2000 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory.

(Sec. 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 Los Angeles, California, on March 19, 1982.

R. L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 82-8602 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-3]

Alteration of Transition Area, Greenville, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule corrects the name and location of an air navigational facility and redesignates an extension in the Greenville, South Carolina, transition area.

DATES: Effective date: 0901 G.m.t., May 13, 1982. Comments on the rule must be received before May 3, 1982.

ADDRESSES: Send comments to: Federal Aviation Administration, ATTN: Chief, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320. The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

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

SUPPLEMENTARY INFORMATION:

History

In the Greenville, South Carolina, transition area described in § 71.181 (46 FR 540), an extension was designated on the 210° bearing from the Donaldson Center RBN to provide controlled airspace for aircraft executing the NDB RWY 4 instrument approach procedure. The final approach course and name of the RBN have been changed as a result of relocation of the RBN to an off-airport site. The RBN relocation was associated with the establishment of a non-federal localizer (LOC) facility on the airport.

It is necessary to redesignate the extension and correct the RBN name and location in order to provide controlled airspace to protect aircraft executing the new NDB RWY 4 and LOC RWY 4 instrument approach procedures.

This amendment represent a change in the technical description of the transition area and imposes no greater constraints on the public than presently exist.

Request for Comments on the Rule

Although this action is in the form of a Final Rule and was not preceded by notice and public procedure, comments are invited on the rule. 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, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Greenville, South Carolina, transition area by redesignating an extension and correcting the name and location of an air navigational facility. Therefore, I find that notice or public procedure under 5 U.S.C. 533 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 G.m.t., May 13, 1982, by adding the following:

Greenville, South Carolina.

By amending § 71.181 in the description of the Greenville, South Carolina, Transition Area by deleting the words "* * * within 3 miles each side of the 210° bearing from Donaldson Center RBN (lat. 34°44'35"N., long. 82°23'31"W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN * * *" and substituting for them the words "* * * within 3 miles each side of the 220° bearing from the Dyana RBN (lat. 34°41'26"N., long. 82°26'45"W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN * * *."

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

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

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

Issued in East Point, Ga., on March 22, 1982.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 82-8742 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 210

Amendment to Rules of General Application and Special Rules for Adjudicated Investigations

AGENCY: International Trade Commission.

ACTION: Final rule.

SUMMARY: On February 10, 1982, the Commission published amendments to its rules of practice and procedure (47 FR 6182). Among those amendments, §§ 201.8(d) and 210.10(a) (19 CFR 201.8(d) and 210.10(a)) were amended to require an original and fourteen copies of each document filed with the Commission, in place of the earlier requirement of an original and nineteen copies. For the sake of conformity, the Commission is now amending § 210.5(c) (19 CFR 210.5(c)) to likewise require the submission of an original and fourteen copies of all documents submitted in connection with investigations under section 337 of the Tariff Act of 1980 (19 U.S.C. 1337). In addition, since all submissions to the Commission will now consist of an original and fourteen copies, the phrase "Except as provided in § 210.10(a)," is being deleted from § 201.8(d) as surplusage.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: These amendments involve no substantive changes to the Commission's rules and, in fact, reduce the burden on persons submitting documents to the Commission. Moreover, the amendments to rules §§ 201.8(d) and 210.10(a) were not opposed by any of the public comments received during the public comment period preceding the notice of February 10, 1982. Therefore, these rules are being published in final form, without first requesting public comment.

By order of the Commission.

Issued: March 23, 1982.

Kenneth R. Mason,

Secretary.

PART 201—RULES OF GENERAL APPLICATION

In § 201.8, the first sentence of paragraph (d) is revised to read as follows:

§ 201.8 Filing of documents

* * * * *

(d) *Number of copies.* A signed original and fourteen (14) copies of each document shall be filed. * * *

* * * * *

PART 210—ADJUDICATIVE PROCEDURES

In § 210.5, paragraph (c) is revised to read as follows:

§ 210.5 Written submissions.

* * * * *

(c) *Number of copies.* Except as otherwise provided for in this part or by the Commission, the original and fourteen (14) true copies of each submission shall be filed with the Commission.

* * * * *

(Sec. 335, 72 Stat. 680; 19 U.S.C. 1335)

[FR Doc. 82-8765 Filed 3-31-82; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

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

AGENCY: Social Security Administration, HHS.

ACTION: Interim rule with request for comments; correction.

SUMMARY: This document corrects an interim rule with request for comments on changes in the application of the earnings test for retirement purposes that appeared at page 6001 in the **Federal Register** of Wednesday, February 10, 1982 (47 FR 6001). This action is necessary to correct an error of omission in the citation.

DATES: The rule is effective February 10, 1982. Comments must be received on or before April 12, 1982. Any amendments suggested in those comments will be considered and any appropriate revisions will be made promptly.

ADDRESS: Comments on this rule should be submitted to: the Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

FOR FURTHER INFORMATION CONTACT: Ms. Clara Barrett Powell, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7459.

Approved: March 26, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

Accordingly, on page 47 FR 6001, the Department of Health and Human Services is correcting 20 CFR 404.429(b)(2)(iii) to read as follows:

§ 404.429 Earnings; defined.

* * * * *

(b) *Net earnings from self-employment net loss from self-employment.* * * *

(2) * * *

(iii) An individual is presumed to have royalties or other self-employment income countable for purposes of the earnings test until it is shown to the satisfaction of the Social Security Administration that such income may be excluded under § 404.429(b)(2)(i) or (ii).

* * * * *

[FR Doc. 82-8885 Filed 3-31-82; 8:45 am]
BILLING CODE 4190-11-M

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Income

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We are revising our rules on what we include as income in the Supplemental Security Income program by providing that unearned income includes amounts withheld from another program benefit to recover an overpayment. Section 1612 of the Social Security Act defines income for Supplemental Security Income (SSI) purposes and lists the kinds of receipts that are not considered to be income under the SSI program. Unearned income is defined as all income other than earned income and includes (but is not limited to) "any payments received as an annuity, pension, retirement, or disability benefit * * *", as well as prizes, awards, certain life insurance payments, gifts and inheritances, alimony and support payments, rents, dividends, interest, and royalties. These regulations provide that, for SSI purposes, unearned income includes the full amount of other program benefits even though the beneficiary actually receives a lesser amount because some or all is withheld to recover an overpayment.

"Previously, the Social Security Administration (SSA) included as unearned income the amount of another benefit remaining after it was reduced to recover an overpayment. This resulted in an increase in SSI benefits up to the amount withheld to recover the overpayment of the other benefit. The change effected by these regulations—including the amount of the other benefit before reduction to recover the overpayment—reflects our policy that SSI benefits should not be used to make up for an individual's reduction or satisfaction of a legal obligation.

EFFECTIVE: These regulations are effective April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, 3–B–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7460.

SUPPLEMENTARY INFORMATION: We published the notice of proposed rulemaking (NPRM) covering these rules on February 17, 1982 (47 FR 6885). We are revising our rules on what we include as income in the SSI program by providing that unearned income includes amounts withheld from another program benefit to recover an overpayment.

Section 1611 of the Social Security Act states that the amount of an individual's income is a condition of eligibility for SSI benefits. Section 1612 of the Act states that, with listed exceptions, income that is not earned is unearned and includes any payments such as annuities, pensions, retirement, or disability benefits. The statute does not cite reduction of other benefit payments to recover prior overpayments as one of the listed income exclusions.

In cases where part or all of another benefit payment is withheld to recover an overpayment, SSA formerly included the amount of that benefit remaining after it was reduced to recover an overpayment in determining eligibility for and the amount of an SSI benefit. This policy resulted in SSI benefits, in effect, being used to repay legal debts. Further, when we did not treat the entire amount of the other benefit as income, repayment of the legal obligation was, in effect, ignored, for SSI benefits were concomitantly increased by amounts up to the amount withheld by the other benefit program. We believe that a policy change to address this situation is consistent with the language and intent of the Social Security Act. Including as unearned income the amount withheld from the other benefit parallels the typical situation where an individual receives his or her benefit payment and voluntarily uses some or all of it to repay an outstanding debt.

We pointed out in the NPRM that we had not yet resolved how to treat a problem that could arise when individuals received SSI benefits at the same time they were overpaid benefits under another program. In such cases the SSI benefit would have been computed on the basis of the amount of

the other benefit, including the amount of the overpayment. If we later used the full amount of the other benefit to compute the SSI benefit, we would be including the overpaid amount twice. We have added an exception to § 416.1123(b)(1) to state that in computing an SSI benefit we will not include an overpaid amount twice.

We have determined that we can identify and correct cases where an SSI benefit was previously computed on the basis of an overpayment of a social security insurance benefit. We can, therefore, avoid disadvantaging SSI beneficiaries in this situation. Where other program benefit overpayments are being recovered (e.g., Veterans Administration, Railroad Retirement, etc.) we have no way to identify the cases. However, we will take prompt action to adjust SSI benefits upwards (retroactively, if necessary) as the cases are brought to our attention by beneficiaries or through the redetermination process. In our experience, the majority of adjustments involve social security insurance benefits.

These regulations revise § 416.1123(b) which explains how we count unearned income. In addition to setting out the new policy, we have added a paragraph (2) which explains that we include more unearned income than is actually received if the income is reduced because of garnishment or to cover an amount withheld for an item such as payment of Medicare premiums. This is not new policy but clarifies existing policy.

Comments in Response to Publication of Notice of Proposed Rulemaking (47 FR 6885)

Most commenters were concerned as to how we plan to prevent the "double counting" that may occur for individuals who received SSI and the overpaid benefit at the time the overpayment occurred. As we explain earlier in the preamble, we can identify and correct cases where the overpaid benefit is a social security insurance benefit. For the relatively small number of other program benefit overpayments (VA, for example), we will adjust SSI benefits upwards when we learn of the recovery action. We must rely on beneficiary advice and the redetermination process becasue other programs have no current tie-in with the SSI payment process to identify cases where such overpayments are being recovered.

On the same subject, two commenters pointed out that, in effect, SSI benefits were underpaid at the time an individual received an overpayment of another benefit. They say it will equalize this underpayment to adjust SSI benefits when the overpayment of the other benefit is being recovered. We agree and have stated that we will not count an overpaid amount twice if the beneficiary was receiving both benefits when the overpayment occurred.

Some commenters protest the overall reduction of income that will occur when SSI benefits are no longer increased to compensate for a reduction of another benefit to recover an overpayment. They believe this is inconsistent with the philosphy of a needs program. We understand this reaction but are not persuaded that it overrides the principle on which these regulations are based. SSI benefits are not intended to pay prior debts.

One commenter asked about the possibility of waiver of recovery of the overpayment of the other benefit. This possibility already exists with social security insurance benefits and the decision rests with SSA. We believe it also exists with most other program benefits, but the waiver decision in those cases rests with the administration of the other program. A notice of an overpayment of a social security insurance benefit always includes a statement that an individual can appeal the decision and also that recovery of the overpayment may be waived if the individual was without fault and it would defeat the purpose of title II or be against equity or good conscience. If recovery of the overpayment is waived, there will be no effect on the SSI benefits as SSA will not recover the overpayment.

A legal service is opposed to the policy implemented by these regulations as they believe it contravenes Congressional intent to provide SSI benefits in an amount minimally necessary for subsistence. They suggest that, if the rule is adopted, no more than a set amount (e.g., $20) of the amount being withheld to recover the overpayment be counted as income for SSI purposes. As we stated previously, the statute does not cite reduction of other benefit payments to recover prior overpayments as one of the listed income exclusions. The amount withheld is received by the individual since it is used to reduce the individual's obligations. We have no authority under the statute to do as the commenter suggests.

A commenter believes that these rules are contrary to the statute which defines unearned income as "payment received as an annutiy. . . ." We beleieve that income is received in various forms including the amount used to pay an individual's obligations. For example, monies are withheld to cover Medicare preminums, garnishment, etc.

A legal service protests the policy implemented in these regulations because it gives the beneficiary no choices. They point out that SSI beneficiaries frequently make hard choices as to which bills to pay each month or which needs to shortcut. While we understand this commenter's concern, we do not believe it overrides the validity of the policy as we have explained it in this preamble.

A commenter suggested that we take a two-step approach—consider the gross amount of the other benefit to determine eligibility and the net amount to determine payment amount. We usually consider the gross amount to determine eligibility and payment amount. However, we consider the net amount for both eligibility and payment amount if the individual was receiving both benefits when the overpayment occurred. In any event, we have no authority under the statute to regard the same income as being two different amounts.

A commenter believes the policy established in these regulations is disadvantageous to individuals who did not receive SSI benefits when the overpayment of another benefit occurred, who were without fault in creating the overpayment, but at that time, had sufficient income to repay the amount in installments. If these individuals subsequently qualify for SSI benefits, the SSI benefits will be reduced because we use the unreduced amount of the other benefit to compute the SSI benefit. We suggest that an individual in these circumstances return to the agency whose benefit was overpaid and request that the agency renegotiate the terms of the installment-payment agreement and reduce the amounts withheld each month.

A State noted that since SSA administers their Medicaid and supplemental payments, they must follow SSI policy in establishing eligibility and treatment of income. They anticipate that private, for-profit medical care or domiciliary-care facilities will discharge residents who cannot pay the full cost of their care. We would note that overall income of such individuals will not be reduced in the majority of cases—those where the individual was receiving both benefits when the overpayment of the other benefit occurred. The others, those individuals who were not receiving both benefits at the time, will have their overall income reduced. The most likely remedy for this situation is to request that recovery of the other benefit be

waived or that recovery be spread over a period of time so that the amount withheld monthly will be lower.

Regulatory Procedures

Executive Order 12291—These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act—We certify that these regulations, if promulgated, will not have a significant impact on a substantial number of small entities because they primarily affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act—These regulations impose no additional reporting and recordkeeping requirement requiring OMB clearance. SSA has clearance for the form (SSA–8150, OMB No. 0960–0128) on which beneficiaries report changes in income.

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Assistance program No. 13.807, Supplementary Security Income Program)

Dated: March 23, 1982.

Paul B. Simmons,

Acting Commissioner of Social Security.

Approved: March 24, 1982.

Richard S. Schweiker,

Secretary, Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart K of Part 416 reads as follows:

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631, of the Social Security Act, as amended; Sec. 211 of Pub. L. 93–66; 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1470, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154; 42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, and 1383.

2. In § 416.1123 paragraph (b) is revised to read as follows:

§ 416.1123 How we count unearned income.

* * * * *

(b) *Amount considered as income.* We may include more or less of your unearned income than you actually receive.

(1) We include more than you actually receive where another benefit payment (such as a social security insurance benefit) (see § 416.1121) has been reduced to recover a previous overpayment. You are repaying a legal obligation through the withholding of portions of your benefit amount, and the amount of the debt reduction is also part of your unearned income. *Exception:* We do not include more than you actually receive if you received both SSI benefits and the other benefit at the time the overpayment of the other benefit occurred and the overpaid amount was included in figuring your SSI benefit at that time.

Example: Joe, and SSI beneficiary, is also entitled to social security insurance benefits in the amount of $200 per month. However, because of a prior overpayment of his social security insurance benefits, $20 per month is being withheld to recover the overpayment. In figuring the amount of his SSI benefits, the full monthly social security insurance benefit of $200 is included in Joe's unearned income. However, if Joe was receiving both benefits when the overpayment of the social security insurance benefit occurred and we then included the overpaid amount as income, we will compute his SSI benefit on the basis of receiving $180 as a social security insurance benefit. This is because we recognize that we computed his SSI benefit on the basis of the higher amount when he was overpaid.

(2) We also include more than you actually receive if amounts are withheld from unearned income because of a garnishment or to make certain payments such as payment of your Medicare premiums.

(3) We include less than you actually receive if part of the payment is for an expense you had in getting the payment. For example, if you are paid for damages you receive in an accident, we subtract from the amount of the payment your medical, legal, or other expenses connected with the accident. If you receive a retroactive check from a benefit program other than SSI, legal fees connected with the claim are subtracted. We do not subtract from any taxable unearned income the part you have to use to pay personal income taxes. The payment of taxes is not an expense you have in getting income.

(4) In certain situations, we may consider someone else's income to be available to you, whether or not it actually is. (For the rules on this process, called deeming, see §§ 416.1160 through 416.1169.)

* * * * *

[FR Doc. 82–8617 Filed 3–31–82; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 626

[FHWA Docket No. 82–2]

Design Standards for Highway Pavement Structures

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendments to final rules.

SUMMARY: The FHWA is adopting a document approved by the American Association of State Highway and Transportation Officials (AASHTO) which revises the chapter of the "AASHTO Interim Guide for Design of Pavement Structures—1972" concerning the structural design of rigid pavements. The document entitled "AASHTO Interim Guide for Design of Pavement Structures—1972, Chapter III Revised, 1981" will be substituted for the existing publication which is now incorporated by reference in 23 CFR Parts 625 and 626. The revised AASHTO publication constitutes the FHWA's policy on the design of pavement structures for all federally assisted construction and reconstruction projects. The FHWA is requesting comments on the revisions to the design guide.

DATES: These amendments are effective on April 1, 1982. Comments must be received on or before June 30, 1982.

ADDRESSES: Submit written comments, preferably in triplicate, to FHWA Docket No. 82–2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard. The current and revised design guides are on file at the Office of the **Federal Register** in Washington, D.C., and are available for inspection and copying at the FHWA Washington Headquarters and all FHWA Division and Regional offices as prescribed in 49 CFR Part 7, Appendix D. Copies of current AASHTO publications are also available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001. A limited number of copies of the publication being adopted are available on request from Mr. Leon M. Noel at the address provided below.

FOR FURTHER INFORMATION CONTACT:
Mr. Leon M. Noel, Highway Design Division, Office of Engineering, 202–426–0327, or Mr. Michael J. Laska, Office of the Chief Counsel, 202–426–0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The standards, policies, and guides that have been approved by the FHWA for application on all Federal-aid highway projects are incorporated by reference in 23 CFR Part 625. The provisions that apply to roadway design are listed in 23 CFR 625.3(a). Pavement design policy and procedures are also contained in 23 CFR Part 626.

The American Association of State Highway and Transportation Officials (AASHTO) is an organization which represents 51 of the 52 State highway and transportation agencies (including the District of Columbia and Puerto Rico). Its members consist of the duly constituted heads and other chief directing officials of the 51 agencies. The Secretary of the United States Department of Transportation (DOT) is an ex-officio member, and DOT officials participate in various AASHTO activities as non-voting representatives. Prior to 1974, the AASHTO was known as the American Association of State Highway Officials (AASHO).

Among other functions, the AASHTO develops and issues standards, specifications, policies, guides, and related materials for selective use by the States on their highway projects. Due to the AASHTO's recognized expertise and representation of almost all State highway and transportation agencies, the FHWA has worked with the AASHTO over the years in the development of design standards pursuant to the provisions of Federal law (Title 23 U.S.C.) which direct the FHWA to consult and cooperate with the States in that regard. Many of the standards, policies, and guides approved by the FHWA and incorporated in 23 CFR Part 625 were developed and issued by the AASHTO. Revisions made to such documents by the AASHTO are reviewed and adopted by the FHWA, as appropriate, for use on Federal-aid projects.

Recently the AASHTO approved the "AASHTO Interim Guide for Design of Pavement Structures—1972, Chapter III Revised, 1981." This document is referred to as the "Revised Guide" in this notice.

Summary of Revisions

The Revised Guide describes procedures and guidelines for the structural design of both flexible (asphalt concrete) and rigid (portland cement concrete) highway pavements. The 1981 revisions affect the structural design of rigid pavement only. The changes contained in the Revised Guide are: (1) To prescribe a range and to encourage use of a higher factor of safety on high volume highways and where future rehabilitation would cause severe inconvenience to the travelling public; and (2) to recommend that (with certain exceptions) continuously reinforced concrete pavements have the same design thickness as jointed pavements, under the same conditions. The revisions generally would allow design engineers more flexibility in designing rigid pavement structures to fit local conditions. The revisions apply entirely to the former Chapter III, "Interim Guide for the Design of Rigid Pavement Structures"and Appendix D, "development of Factors Pertaining to Design of Rigid Pavement Structures." It should be noted that the term "interim" has been removed from Chapter III in the Revised Guide.

Although a number of revisions have been made, only two are considered to have any qualitative impact on the design of rigid pavements. The first is the introduction of an allowable range for the "factor of safety" to be used by the designer. Under certain, relatively uncommon, situations the designer may select a somewhat higher factor of safety than had previously been allowed. The effect of this revision would be to increase pavement thickness where, in the judgment or experience of the designer, the consequences of premature pavement failure would be severe.

The second noteworthy revision relates to the thickness of continuously reinforced concrete pavements (CRCP). The superseded guide allowed CRCP thickness to be less than that obtained from the design charts "with the amount of reduction in thickness being based on local experiences or other studies." The Revised Guide, on the other hand, recommends that CRCP "should have the same thickness as jointed pavement unless local experience shows that thinner slabs will perform satisfactorily." This revision might also result in the construction of slightly thicker pavement slabs over the long term.

The remainder of the revisions are more technical state-of-the-art changes and are expected to have minimal influence over pavement thicknesses or costs.

Regulatory Impact

The costs and procedures for most common rigid pavement designs will not change. However, in a few situations, the changes described above could result in relatively minor increases in rigid pavement construction costs. It is anticipated that any increases, where they occur, will be more than offset by (1) reduced or deferred expenditures for maintenance and reconstruction, (2) probable reductions in congestion and delays by the travelling public caused by future detours during reconstruction operations, and (3) increased public safety by reducing the need for future maintenance.

The initial construction costs on some projects would be expected to be somewhat higher than they would have been if designed under the superseded Interim Guide. The higher costs would be attributable to increased pavement thickness due to the use of a higher factor of safety. In an extreme case, the use of the maximum allowable factor of safety (2.0) would result in a pavement slab approximately two inches thicker than that resulting from application of the superseded Interim Guide. The Guide offers criteria to assist design engineers in determining when and to what extent each of the factors are to be used. It is emphasized that since these revisions are to be applied on a project by project basis in order to minimize future maintenance and reconstruction costs, total life cycle pavement costs would be lessened by application of these revisions. For the above reasons, it has been determined that the economic impacts of the adoption of the Revised Guide will be minimal. Accordingly, a full regulatory evaluation is not required. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant impact on a substantial number of small entities.

Review Procedure

Publications of the AASHTO have a significant influence on the highway design policies of State and local agencies. Because it is to the advantage of all parties to use a single policy on design criteria regardless of funding source (i.e. Federal, State or local), the AASHTO has submitted a copy of the Revised Guide to the Federal Highway Administrator with a request that the FHWA take whatever action it deems necessary to have the document approved for use on Federal-aid projects. The FHWA has reviewed the Revised Guide and has made the following determinations:

1. The AASHTO, which represents 51 State highway and transportation agencies, has approved the Revised Guide.

2. The Revised Guide makes changes to only one out of four chapters of the existing "Interim Guide for Design of Pavement Structures—1972," which is presently approved by the FHWA for application on Federal-aid projects and incorporated by reference in the code of Federal Regulations (23 CFR Parts 625 and 626).

3. The revisions affect only the design of rigid pavements.

4. The Revised Guide encourages the use of a higher factor of safety on high volume highways.

5. The Revised Guide merely allows engineers greater flexibility in designing rigid pavement structures to adapt to local conditions.

6. The Revised Guide will help reduce or defer expenditures for maintenance and reconstruction.

7. The Revised Guide will have a minimal economic impact and will not have a significant impact on a substantial number of small entities.

For the foregoing reasons, the FHWA finds good cause to make this amendment effective without prior notice and opportunity for comment and without a 30-day delay in effective date. Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, this amendment is effective upon publication. However, the FHWA gives notice that comments on the Revised Guide will be accepted and evaluated in determining the need for future revisions to the final rule.

While the FHWA does not anticipate that there will be any useful public comment on the general issue of the adoption of the Revised Guide, there may be technical comments on some portions of the Guide. For this reason, publication of this final rule without an opportunity for prior comment, but with a request for comments following publication, is consistent with the Department of Transportation's regulatory policies and procedures.

The Federal Highway Administration has determined that this notice contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

In consideration of the foregoing and under the authority of 23 U.S.C. 101(e), 109, and 315, and 49 CFR 1.48(b), the FHWA hereby amends 23 CFR Parts 625 and 626 as set forth below.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

1. Amend § 625.3(a)(13) to read as follows:

§ 625.3 [Amended]

(a) * * *

(13) AASHTO Interim Guide for Design of Pavement Structures—1972, Chapter III Revised, 1981, AASHTO.[2] Pavement design may be based upon procedures and practices of individual agencies that by past performance have proved satisfactory for the pertinent conditions; however, the FHWA will use this guide to evaluate the adequacy of the design proposed.

* * * * *

PART 626—PAVEMENT DESIGN POLICY

§§ 626.5 and 626.7 [Amended]

2. Amend §§ 626.5(a) and 626.7(d) by adding a comma after "1972" each time it appears and inserting the following thereafter: "Chapter III Revised, 1981."

(Catalog of Federal Domestic Assistance Program No. 20.205, 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 26, 1982

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-8879 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 3

[CGD 82-019]

Captain of the Port and Marine Inspection Zones; Boundary Realignments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule modifies several Captain of the Port Zones and Marine Inspection Zones within the Third, Ninth, Twelfth and Fourteenth Coast Guard Districts. These zone modifications are organizational changes only and do not substantively change existing requirements or responsibilities of either the public or the Coast Guard. These changes are being implemented to realize cost savings through a more efficient utilization of available resources.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Bennett C. Osborne, Office of Marine Environment and Systems (G-WPE), Room 1108, (202) 426-1450 or Lieutenant Wayne R. Hamilton, Office of Merchant Marine Safety (G-MP), Room 2406, (202) 426-1483, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, between 7:00 A.M. and 3:30 P.M. Monday through Friday except holidays.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A). Executive Order 12291 does not apply to matters of agency organization (section 1(a)(3)). These amendments are editorial in nature and are considered to be non-significant under DOT Order 2100.5 of May 22, 1980. These regulations simply redefine the areas of responsibility for and in some cases relocate several Captain of the Port Offices and Marine Inspection Offices. The only changes to be experienced by the public as a result of this regulation is the specific Coast Guard office having jurisdiction over a particular area, and from what location the Coast Guard will enforce that jurisdiction. No additional requirements will be imposed on the public as a result of this rulemaking. Currently most inspections and investigations are conducted at the location of the vessel facility or incident involved. Accordingly, a vast majority of any additional travel resulting from the relocation of these offices will be borne by the Coast Guard, not the public. In addition this regulation does not address any proposed changes to the location of Coast Guard Documentation Offices as listed in 46 CFR 66 or changes to the location of Coast Guard Licensing Offices noted in 46 CFR Parts 1, 10, 12 and 187. Proposed changes to the location of those offices will be addressed in separate rulemaking under Coast Guard Docket Numbers CGD 82-018 and CGD 82-033 respectively. Accordingly, as the public is not generally required to visit Captain of the Port Offices or Marine Inspection Offices for inspections or investigations this regulation will have a minimum impact on the public. In addition an economic evaluation of this Final Rule has not been conducted since its impact is expected to be minimal. As existing requirements and responsibilities will not be altered, overall cost to the public will not change. The Coast Guard anticipates an approximate savings of

$400,000.00 in FY 1982 and an annual savings thereafter of $800,000.00 as a result of these changes. This rulemaking imposes no burdens on the public as it is solely organizational in nature. Since it will have no economic impact on any entities outside the Coast Guard, it is certified pursuant to § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164; PL 96–354) that this Final Rule will not have a significant economic impact on a substantial number of small entities.

Environmental Evaluation: The Coast Guard has determined that this rule does not constitute a major federal action significantly affecting the quality of the human environment. Therefore , no environmental assessment or environmental impact statement was prepared.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Lieutenant Commander Bennett C. Osborne, Office of Marine Environment and Systems and Lieutenant Wayne R. Hamilton, Office of Merchant Marine Safety (Project Managers) and Lieutenant Michael L. Tagg, Office of Chief Counsel, (Project Attorney).

List of Subjects in 33 CFR Part 3

Coast Guard, Organization and Functions (Government agencies).

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

In consideration of the foregoing sections of Part 3 Title 33 of the Code of Federal Regulations are amended as follows:

(1) Section 3.15–10 is revised to read as follows:

§ 3.15–10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, NY with a sub-office in New London, CT.

(b) The New York Marine Inspection Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0′ N. latitude near Barryville, New York; thence in a northwesterly direction along the east bank of the Delaware River to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence south along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachussetts, New York, and Connecticut boundaries; thence east along the Connecticut-Massachusetts boundary, including the waters of the Congamond Lakes to the Connecticut-Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude, at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence southerly along 71°51.6′ W. longitude to Montauk Point Light.

§ 3.15–15 [Removed]

(2) Section 3.15–15 *Albany Marine Inspection Zone and Captain of the Port Zone* is removed.

(3) Section 3.15–55 is revised to read as follows:

§ 3.15–55 New London Captain of the Port Zone.

(a) The New London Captain of the Port Office is located in New London, CT.

(b) The New London Captain of the Port Zone starts at Watch Hill Light, Rhode Island; thence southerly along 71°51.6′ W. longitude to 41°10.0′ N. latitude; thence westerly along 41°10.0′ N. latitude to 71°12.1′ W. longitude on the shore of Plum Island; thence westerly to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 72°38.0′ W. longitude; thence due north to the Connecticut shoreline; thence westward along the Connecticut shoreline to 72°40.0′ W. longitude; thence due north to Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light.

(4) Section 3.15–60 is revised to read as follows:

§ 3.15–60 New York Captain of the Port Zone.

(a) The New York Captain of the Port is located in New York, N.Y.

(b) The New York Captain of the Port Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0′ N. latitude near Barryville, New York; thence in a northwesterly direction along the east bank of the Delaware River to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence south along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence south along the New York-Connecticut boundary to 41°01.5′ N. latitude, 73°40.0′ W. longitude; thence due south to 40°58.0′ N. latitude at the southern shore of Manursing Island, thence south-southeasterly to the north shore of Long Island at Dosoris Island at 40°53.7′ N. latitude, 73°38.2′ W. longitude; thence due south to 40°41.5′ N. latitude; thence east-northeasterly to 40°49.5′ N. latitude, 73°00.0′ W. longitude; thence due north to the Long Island shoreline; thence easterly along the Long Island shoreline to Orient Point Light; thence easterly to the shoreline of Plum Island at 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence due east to 71°51.6′ W. longitude; thence southerly along 71°51.6′ W. longitude to Montauk Point Light.

(5) Section 3.45–5 is revised to read as follows:

§ 3.45–5 Cleveland Marine Inspection Zone and Captain of the Port Zone.

(a) The Cleveland Marine Inspection Office and the Cleveland Captain of the Port Office are located in Cleveland, Ohio.

(b) The Cleveland Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82°25′ W.; thence due south

to latitude 41° N.; thence due east to longitude 80°31'12" W. (Ohio/Pennsylvania State boundary); thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

(c) Notwithstanding paragraph (b) of this section and § 3.10–50(b), factory inspections at the towns of Alliance and Sebring, Ohio, are conducted by marine inspectors from the Cleveland Marine Inspection Office rather than from the Pittsburgh Marine Inspection Office.

(6) Section 3.45–10 is revised to read as follows:

§ 3.45–10 Buffalo Marine Inspection Zone and Captain of the Port Zone.

(a) The Buffalo Marine Inspection Office and the Buffalo Captain of the Port Office are located in Buffalo, New York.

(b) The Buffalo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 80°31'12" W. (Ohio/Pennsylvania State boundary); thence due south to latitude 41°N.; thence due east to longitude 78°55' W.; thence due north to latitude 42° N.; thence due east to longitude 74°39' W.; thence due north to the international boundary; thence southeasterly along the international boundary to the starting point.

(7) Section 3.45–30 is revised to read as follows:

§ 3.45–30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.

(a) The Milwaukee Marine Inspection Office and the Milwaukee Captain of the Port Office are located in Milwaukee, Wisconsin.

(b) The boundary of the Milwaukee Captain of the Port Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N., longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence due west to longitude 90° W.; thence due south to the starting point.

(c) The boundary of the Milwaukee Marine Inspection Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 43°52'36" N.; thence due west to longitude 88°02'24" W.; thence due north to latitude 44°16'20" N.; thence due west to longitude 90° W.; thence due south to the starting point.

(8) Section 3.45–35 is revised to read as follows:

§ 3.45–35 Sturgeon Bay Marine Inspection Zone.

(a) The Sturgeon Bay Marine Inspection Office is located in Sturgeon Bay, Wisconsin.

(b) The boundary of the Sturgeon Bay Marine Inspection Zone starts at latitude 46°20' N.; longitude 90° W.; thence due south to latitude 44°16'20" N.; thence due east to longitude 88°02'24" W.; thence due south to latitude 43°52'36" N.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N.; longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence due west to the starting point.

§ 3.60–50 [Removed]

(9) Section 3.60–50 *Monterey Captain of the Port Zone* is removed.

(10) Section 3.60–55 is revised to read as follows:

§ 3.60–55 San Francisco Marine Inspection Zone and Captain of the Port Zone.

(a) The San Francisco Marine Inspection Office and Captain of the Port Office are located in San Francisco, California.

(b) The San Francisco Marine Inspection Zone and Captain of the Port Zone comprises the land masses and waters of Utah, except for Washington, Kane, San Juan, and Garfield Counties; Nevada, except for Clark County; and all of California north of Santa Barbara, Kern, and San Bernardino Counties.

§ 3.60–60 [Removed]

(11) Section 3.60–60 *Humboldt Bay Captain of the Port Zone* is removed.

(12) Section 3.70–10 is revised to read as follows:

§ 3.70–10 Honolulu Marine Inspection Zone and Captain of the Port Zone.

(a) The Honolulu Marine Inspection Office and Captain of the Port Office are in Honolulu, Hawaii.

(b) The Honolulu Marine Inspection Zone and the Captain of the Port Zone boundaries are the boundaries of the Fourteenth Coast Guard District.

(c) Required notifications to the Officer in Charge, Marine Inspection and/or the Captain of the Port, Honolulu may be made in American Samoa to: United States Coast Guard Liaison Office, American Samoa, P.O. Box 249, Pago Pago, American Samoa 96799: and in Guam, to: Commander, United States Coast Guard Marianas Section, Box 176, FPO San Francisco, CA 96328.

§ 3.70–15 [Removed]

(13) Section 3.70–15 *Guam Marine Inspection Zone and Captain of the Port Zone* is removed.

(Sec. 2, 92 Stat. 1477, Ch. 221, Sec. 2, 23 Stat. 118, as amended, R.S. 4405, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 1231, 46 U.S.C. 2, 375, 416, 49 U.S.C. 1655(b))

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

March 26, 1982.

[FR Doc. 82–8830 Filed 3–31–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 81

[CGD 77–136]

72 COLREGS Certificates of Alternative Compliance

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations amend the application procedure for Certificates of Alternative Compliance under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). The specific amendments deal with: (1) Who may apply for a Certificate of Alternative Compliance; (2) information that must be included in an application; (3) the maintenance of permanent certification records; (4) the termination date of the certificate; and (5) several editorial changes. These changes will provide for faster, more efficient administration of the certification process and will simplify application requirements.

EFFECTIVE DATE: This regulation is effective on May 3, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 245–0108.

SUPPLEMENTARY INFORMATION: On January 26, 1981, the Coast Guard published these amendments as a proposed rule (46 FR 8030). Interested persons were given until March 27, 1981, to submit comments. Comments were received from two sources.

In a separate rulemaking, the part number for this regulation was changed from 87 to 81 (see 46 FR 28153, May 26, 1981). The final rule reflects this change.

OMB CONTROL NUMBER: 2115–0073.

PAPERWORK REDUCTION ACT: Information collection and recordkeeping requirements contained in this regulation (§§ 81.5 and 81.18)

have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2115–0073.

DRAFTING INFORMATION: The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Navigation, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

DISCUSSION OF COMMENTS: One commenter was concerned that the Chief of the Marine Safety Division in each Coast Guard District as a "staff officer" should not be in the position of granting Certificates of Alternative Compliance, but rather should be available for appeals from decisions made by lower, more operationally oriented personnel. The comment has not been adopted. Certificates of Alternative Compliance are now reviewed and issued by the Coast Guard Headquarters Office responsible for the navigation rules. Delegation of this responsibility to the District level permits review closer to the actual vessel, but still promotes a uniform policy in application review. Headquarters is then also available for appeals from District decisions. The Chief of the Marine Safety Division may assign review of applications to whichever staff or operational personnel he believes most appropriate, but the actual Certificates or denials will be issued by him to ensure consistent policy application.

Another commenter objected to the delegation of the application reviewing function to the District level, saying that the decentralization would lead to non-uniform policies in the determination of permitted alternative compliance with the navigation light, shape, and sound signal requirements. At least 95% of the applications for Certificates of Alternative Complicance have been for offshore supply vessels (used in the oil and gas industry). These vessels are built almost exclusively in the Eighth Coast Guard District which is directed from New Orleans. For that type of vessel policy will be administered by a single official. Other vessels involved are usually very specialized and uncommon, such that each application must be decided on a case by case basis, rather than on the basis of established policy. The probability that uneven policy application will develop is therefore very low. In any event, Coast Guard Headquarters will be available to advise on policy or to decide appeals. For these reasons, the comment is not adopted.

The same commenter was concerned that a list of vessels receiving Certificates of Alternative Compliance be available to ship operators, and that the source of that list be published. The regulations state that copies of Certificates issued may be inspected at Coast Guard Headquarters, Office of Navigation. A list of the names or hull numbers of vessels granted Certificates would not be useful to a mariner because the vessels could not be identified at night and underway until it was extremely close, in which case the fact that a Certificate had been granted would not be useful information. The Coast Guard has no record of any requests for a list of vessels receiving Certificates of Alternative Compliance since 72 COLREGS went into effect in 1977. The comment has not been adopted.

§ 81.9(h) says "A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the Certificate is issued." One of the commenters suggested that the words ". . . or when the vessel is altered in a manner affecting the alternate installation" be added to the end. Although the addition might be worthwhile from an enforcement official's viewpoint, the uncertainty inherent in such a condition would outweigh any benefit achieved. The suggestion was not adopted.

Regulatory Analysis

These regulations have been determined to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The basis for this determination and for the Regulatory Flexibility Act certification has been published in the Notice of Proposed Rulemaking found at 46 FR 8030, January 26, 1981.

Under the criteria established in Section 1 of Executive Order 12291, these final amendments have been determined to be non-major. The regulations ease the previous reporting requirements and will speed the certification process. No additional costs are imposed and the regulations will have no adverse effect on competition, employment, investment, productivity, innovation, or the ability of American enterprises to compete in foreign or domestic markets.

These regulations contain an information collection request as defined by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Pursuant to the requirements of the Act, this request was submitted to the Office of Management and Budget for comment. No comments were received and the OMB Control No. 2115–0073 was granted.

PART 81—72 COLREGS: IMPLEMENTING RULES

Accordingly, Part 1—72 COLREGS: Implementing Rules is amended as follows:

1. By revising § 81.1 to read as follows:

§ 81.1 Definitions.

As used in this part:

"72 COLREGS" refers to the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, as amended.

"A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under 72 COLREGS prevents or significantly hinders the operation in which the vessel is usually engaged.

2. By adding a new § 81.3 to read as follows:

§ 81.3 General

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the 72 COLREGS. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 81.5 and 81.18 have been approved by the Office of Management and Budget under OMB control No. 2115–0073.

3. By revising § 81.5 to read as follows:

§ 81.5 Application for a Certificate of Alternative Compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the 72 COLREGS light, shape, or sound signal provisions without interference with its

special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its—

(i) Official number;

(ii) Shipyard hull number;

(iii) Hull identification number; or

(iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The 72 COLREGS Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable 72 COLREGS Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows—

(i) The required installation of the equipment under the 72 COLREGS,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in—

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

4. By revising § 81.9 to read as follows:

§ 81.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 81.5(a)(2);

(b) The provision of the 72 COLREGS for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the 72 COLREGS lights, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the 72 COLREGS without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 81.13 [Removed]

5. By removing and reserving § 81.13.

6. By revising § 81.17 to read as follows:

§ 81.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 81.5(a) or the Certificate issued under § 81.9 is no longer applicable to the vessel.

§ 81.17 [Amended]

7. By removing the note following § 81.17.

8. By revising § 81.18 to read as follows:

§ 81.18 Notice and record of certification of vessels of special construction or purpose.

(a) In accordance with 33 U.S.C. 1605(c), a notice is published in the Federal Register of the following:

(1) Each Certificate of Alternative Compliance issued under § 81.9; and

(2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.

(b) Copies of Certificate of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Coast Guard Headquarters, Office of Navigation, 2100 Second Street S.W., Washington, D.C. 20593.

(c) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

Appendices A and B [Removed]

9. By removing Appendices B and C.

(Sec. 8, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(n)(11))

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-8832 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 89

[CGD 80-157]

Inland Navigation Rules Certificates of Alternative Compliance

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations establish producers concerning Certificates of Alternative Compliance for vessels of special construction or purpose which cannot fully comply with the technical navigation light and sound signal appliance requirements of the new Inland Navigation Rules. These regulations implement Rule 1(e) contained in the Inland Navigational Rules Act of 1980.

EFFECTIVE DATE: This regulation is effective on May 3, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Coast Guard published these amendments as a proposed rule (46 FR 26661). Interested persons were given until June 19, 1981 to submit comments. Comments were received from four sources.

OMB control No. 2115-0074.

Paperwork Reduction Act: Information collection and recordkeeping requirements contained in this regulation (§§ 89.5 and 89.18) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2115-0074.

Drafting Information: The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Navigation, and

Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of comments: One commenter objected to the delegation of the application reviewing function to the District level, saying that the decentralization would lead to non-uniform policies in the determination of permitted alternative compliance with the navigation light, shape, and sound signal requirements. The Coast Guard's experience with 72 COLREGS Certificates of Alternative Compliance indicates that this will not likely become a probiem. At least 95% of the applications for Certificates of Alternative Compliance have been for offshore supply vessels (used in the oil and gas industry). These vessels are built almost exclusively in the Eight Coast Guard District which is directed from New Orleans. For that type of vessel policy would be administered by a single source. Other vessels involved are usually very specialized and uncommon, such that each application must be decided on a case-by-case basis, rather than on the basis of established policy. The probability that uneven policy application will develop is therefore very low. In any event, Coast Guard Headquarters will be available to advise on policy or to decide appeals. For these reasons, the comment is not adopted.

The same commenter was concerned that a list of vessels receiving Certificates of Alternative Compliance be available to ship operators, and that the source of that list be published. The regulations state that copies of Certificates issued may be inspected at Coast Guard Headquarters, Office of Navigation. A list of the names or hull numbers of vessels granted Certificates would not be useful to a mariner because the vessels could not be identified at night and underway until it was extremely close, in which case the fact that a Certificate had been granted would not be useful information. The Coast Guard has no record of any requests for a list of vessels receiving 72 COLREGS Certificates of Alternative Compliance since 72 COLREGS went into effect in 1977. The comment has not been adopted.

Section 81.9(h) says "A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the Certificate is issued." One of the commenters suggested that the words ". . . or when the vessel is altered in a manner affecting the alternate installation" be added to the end. Although the addition might be worthwhile from an enforcement official's viewpoint, the uncertainty inherent in such a condition would outweigh any benefit achieved. The suggestion was not adopted.

One commenter suggested that the words "class or type" of vessel be included to indicate that Certificates could be granted for a class of vessel or type of vessel. Certificates *may* be granted for a *class* of *identical* vessels, but identifying information must be provided in the application for each vessel. Certificates will not be granted for a vessel *type* as this is not authorized by the Navigation Rules or by legislation.

The remainder of the comments suggested various criteria for determining if a Certificate of Alternative Compliance should be granted. The criteria to be used are set out in Rule 1(e) and were not the subject of this rulemaking, which establishes the administrative procedures for application for and granting of Certificates.

Regulatory Analysis: These regulations have been determined to be nonsignificant in accordance with the guidelines set out in the Policies nd Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The basis for this determination and for the Regulatory Flexibility Act certification was published in the Notice of Proposed Rulemaking found at 46 FR 26661, May 14, 1981.

Under the criteria established in Section 1 of Executive Order 12291, these final amendments have been determined to be non-major. The regulations ease the previous reporting requirements and will speed the certification process. No additional costs are imposed and the regulations will have no adverse effect on competition, employment, investment, productivity, innovation, or the ability of American enterprises to compete in foreign or domestic markets.

These regulations contain an information collection request as defined by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Pursuant to the requirements of the Act, this request was submitted to the Office of Management and Budget for comment. No comments were received and the OMB Control No. 2115–0074 was granted.

Accordingly, a new Part 89—*Inland Navigation Rules: Implementing Rules,* Title 33, Code of Federal Regulations, is added to read as follows:

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

Sec.
89.1 Definitions.
89.3 General.
89.5 Application for a certificate of alternative compliance.
89.9 Certificate of alternative compliance; Contents.
89.17 Certificate of alternative compliance: Termination.
89.18 Record of certification of vessels of special construction or purpose.

Authority: Sec. 3, Pub. L. 96–591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 89.1 Definitions.

As used in this part:

"Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Public Law 96–591) and the technical annexes established under that act.

"A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

§ 89.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 89.5 and 89.18 have been approved by the Office of Management and Budget under OMB control number 2115–0074.

§ 89.5 Application for a certificate of alternative compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the

Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its—

(i) Official number;

(ii) Shipyard hull number;

(iii) Hull identification number; or

(iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows—

(i) The required installation of the equipment under the 72 COLREGS,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in—

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

§ 89.9 Certificate of alternative compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 89.5(a)(2);

(b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 89.17 Certificate of alternative compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

§ 89.18 Record of certification of vessels of special construction or purpose.

(a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Coast Guard Headquarters, Office of Navigation, 2100 Second Street SW., Washington, D.C. 20593.

(b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14))

Dated: February 16, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-6833 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD 80-094]

Safety Zone; Snake Island, Texas City, Tex.; Mooring and Fleeting of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone prohibiting all vessels from mooring or anchoring, and all barges from fleeting, grounding, or stopping on the west or northwest shore of Snake Island and adjacent waters to the west except in an emergency. Because of the particularly hazardous cargoes regularly laden aboard vessels in Texas City Channel, the safe operation of all vessels in this area is of critical importance. This regulation will help eliminate potentially dangerous situations and help to relieve congestion in the Texas City Channel.

EFFECTIVE DATE: This regulation is effective April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander David L. Edwards, Project Manager, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: On July 13, 1981, the Coast Guard published a notice of proposed rulemaking (46 FR 35941) concerning this amendment. Interested persons were given until August 27, 1981 to submit comments. Two comments were received. No public hearing was held.

Drafting information: The principal persons involved in drafting this document are: Lieutenant Commander David L. Edwards, Office of Marine Environment and Systems, Project Manager, and Lieutenant Michael Tagg, Office of the Chief Counsel, Project Attorney.

Discussion of the comments: Two comments were received. One comment opposed this regulation, stating that the area was already under the control of the Houston-Galveston Vessel Traffic Service and the Captain of the Port, Galveston. Although VTS Houston-Galveston and the COTP Galveston overlap in this area, VTS Houston-Galveston has no authority to establish safety zones, and COTP orders are generally of a temporary nature only. The only way to permanently solve the barge fleeting problem is to issue a permanent safety regulation.

One comment supported the proposed regulation, believing that it will enhance navigation safety in the Snake Island area.

Economic evaluation: This regulation has been evaluated under Executive Order 12291 and the Coast Guard has determined that this is not a major regulation. This regulation has also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980 and has been determined to be nonsignificant. An economic evaluation has not been

conducted since its impact is expected to be minimal. These regulations have been in effect as a temporary COTP order since March 9, 1977 and no additional costs were imposed on towboat operators by the order. Since that time, all parties concerned in the rulemaking have accommodated themselves to the regulation. The tow boat operators vary greatly in size of operations, but none of them dominates the field. No complaints or comments about unequal or excessive impact of the COTP order have been received by the COTP since the COTP order was first issued, and none of the comments addressed such a problem. For these reasons, pursuant to section 605(b) of the regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96–354) it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

PART 165—SAFETY ZONES

In consideration of the above, Part 165 of Chapter I of Title 33, Code of Federal Regulations is amended by adding § 165.760 to read as follows:

§ 165.760 Snake Island, Texas City, Tex.; mooring and fleeting of vessels.

(a) The following is declared a Safety Zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) That portion of the Texas City Channel west of a line extended 000° true from the northwesternmost point of Snake Island.

(b) All vessels are prohibited from mooring, anchoring, or otherwise stopping in the Safety Zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Galveston of the nature of the emergency via the most rapid means available.

(Sec. 6, 12, Pub. L. 95–474; 92 Stat. 1475–77 (33 U.S.C. 1225, 1231); 49 CFR 1.46(n)(4))

Dated: March 22, 1982.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 82-8828 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

Saint Lawrence Seaway Development Corporation

33 CFR Parts 402 and 403

Revision of Tariff of Tolls and Rules of Procedure of the Joint Tolls Review Board

Note—This document originally appeared in the **Federal Register** for March 30, 1982. It is reprinted in this issue to meet requirements for publication on the Monday, Thursday schedule assigned to the Saint Lawrence Seaway Development Corporation, Department of Transportation.

AGENCY: Saint Lawrence Seaway Development Corporation, Transportation.

ACTION: Final rule.

SUMMARY: The tariff of tolls for the use of the St. Lawrence Seaway which is established and administered jointly by the Saint Lawrence Seaway Development Corporation, United States, and the St. Lawrence Seaway Authority, Canada, was formally revised on March 18, 1982, by means of an international agreement in the form of an exchange of diplomatic notes between the Government of the United States and the Government of Canada. This agreement further amended the agreement between the governments dated March 9, 1959.

The effect of this revision is to raise the level of tolls assessed on all commodities and vessels which transit the Montreal to Lake Ontario section of the Seaway and to reestablish lockage fees at the Welland Canal section. Increases have been scheduled for both the 1982 and the 1983 navigation seasons and are necessary because of the increased costs being encountered by Seaway agencies in both countries, over the past few years.

Under the terms of the March 18, 1982 exchange of notes, the United States Corporation will continue to receive 29% of revenues generated on the Montreal to Lake Ontario section.

Additionally, the rules of procedure of the Joint Tolls Review Board have been revised and clarified.

EFFECTIVE DATE: This rule is effective March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Robert D. Kraft, Director of Plans and Policy Development, Saint Lawrence Seaway Development Corporation, Department of Transportation, 800 Independence Avenue, SW., Washington, D.C. 20591, 202/426–2884.

SUPPLEMENTARY INFORMATION: On September 10, 1981, the Saint Lawrence Seaway Development Corporation published in the **Federal Register** (46 FR 45318) a notice of proposed changes in the rates of tolls for the use of the St. Lawrence Seaway prescribed in 33 CFR Part 402.

The proposed action was to raise the level of Seaway tolls on the Montreal to Lake Ontario section and reestablish lockage fees on the all-Canadian Welland Canal section. The proposal included levels of tolls to be assessed during both the 1982 and 1983 navigation seasons.

In the notice of September 10, 1981, interested parties were invited to submit written views and data regarding the proposal on or before October 23, 1981, and to present oral testimony at a public hearing held in Washington, D.C., on October 2, 1981. As a result, several comments were received from users of the Seaway regarding the proposed revision to the Joint Tariff of Tolls.

After consideration of the proposal, the comments of interested parties, the views of the Advisory Board of the Saint Lawrence Seaway Development Corporation and other relevant material, the Administrator of the Corporation and the President of the Canadian Authority held further discussions. These discussions led to an agreement between the Saint Lawrence Seaway Development Corporation of the United States and the St. Lawrence Seaway Authority of Canada on November 30, 1981, in which the two Seaway agencies recommended to their respective governments that the Joint Tariff of Tolls for the St. Lawrence Seaway be modified as proposed in the September 10, 1981 notice.

As a result of the increases, the average charge for moving a metric ton of cargo through the Montreal to Lake Ontario Section of the Seaway will increase about 15 percent in 1982; the average charge per metric ton through the Welland Canal Section, approximately 21 percent; with a resulting increase for traffic transiting both sections of about 18 percent per metric ton. In 1983 the average charge per metric ton will increase an additional 8 percent on the Montreal to Lake Ontario Section and 14 percent on the Welland Canal Section, or about 10 percent for combined transit.

The Joint Tolls Review Board is a United States-Canada panel which was established pursuant to the March 9, 1959 agreement between the governments. Originally known as the Joint Tolls Advisory Board, its name was changed and it was given the additional responsibility of periodically reviewing the sufficiency of tolls to meet the needs of the two Seaway agencies as result of the 1978 amendment to that

agreement. The amendments to the rules of procedure are not part of the formal agreement between the governments, but were developed during the course of the discussions leading to the revision of the Tariff of Tolls. The amendments clarify the purpose of the rules, reduce the number of copies of written material which must be submitted to the Joint Tolls Review Board, and correct the addresses of the two Seaway agencies.

This regulation involves a foreign affairs function of the United States, therefore Executive Order 12291 does not apply to this rulemaking and formal notice and public procedure thereon are unnecessary and it may be made effective upon publication in the **Federal Register.** The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not have a significant impact on a substantial number of small entities. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act and therefore an environmental impact statement is not required.

In consideration of the foregoing, Parts 402 and 403 of Chapter IV of Title 33, Code of Federal Regulations, are amended as follows:

PART 402—TARIFF OF TOLLS

Part 402 is revised to read as follows:

Sec.
402.1 Purpose.
402.2 Title.
402.3 Interpretation.
402.4 Tolls.
402.5 Security for payment.
402.6 Description and weight of cargo.
402.7 Post-clearance date operational surcharges.
402.8 Schedule of tolls.

Authority: 68 Stat 92–96, 33 U.S.C. 981–990. Agreement between Governments of the United States and Canada dated March 9, 1959, as amended in 1964, 1967, 1972, 1978, 1980 and most recently on March 18, 1982.

§ 402.1 Purpose.

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec and Lake Erie.

§ 402.2 Title.

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls.

§ 402.3 Interpretation.

In this tariff.

(a) "Authority" means The St. Lawrence Seaway Authority;

(b) "Bulk cargo" means such goods as are loose or in mass and generally must be shovelled, pumped, blown, scooped or forked in the handling and, without limiting the generality of the term or otherwise affecting its meaning, shall be deemed to include:

(1) Cement, loose or in sacks;

(2) Coke and petroleum coke, loose or in sacks;

(3) Domestic package freight;

(4) Liquids carried in ships' tanks;

(5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, coal, gravel, phosphate rock, sand, stone and sulphur;

(6) Pig iron, scrap metals;

(7) Pulpwood, poles and logs, loose or bundled;

(8) Raw sugar, flour, loose or in sacks;

(9) Woodpulp, loose or in bales;

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or non-revenue freight, or carried for the vessel owner, *except:* empty containers and the tare weight of loaded containers, all such containers having a capacity of 18 cubic meters (635.665 cubic feet) or more; ships' fuel, ballast or stores, or crew or passenger's personal effects, and intransit cargo that is carried both upbound and downbound in the course of the same voyage which shall be reported in the Seaway Transit Declaration Form but is deemed to be ballast and not subject to toll assessment;

(d) "Containerized cargo" means any general cargo shipped in an enclosed, permanent, reusable, nondisposable, weathertight shipping conveyance having a capacity of 18 cubic meters (635.665 cubic feet) or more and fitted with a minimum of one hinged door;

(e) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(f) "Domestic package freight" means cargo, the shipment of which originates at one Canadian point and terminates at another Canadian point, or which originates at one United States point and terminates at another United States point, but shall not include any import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States;

(g) "Feed grains" means barley, corn, oats, flaxseed, rapeseed, soybeans and other oilseeds, grain screenings, and mill feed containing not more than 35% of ingredients other than grain or grain products;

(h) "Food grains" means buckwheat, dried beans, dried peas, rye, and wheat;

(i) "General cargo" means all goods not included in the definitions under paragraphs (b), (g), (h), and (j);

(j) "Government aid cargo" means processed food products which have been donated by or the purchase of which has been financed on concessional terms by the Federal government of either the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs;

(k) "Metric ton" means, unless otherwise stated, a metric unit of weight of 1,000 kilograms (2204.62 pounds);

(l) "Passenger" means any person being transported through the Seaway who has paid a fare for passage;

(m) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(n) "St. Lawrence Seaway" includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended, and under Pub. L. 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, and including the Welland Canal, which facilities are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(o) "Seaway" means the St. Lawrence Seaway;

(p) " Tolls" means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction;

(q) "Vessel" means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

§ 402.3 Tolls.

(a) The tolls shall be as set forth in the Schedule hereto, and the toll level reached in 1983 shall remain in effect thereafter until modified.

(b) The tolls under this tariff are due from the representatives of each vessel as soon as they are incurred, and upon demand of either the Authority or the Corporation payment shall be made within fourteen days of the date of such demand.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 71 percent in Canadian dollars and 29 percent in United States dollars. Payments for transit through locks in Canada only shall be in Canadian dollars, and payments for transit through locks in the United States only shall be in United States dollars.

(d) the tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

§ 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the Authority or the Corporation, for payment of tolls.

§ 402.6 Description and weight of cargo.

(a) A cord of pulpwood shall be deemed to weigh 1,450 kilograms (3196.70 pounds).

(b)(1) 1,000 f.b.m. of sawn softwood lumber with less than 15% moisture content shall be deemed to weigh 770 kilograms (1697.56 pounds).

(2) 1,000 f.b.m. of sawn softwood lumber with 15% moisture content or over shall be deemed to weigh 950 kilograms (2094.39 pounds).

(3) 1,000 f.b.m. of sawn hardwood lumber with less than 15% moisture content shall be deemed to weigh 1,135 kilograms (2502.24 pounds).

(4) 1,000 f.b.m. of sawn hardwood lumber with 15% moisture content or over shall be deemed to weigh 1,405 kilograms (3097.49 pounds).

(c) The tonnage used in the assessment of tolls shall be calculated to the nearest 1,000 kilograms (2204.62 pounds).

§ 402.7 Post-clearance date operational surcharges

(a) If the Authority and the Corporation so determine, they may establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an operational surcharge as follows:

(1) Vessels reporting during the 24 hour period immediately following the clearance date: 20,000.00

(2) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: 40,000.00

(3) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: 60,000.00

(4) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: 80,000.00

(b) The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be $20,000 less than the amount otherwise applicable.

(c) Each vessel which reports more than 96 hours after the clearance date may transit only if a prior written agreement authorizing such transit has been entered into among the owner or agent of the vessel and the Authority and the Corporation. Such agreement may provide for additional operational surcharges.

(d) Assessed operational surcharges will be prorated on a per lock basis.

§ 402.8 Schedule of tolls.

	Tolls			
	Montreal to or from Lake Ontario		Lake Ontario to or from Lake Erie (Welland Canal)	
	1982	1983	1982	1983
(a) For transit of the Seaway, a composite toll, comprising:				
(1) A charge in dollars per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden, or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States	0.075	0.08	0.07	0.07
(2) A charge in dollars per metric ton of cargo as certified on ship's manifest or other document, as follows:				
—Bulk cargo	0.79	0.85	0.31	0.31
—General cargo	1.91	2.06	0.50	0.50
—Containerized cargo	0.79	0.85	0.31	0.31
—Government aid cargo	0.48	0.52	0.31	0.31
—Food grains	0.48	0.52	0.31	0.31
—Feed grains	0.48	0.52	0.31	0.31
(3) A charge in dollars per passenger per lock: A charge in dollars per lock for complete or partial transit of the Welland Canal in either direction by cargo or passenger vessels, which may be shared by vessels in tandem	1.00	1.00	1.00	1.00
(i) Loaded: Per lock	NA	NA	150.00	250.00
(ii) In ballast: Per lock	NA	NA	75.00	187.50
(b) For partial transit of the Seaway:				
(1) Between Montreal and Lake Ontario, in either direction 15 percent per lock of the applicable toll.				
(2) Between Lake Ontario and Lake Erie, in either direction, (Welland Canal), 13 percent per lock of the applicable toll.				
(c) Minimum charge in dollars per vessel per lock transited for full or partial transit of the Seaway:				
—Pleasure craft	5.00	5.00	5.00	5.00
—Other vessels	10.00	10.00	10.00	10.00

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

2. Part 403 is amended as follows:

A. The Table of Contents to Part 403—Rules of Procedure of the Joint Tolls Review Board is amended by adding a new § 403.1 and redesignating the remaining sections and rule numbers as indicated in paragraph B below.

Sec.

403.1 Purpose of the Joint Tolls Review Board. (Rule 1).

* * * * *

§§ 403.1 (Rule 1)—403.10 (Rule 10) [Redesignated as §§ 403.2 (Rule 2)—403.11 (Rule 11).

B. Section 403.1 (Rule 1) through Section 403.10 (Rule 10) are redesignated as §§ 403.2 (Rule 2) through 403.11 (Rule 11), and a new § 403.1 (Rule 1) is added as follows:

§ 403.1 Purpose of the Joint Tolls Review Board. (Rule 1)

The Board shall hear complaints relating to the interpretation of the St. Lawrence Seaway Tariff of Tolls or allegations of unjust discrimination arising out of the operation of the said Tariff and shall conduct such other business as agreed to by the Board (Rule 1).

3. Redesignated § 403.4 is further amended by revising (b) and (c) as follows:

§ 403.4 Applications. (Rule 4)

* * * * *

(b) An applicant shall file six copies of his application setting forth a clear and complete statement of the facts the grounds for the complaint, and the relief or remedy to which the applicant claims to be entitled.

Surcharges representing transit through United States locks will be for the account of the Corporation and payable in United States funds and surcharges representing transit through Canadian locks will be for the account of the Authority and will be payable in Canadian funds.

(c) Applicants resident in Canada shall file their complaints with the St. Lawrence Seaway Joint Tolls Reviews Board, Tower "A", Place de Ville, 320 Queen Street, Ottawa, Ontario KIR 5A3. Applicants resident in the United States of America shall file their complaints with the St. Lawrence Seaway Joint Tolls Review Board, 800 Independence Ave., SW., Washington, D.C. 20591. Other applicants may file their complaints with the Board at either address.

Issued in Washington, D.C., on March 24, 1982.

D. W. Oberlin,

Administrator.

[FR Doc. 82-8375 Filed 3-25-82; 12:26 pm]

BILLING CODE 4910-61-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-6269]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plan management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood loses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Arkansas: Ashley	Hamburg, city of	050005B	Oct. 18, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 17, 1974 and Oct. 10, 1975.	Apr. 1, 1982.
Florida: Lake	Unincorporated areas	120421B	Dec. 21, 1978, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 26, 1978	Do.
Illinois:					
Williamson	Johnston City, city of	170718C	July 25, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	June 28, 1974, Apr. 2, 1976, and Sept. 28, 1979.	Do.
Douglas	Tuscola, city of	170195C	Oct. 17, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Nov. 30, 1973, July 9, 1976, and Sept. 12, 1980.	Do.
Indiana: Porter	Unincorporated areas	180425B	Sept. 5, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Apr. 14, 1978	Do.
Kansas:					
Pottawatomie and Riley	Manhattan, city of	200300C	Jan. 30, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Mar. 8, 1974, Dec. 13, 1974, and May 24, 1977.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Riley	Unincorporated areas	200298B	June 23, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Feb. 15, 1974 and Nov. 22, 1977.	Do.
Maine:					
York	Limington, town of	230152C	June 16, 1976, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 31, 1974, Oct. 22, 1976, and Aug. 10, 1979.	Do.
Cumberland	Naples, town of	230050B	July 9, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Aug. 9, 1974 and Mar. 11, 1977.	Do.
Oxford	Waterford, town of	230343A	Dec. 12, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Feb. 14, 1975	Do.
Massachusetts: Suffolk	Boston, city of	250286C	July 7, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Nov. 22, 1974, Feb. 11, 1977, and June 7, 1977.	Do.
Michigan:					
Calhoun	Marshall, city of	260053B	May 13, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 3, 1974 and June 4, 1976.	Do.
Ingham	Williamston, city of	260094B	July 24, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 3, 1974 and July 30, 1976.	Do.
Minnesota: Swift	Appleton, city of	270466B	Jan. 26, 1973, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Nov. 16, 1973 and May 14, 1976.	Do.
Missouri:					
Harrison	Bethany, city of	290154B	June 19, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Jan. 23, 1974 and Jan. 2, 1976.	Do.
Nodaway	Hopkins, city of	290489B	Feb. 18, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Mar. 15, 1974 and June 11, 1976.	Do.
Clinton	Trimble, city of	290510A	May 3, 1976, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Feb. 7, 1975	Do.
New Hampshire:					
Cheshire	Roxbury, town of	330172A	Nov. 10, 1980, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Feb. 14, 1975.	Do.
Coos	Lancaster, town of	335277B	Apr. 13, 1973, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Apr. 13, 1973, July 1, 1974, and Dec. 12, 1975.	Do.
New Jersey:					
Bergen	Bogota, borough of	340021B	July 7, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 3, 1974 and Feb. 27, 1976.	Do.
Morris	Chester, township of	340555B	Jan. 28, 1976, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Dec. 6, 1974 and Dec. 15, 1976.	Do.
Hunterdon	Hampton, borough of	340236B	Oct. 9, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	June 7, 1974	Do.
New York:					
Erie	Clarence, town of	360232B	Mar. 25, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	July 16, 1976	Do.
Cayuga	Weedsport, village of	360132B	June 7, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	June 7, 1974 and June 25, 1976.	Do.
North Carolina:					
Johnston	Clayton, town of	370139B	Apr. 2, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Dec. 28, 1973 and Sept. 26, 1975.	Do.
Pitt	Farmville, town of	370190B	Oct. 15, 1974, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Apr. 12, 1974 and June 25, 1976.	Do.
Johnston	Smithfield, town of	370140B	Jan. 20, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Oct. 29, 1976	Do.
Ohio:					
Ottawa	Elmore, village of	390610B	Oct. 9, 1975, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Oct. 18, 1974 and July 11, 1975.	Do.
Do	Oak Harbor, village of	390433B	Apr. 28, 1977, emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Mar. 1, 1974 and Apr. 16, 1976.	Do.
Pennsylvania:					
Bulter	Cranberry, township of	421217B	July 7, 1975 emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Sept. 20, 1974 and Apr. 30, 1976.	Do.
Blair	Greenfield, township of	421389A	July 28, 1975 emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Feb. 14, 1975	Do.
Cumberland	North Middleton, township of	420367B	Jan. 12, 1973 emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	July 26, 1974 and May 28, 1976.	Do.
Rhode Island: Providence	Pawtucket, city of [2]	44022C	July 16, 1971; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	July 16, 1971, July 1, 1974, and June 11, 1976.	Do.
Texas:					
Bee	Unincorporated areas	480026B	Nov. 6, 1974; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Oct. 18, 1974 and Aug. 16, 1977.	Do.
Dallas and Tarrant	Grand Prairie, city of	485472B	July 6, 1971; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	July 6, 1973 and Sept. 10, 1976.	Do.
Travis	Unincorporated areas	481026B	Jan. 29, 1976; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Mar. 7, 1978	Do.
Virginia: Southampton	Boykins, town of	510151B	May 20, 1975; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 31, 1974 and July 9, 1976.	Do.
Wisconsin:					
Racine	Unincorporated areas	550347B	July 5, 1973; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	May 20, 1977	Do.
Barron	Rice Lake, city of	550016C	July 10, 1975; emergency; Apr. 1, 1982, regular; Apr. 1, 1982, suspended.	Dec. 7, 1973, July 30, 1976, and Mar. 16, 1979.	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: March 23, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8846 Filed 3-31-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 81-088]

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: The Coast Guard is amending the Great Lakes Pilotage Regulations. These amendments increase the basic pilotage rates by nine percent in the U.S. Great Lakes pilotage system, eliminate the smallest category in the "range of pilotage units" table, and permit temporarily registered pilots to hold financial interests in pilot organizations. These changes are made in order to increase the revenue received by the pilot organizations so that they may cover their increased operating costs.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G-MVP-4/14), Room 1400, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 755-8683.

SUPPLEMENTARY INFORMATION: On February 11, 1982, the Coast Guard published a proposed rule (47 FR 6300) concerning this amendment. Interested persons were given until March 15, 1982, to submit comments. No comments were received and the proposed rule is being adopted without change.

This rule is effective in less than 30 days from publication so that these rates may be in effect at the beginning of the shipping season on the Great Lakes. This is necessary in order to have this rate adjustment coincide with an identical rate adjustment which Canada is placing in effect on April 1, 1982. In arriving at the changes to the rates, discussions were held with representatives from the Canadian Pilotage Authority, the U.S. Pilot Associations, and the Great Lakes Shipping Associations.

This regulation is considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). It has also been determined that this regulation does not constitute a major rule as defined by Executive Order 12291. The estimated annual effect of the rate increase will be a $552,000 increase in the fees that U.S. pilots may charge for their services. The Great Lakes Pilotage Act requires that U.S. registered vessels and foreign vessels use pilots. Very few U.S. registered vessels operate on the Great Lakes. Most U.S. vessels on the Great Lakes are enrolled vessels and are not required to use registered pilots, therefore, this rate increase will be borne primarily by foreign vessels. This rulemaking has previously been certified (47 FR 6300) as having no significant economic impact under the Regulatory Flexibility Act (94 Stat. 1164).

Drafting Information

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and LT Michael Tagg, Project Attorney, Office of the Chief Counsel.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

In consideration of the foregoing, Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

1. Section 401.320(b) is revised to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

No voluntary association shall be authorized to establish a pool unless:

(a) * * *

(b) The stock, equity, or other financial interests coupled with voting rights or exercise of any right of control in the management of the voluntary association is held only by member Registered Pilots registered pursuant to §§ 401.200, 401.210, or 401.220(e), excluding Applicant Pilots.

2. Section 401.400(b) is revised to read as follows:I80§ 401.400 **Calculation of pilotage units and determination of weighting factor.**

* * * * *

(b) Weighting factor table:

Range of pilotage units	Weighting factor
0 to 129	1.00
130 to 159	1.15
160 to 189	1.30
190 and over	1.45

* * * * *

3. Section 401.405 is revised to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, $7.89 for each statute mile, plus $105 for each lock transited, but with a minimum basic rate of $230 and a maximum basic rate for a through trip of $1,010.

(2) For a movage in any harbor, $347.

(b) District 2:

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $538.

(2) Between points on Lake Erie west of Southeast Shoal, $318.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $937.

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $538.

(5) Southeast Shoal to Detroit Pilot Boat, $390.

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $1,086.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $699.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $538.

(9) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $318.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $706.

(11) Detroit Pilot Boat to any point on the St. Clair River, $706.

(12) Detroit Pilot Boat to Port Huron Change Point, $548.

(13) Between points on the St. Clair River, $318.

(14) Port Huron Change Point to any point on the St. Clair River, $390.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, $920.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $772.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $347.

(4) For a movage in any harbor, $347.

4. Section 401.410 is revised to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (c) of this section, the basic rates for each 6 hour period or part thereof that a U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario, $186.

(2) In Lake Erie, $230.

(3) In Lakes Huron, Michigan and Superior, $186.

Each time a U.S. pilot performs the docking or undocking of a ship in undesignated waters there is an additional charge of $177.

(b) Between Buffalo and any point on the Niagara River below the Black Rock Lock, $452.

(c) When in direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the vessel's master plans to use an appropriate certificate in lieu of a pilot, the ship shall pick up or discharge the pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the pilot are utilized.

5. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Except as provided in this paragraph, whenever the passage of a ship is interrupted and the services of a U.S. pilot are retained during the period of the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $29 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $460 for each continuous 24-hour period during which the interruption continues. There is no charge for an interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. No charge shall be made for an interruption if the total interruption ends during the 6-hour period for which a charge has been made under § 401.410.

(b) When the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $29 for each hour or part of an hour including the first hour of the delay, with a maximum basic rate of $460 for each continuous 24-hour period of the delay.

(c) When a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $174;

(2) A charge for reasonable travel expenses if the cancellation occurs after the pilot has commenced travel; and

(3) If the cancellation is more than one hour after the pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, a charge calculated on a basic rate of $29 for each hour or part of an hour including the first hour, with a maximum basic rate of $460 for each 24-hour period.

6. Section 401.428 is revised to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point or for boarding at other than the normal boarding point.

If a U.S. pilot is carried beyond the normal change point or is unable to board at the normal boarding point the pilot shall be paid at the rate of $177 per day or part thereof, plus reasonable travel expenses to or from the pilot's base. These charges are not applicable if the ship utilizes the services of the pilot beyond the normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 5, 74 Stat. 260 (46 U.S.C 216c); Sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(d))

Dated: March 26, 1982.

Clyde F. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-8827 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 81-463; RM-3815; FCC 82-119]

Operation of Computing Equipment Prior to Certification or Verification

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: This order, issued in response to a petition filed by Computer and Business Equipment Manufacturers Association, allows the operation of computers at trade shows and in manufacturer's premises prior to a determination of compliance with the FCC technical standards for computers. This amendment gives the manufacturer greater leeway in the promotion and marketing of computing equipment. For large computers or those having unique characteristics (custom built) such pre-compliant operation is also permitted at the user's premises for the purpose of insuring that the computer is acceptable to the customer.

DATE: This Order becomes effective April 29, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Herman Garlan, Federal Communications Commission, Office of Science & Technology, Washington, D.C. 20554, phone 202-653-8247.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: March 11, 1982.

Released: March 22, 1982.

1. The Commission has before it a Notice of Proposed Rule Making [1] in the above captioned proceeding issued in response to a petition [2] filed by Computer and Business Equipment Manufacturers Association (CBEMA). This notice called for comments to be submitted by October 2, 1981 and reply comments by October 19, 1981. Comments were received from:

Computer and Business Equipment Manufacturers Association (CBEMA)
Atari, Inc.
Association of Maximum Service Telecasters, Inc. (MST)
GTE Service Corporation (GTE)
Texas Instruments Inc. (TI)
Bally Manufacturing Corporation and its subsidiary Midway Manufacturing Corporation (Bally)

Reply comments were received from:

CBEMA
Atari
Sega Enterprises Inc. (Sega)[3]

[1] Notice of Proposed Rule Making, General Docket 81-463, adopted July 16, 1981, released August 26, 1981 (46 FR 43709, August 31, 1982).

[2] RM 3815, filed December 8, 1980. Comments supporting the petition were received from Honeywell Inc., Sperry Univac Division of Sperry Corporation, M/A Com Laboratories Inc. A comment was received from Stern Electronics Inc. which supported the petition and asked that the relief requested by CBEMA also be extended to manufacturers of coin operated electronic games. A reply comment was received from CBEMA.

[3] Sega's motion to accept a late filing is granted.

Background

2. In 1970, the Commission adopted § 2.805 which proscribes the marketing of RF devices subject to FCC regulations prior to a determination of compliance with the technical standards in the applicable FCC rules.[4] On September 18, 1979, the Commission added paragraph (b) to § 2.805 to provide a limited exemption from the marketing restriction for certain computing equipment.[5] On reconsideration in 1980, this paragraph (b) to § 2.805 was deleted and a new Section 2.806 was added to clarify and elaborate the exemption granted in 1979.[6] CBEMA's present petition indicates that the language in § 2.806 is still subject to various interpretations. This rule making was undertaken to further clarify the Commission's intent in § 2.806, particularly paragraph (c), and to reduce the possibility of diverse interpretations.

3. The Notice under consideration here proposed to change and expand the conditions under which a computing device may be operated prior to a determination of compliance. Such operation is currently permitted only for compliance testing. Under the proposal, additional pre-compliance operation would be permitted for demonstration at a trade show or at the manufacturer's facilities. The proposal would also permit pre-compliance operation at a user's site for evaluation of product performance and determination of customer acceptability in the case of certain large or unique (customized) equipment.

4. The comments received in this proceeding with one minor exception strongly supported the Commission's proposal. The exception was the comment filed by the Association of Maximum Service Telecasters (MST). While MST did not specifically object to pre-compliance operation under the proposed conditions, it expresses the concern that pre-compliance operation may permit the development of non-complaint equipment. It is concerned that the manufacturer will subsequently seek a waiver of the Commission's requirements rather than bring the equipment into compliance. To minimize this possibility, MST suggests that additional safeguards against interference are required during pre-compliance operation at the user's premises. MST argues that pre-compliance operation should be limited both as to number of equipment involved and the length of time the equipment may be operated. It suggests that a suitable time limit is 60 days.

5. In its reply comments, CBEMA states that MST's fears regarding pre-compliance operation at the user's site are without basis. CBEMA points out that electromagnetic control (i.e. interference control) engineering proceeds hand-in-hand with the design phase of a new product. It is completely unrealistic, according to CBEMA, to assume that the product design will be fully developed before interference control measures are incorporated. In many cases, CBEMA states that the "engineering fixes" necessary to obtain compliance will be known even before beginning the site testing. What may not be completed is the detailed verification process. Occasionally changes are introduced during user-site tests and to require re-verification after each change is economically prohibitive.

6. Moreover, according to CBEMA, absolute compliance depends on use of production grade components which are not available until the testing is complete and the final design is developed. It is only then that production grade components are procured. And it is only then that meaningful verification can be determined.

7. As to limiting the duration and number of equipments involved in pre-compliance operation, CBEMA reiterates that such operation involves substantial cost to the manufacturer. Moreover, while in general such user-site testing can be completed in a short period of time (as short as one week), there are instances where the tests may run as long as several months. It is not possible to impose a meaningful time limit on the duration of user-site, pre-compliance operation. (Petition for Relief p. 10). CBEMA stresses that placing a time limit on such operation could well destroy the effectiveness of such testing. Moreover, there is no relationship between the length of time of pre-compliance testing and the interference potential of the device. In any event, if the device causes harmful interference during the user-site tests, the Commission has ample authority to order such pre-compliant operation to be stopped.

8. We agree with CBEMA that a cut-off date or limitation on the number of equipment is not appropriate in the view of the variety of computing equipment that may require a determination of customer acceptability. We are confident, furthermore, that any harmful interference that may arise during such operation can be handled under our existing regulations.[7]

Pre-Compliant Operation at a User's Premises for Other Computing Devices

9. The CBEMA petition for relief and the Commission's Notice dealt with the question of pre-compliant, user-site operation only for a computing device which because of size or unique capability cannot be tested for customer acceptability at the manufacturer's premises. In a comment on the CBEMA petition that initiated this rule making, Stern Electronics had sought the same authority for coin-operated electronic games. The Commission did not find it possible to accept the Stern argument and did not propose to permit such authority (Notice of Proposed Rule Making, paragraphs 10–11).

10. The question of pre-compliant operation at the user's site is again raised in the responses to this *Notice*. Several of the comments discuss the need for such operation as a part of the process of determining customer acceptance. TI calls such operation a vital part of the developmental process (TI comment p. 2). Bally urges the Commission to permit pre-compliance testing of a coin-operated electronic game at a user's premises to determine customer acceptability, (Bally comment p. 1) stating emphatically that there is no basis for distinguishing between coin-operated games and other computing devices in providing such relief from the marketing rules. Bally argues further that the Commission's denial of such relief for coin-operated electronic games is based on the Commission's inaccurate perception of existing marketing practice in the coin-operated game industry. (Bally comment p. 4) The same opinion is expressed in Sega's reply comment. Sega says that to determine customer reaction, hand built prototype models of a new game are tested for a limited period at an arcade. It is only after this market evaluation is complete, that the game can go into full production. (Sega reply comment p. 2)

[4] Docket 18426: Amendment of Part 2 of the Commission's Rules to promulgate regulations governing the sale of devices which cause harmful interference. *Report and Order* adopted May 13, 1970, released May 18, 1970; 35 FR 7894, May 22, 1970.

[5] Docket 20780 *First Report and Order*, paragraphs 29–33, adopted September 18, 1979, released October 11, 1979; 44 FR 59530, October 16, 1979.

[6] Docket 20780 *Order Granting in Part Reconsideration*, paragraphs 66–70, adopted March 27, 1980, released April 9, 1980; 45 FR 24154, April 9, 1980.

[7] Section 15.803 provides "* * * The operator of a computing device may be required to stop operating his device upon a finding that the device is causing harmful interference and it is in the public interest to stop operation until the interference problem has been corrected."

Commission Decision

11. These comments taken with the Stern comment on the initiating CBEMA petition [8] have persuaded the Commission to grant limited authority for pre-compliant operation, limited to operation at a trade show or at the manufacturer's premises. The pre-compliant operating authority granted herein must be under the direct supervision of the manufacturer who will be responsible for correcting any interference situation that may arise. Manufacturers conducting such operation are cautioned to limit to the greatest extent practical both the number of units involved and the length of time such operation is conducted.

12. With respect to pre-compliant operation at a user's site the situation is not quite so clear. On the one hand, we have the argument by TI and the coin-operated electronic game manufacturers about the usefulness of such operation in helping the manufacturer develop a saleable product. As against this, we have the problem of the risk of interference inherent in pre-compliant operation at a user's site.[9] While we are willing to accept the risk of interference inherent in pre-compliant operation of any computer at a trade show or the manufacturer's premises, we are not willing to do so generally at a user's site. Here we distinguish the problems facing the manufacturer of large complex and customized computers described in the several CBEMA filings from those facing the manufacturer of the personal computer or electronic game, Bally's claim to the contrary (Bally comment p. 1).

13. We are authorizing pre-compliant operation at a user's site for the former, but not for the latter, pending resolution of the proceeding in Gen. Docket 81-462. The former are basically unique or customized devices tailored for use at a particular location or to perform a specific function. By determination of customer acceptability, we are talking about the purchaser determining that the computing device satisfactorily does the job for which it was ordered. In contrast, it appears that the manufacturers of personal computers and electronic games are talking about customer acceptability in terms of marketing research—whether there is a market for a new product. Moreover, in the *Notice* to this proceeding we had explained in detail why we had not proposed to permit operation of coin-operated electronic games at the users permises in these words:

> "* * * In this connection, it should be noted that in a companion item (Gen. Docket 81-462) we are proposing to reclassify these games from Class B computing equipment to Class A computing equipment. This change carries with it a change from certification to verification. Under verification, a final determination of compliance is made by the manufacturer. In these circumstances, the coin-operated electronic game can be verified as fast as the manufacturer is prepared to move and eliminates any delay that may be involved in the Commission responding to an application for certification, since no filing with the Commission is required under verification. (Notice paragraph 16)"

Accordingly for the time being, we are deferring a finding in this matter until a final determination is made in Gen. Docket 81-462.

14. In this connection, we note and contrast the attitude of the computer industry against that of other industries manufacturing and marketing consumer type RF/electronic devices, notably TV receiver manufacturers. No other industry has sought a specific regulatory exception to permit pre-compliant operation at a user's site. Where the manufacturer has found that operation at a user's site was vital in the development of the product, such pre-compliant operation was conducted under an experimental license, or the manufacturer petitioned for a waiver of the regulation involved. When authorized in this way the pre-compliant operation is limited as to number of units, time and place and the potential for interference can be evaluated on a case by case basis. If a general regulatory exemption is provided as requested in the comments, the Commission will not have the opportunity to evaluate each case of pre-compliant operation individually nor will it have the opportunity to impose any restraints.

15. In view of the above, the Commission is relaxing its marketing restrictions and allowing pre-compliant operation at the user's site only of Class A computing devices for which customer acceptability cannot be determined at the manufacturer's premises because of size or unique capability (i.e. the computer has been customized to fit the customer's special requirements).

16. The Commission has also revised the language of the proposed regulations to remove minor areas of doubt raised in the comments. The term "computing equipment" is changed to read "computing device". (GTE comment p. 4) The two conditions covering non-compliant operation contained in proposed § 2.806(c)(1) are set out in separate subparagraphs (1) and (2). The language of subparagraph (2) dealing with demonstrations at trade shows is modified to require conspicuous notice during the demonstration that the device has not been tested for compliance. A statement is added that the provisions of § 2.806(a) shall apply if the device is offered for sale prior to a determination of compliance (GTE comment p. 2, TI comment p. 10). The text for paragraph (c) of § 2.806 as revised herein is contained in Appendix A.

Final Regulatory Analysis

17. Pursuant to 5 U.S.C. 601 et seq. an Initial Regulatory Flexibility Analysis was incorporated in paragraph 18 of the *Notice of Proposed Rulemaking*. In paragraph 26 of this *Notice*, written comments on this Analysis were solicited with the same filing deadlines as comments on the rest of the Notice. No comments in response to this request were received. The Final Regulatory Analysis follows:

I. *Need for and objective of rule.* There being no arguments to the contrary, it is found that permitting limited operation prior to a determination of compliance of computing device will not pose a significant threat of interference and will assist manufacturer's efforts to promote and sell computing devices.

II. *Summary of issues raised in comments on Initial Analysis.* No comments were receeived specifically concerned with the Intitial Regulatory Flexibility Analysis in the Notice in this proceeding. The rules adopted herein relieve a regulatory burden on all manufacturers of computing equipment. In the Commission's view, these rules are economically beneficial in that they facilitate the marketing of computer products. Since these rules do not impose any new reporting or record keeping requirement, there is no deleterious economic effect on any computer manufacturer whether a small business or large.

III. *Significant alternatives.* The regulations adopted herein respond to a petition from the computer industry seeking relief from a regulatory restriction. This relief is granted. The comments received in this proceeding requested that additional relief be granted beyond that sought in the original petition. This additional relief is granted in part to the extent feasible without endangering radio reception by the general public.

[8] See footnote 2 above.

[9] The question of interference from coin-operated electronic games is discussed in a separate proceeding—Gen. Docket 81-462: Amendment of Part 15 Subpart J to reclassify coin-operated electronic games from Class B to Class A computing devices: 46 FR 44793, September 8, 1981.

Ordering Clauses

18. Pursuant to the above and under the authority of sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, Part 2 is amended as set out in Appendix A of this Order.

19. It is ordered that this amendment shall become effective on April 29, 1982.

20. It is further ordered that this proceeding is terminated.

21. For further information contact Mr. Herman Garlan, Office of Science and Technology, phone 202–653–8247.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 is amended by revising paragraph (c) of § 2.806 to read as follows:

§ 2.806 Exemption for a computing device.

* * * * *

(c) A computing device subject to the provisions of this chapter may be operated prior to a determination of compliance under the following conditions:

(1) Any computing device may be operated for the purpose of compliance testing.

(2) Any computing device may be operated for the purpose of demonstrations at a trade show provided there is displayed a conspicuous notice that the device has not been tested for compliance. If the device is offered for sale or lease at the show, the provisions of paragraph (a) of this section shall apply.

(3) Any computing device may be operated at the manufacturer's facilities during developmental, design or preproduction states for evaluation of product performance and determination of customer acceptability.

(4) Where customer acceptability of a Class A computing device cannot be determined at the manufacturer's premises because of size or unique capability of the computing device, a Class A computing device may be operated at the user's site during development, design or preproduction stages for evaluation of product performance and determination of customer acceptability.

[FR Doc. 82–8506 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

Reregulation and Oversight of the Radio and TV Broadcast Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule correction.

SUMMARY: This Erratum corrects final rule amendments concerning reregulation and oversight of the radio and TV broadcast rules (47 FR 8583, March 1, 1982) previously adopted by the Commission by adding two inadvertent omissions and correcting two numerical errors. These corrections are necessary to make the rules read correctly.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Released: March 19, 1982.

The *Order* in the above entitled matter, adopted on January 13, 1982, released February 5, 1982, 47 FR 8583, published March 1, 1982, contained two inadvertent omissions in amended § 73.14, and two numerical errors in amended § 73.40, paragraph (a)(3), and new § 73.1590, paragraph (b)(1)(i). These errors are corrected as indicated in the attached Appendix.

Federal Communications Commission.

William J. Tricarico

Secretary.

Appendix

§ 73.14 [Corrected]

1. In § 73.14, beginning on page 8587, the following two definitions are added in correct alphabetical sequence:

* * * * *

Critical directional antenna. An AM broadcast directional antenna for which the station authorization requires the maintenance of the ratios of currents in the elements of the system within a tolerance of less than 5% and the relative phases of those currents within a tolerance of less than 3°.

* * * * *

Nominal power. The power of an AM broadcast station, as specified in a system of classifications which includes the following values: 50 kW, 25 kW, 10 kW, 5 kW, 2.5 kW, 1 kW, 0.5 kW, and 0.25 kW

* * * * *

§ 73.40 [Corrected]

2. On page 8588, § 73.40, paragraph (a)(3), the phrase "between 50 and 7500 Hz" is corrected to read "between 100 and 5,000 Hz."

§ 73.1590 [Corrected]

3. On page 8589, § 73.1590, paragraph (b)(1)(i), the phrase "from 50 to 5000 Hz" is corrected to read "from 50 to 7,500 Hz."

[FR Doc. 82–8505 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–579; RM–3818]

FM Broadcast Station in Palm Springs, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 203A to Palm Springs, California, in response to a petition filed by Riverside County Schools. The assignment could provide Palm Springs with its first noncommercial educational FM assignment.

DATE: Effective May 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: March 18, 1982.

Released: March 26, 1982.

1. Before the Commission for consideration is a Notice of Proposed Rule Making, 46 FR 43712, published August 31, 1981, in response to a petition filed by Riverside County Schools ("petitioner")[1] proposing the assignment of Channel 203A to Palm Springs, California, as that community's first noncommercial educational FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Palm Springs (population 32,271),[2] in Riverside County (population 663,923), is located approximately 160 kilometers (100 miles) east of Los Angeles, California. It is served locally by full-

[1] Petitioner is the licensee of Station KPSH, currently operating as a Class D, 10-watt station (Channel 202).

[2] Population figures were obtained from the 1980 U.S. Census, Advance Reports.

time AM Stations KCMJ, KDES, and KPSI, as well as FM Stations KDES (Channel 284), KPSI (Channel 265A), and KPLM (Channel 291), and KPSH (a 10-watt, Class D station).

3. In support of its proposal, petitioner submitted information with respect to Palm Springs which is persuasive as to its need for a first noncommercial educational FM service.

4. In the Notice, we pointed out that the proposed assignment of Channel 203A to Palm Springs, California, would be consistent with the provisions of § 73.512 of the Commission's rules regarding the upgrading of 10-watt Class D stations to Class A facilities.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 203A to Palm Springs. An interest has been shown for its use, and such an assignment could provide the community with its first noncommercial educational FM assignment.

6. The Mexican Government has given its concurrence for the assignment of Channel 203A to Palm Springs, California.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective May 3, 1982, the Noncommercial Educational FM Table of Assignments, § 73.504(a) of the Commission's rules, is amended as follows:

City	Channel No.
Palm Springs, California	203A.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(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.

[FR Doc. 82-8837 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-713; RM-3851]

TV Broadcast Station in Pittsburg, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 14 to Pittsburg, Kansas, in response to a petition filed by C.B. International, Inc. The assignment could provide a second television service to Pittsburg.

DATE: Effective May 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Pittsburg, Kansas); *report and order* (Proceeding Terminated).

Adopted: March 18, 1982.

Released: March 26, 1982.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 50990, published October 16, 1981, proposing the assignment of UHF television Channel 14 to Pittsburg, Kansas, as its second commercial television assignment. Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. Pittsburg (population 18,770) [1] in Crawford County (population 37,916) is located in southeastern Kansas, approximately 180 kilometers (115 miles) south of Kansas City. It currently has one television assignment (KOAM-TV, Channel 7).

3. In comments to the proposal, petitioner incorporated by reference the information contained in the *Notice* indicating gains in population and a need for independent programming. Petitioner also restated its intent to apply for the channel, if assigned.

4. We believe that the public interest would be served by assigning UHF television Channel 14 to Pittsburg, Kansas. The petitioner has adequately demonstrated the need for a second television allocation to that community. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1) and 303(g)(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective May 3, 1982, the Television Table of Assignments (§ 73.606(b) of the rules) is amended with respect to the community listed below:

City	Channel No.
Pittsburg, Kansas	7+ and 14.

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(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.

[FR Doc. 82-8836 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from 1980 U.S. Census, Advance Report.

47 CFR Part 73

[BC Docket No. 81-597; RM-3874]

FM Broadcast Station in Ontonagon, Michigan; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 252A to Ontonagon, Michigan, in response to a petition filed by Harvey L. Desnick. The assignment would provide Ontonagon with a first local commercial broadcast service.

DATE: Effective May 3, 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. (Ontonagon, Michigan), BC Docket No. 81-597, RM-3874.

Adopted: March 18, 1982.

Released: March 26, 1982.

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 44481, published September 4, 1981, in response to a petition filed by Harvey L. Desnick ("petitioner"), proposing the assignment of FM Channel 252A to Ontonagon, Michigan, as a first commercial FM assignment to that community. Supporting comments were filed by petitioner in which he reaffirmed his intent to apply for the channel, if

assigned. No oppositions to the proposal were received.

2. Ontonagon (population 2,182),[1] in Ontonagon County (population 9,861), is located on the shores of Lake Superior, approximately 152 kilometers (95 miles) west of Marquette, Michigan. It is currently served by noncommercial educational FM Station WOAS (Channel 203). Channel 252A could be assigned to Ontonagon consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of his proposal, petitioner submitted information with respect to Ontonagon which is persuasive as to its need for a first commercial FM channel assignment.

4. In view of the above, we believe that the public interest would be served by the assignment of Channel 252A to Ontonagon, Michigan. An interest has been shown for its use, and such an assignment would provide the community with an FM station which will render a first local commercial broadcast service.

5. The Canadian Government has given its concurrence in the assignment of Channel 252A to Ontonagon, Michigan.

6. Accordingly, pursuant to the authority contained 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 and 0.204(b) of the Commission's rules, it is ordered, That effective May 3, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Ontonagon, Michigan	252A.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(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.

[FR Doc. 82-8826 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are derived from 1980 U.S. Census, Advance Reports.

47 CFR Part 73

[BC Docket No. 81-630; RM-3902]

FM Broadcast Stations in Billings, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 279 to Billings, Montana, in response to a petition filed by Northern Sun Corporation. The assignment could provide Billings with a fifth commercial FM allocation.

DATE: Effective May 3, 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. (Billings, Montana); Report and Order (Proceeding terminated).

Adopted: March 19, 1982.

Released: March 26, 1982.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 46 FR 46357, published September 18, 1981, proposing the assignment of Class C Channel 279 to Billings, Montana, as that community's fifth commercial FM allocation, in response to a petition filed by Northern Sun Corporation ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. Additionally, supplemental comments were filed by petitioner supplying requested engineering data. An opposition [1] to the proposal was submitted by Meyer Broadcasting Company ("MBC"), licensee of Station KYYA(FM), Billings, to which the petitioner responded.

2. Billings (population 66,798), [2] the seat of Yellowstone County (population 108,035), is located approximately 288 kilometers (180 miles) southeast of Helena, Montana. It is currently served by three full-time AM stations (KBMY, KGHL and KOOK), two daytime-only AM stations (KOYN and KLYC), two noncommercial educational FM stations (KEMC and KRER), and four commercial FM stations (KIDX, Channel 253; KOOK-FM, Channel 275; KZLS, Channel 246; and KYYA, Channel 227). With the exception of Station KYYA, the remaining commercial FM stations are commonly owned by three of the AM facilities licensed to Billings.

3. In its comments, petitioner incorporated by reference the information contained in the *Notice*, which demonstrated the need for a fifth assignment to Billings, Montana. It also supplied preclusion information for Laurel, Montana, as requested in the *Notice*. The information demonstrates the availability of alternate channels for Laurel.

4. In opposition, MBC asserts that the proposed assignment to Billings could result in a prohibitive overlap with the signal of FM Station KBZN, Bozeman, which is licensed to the petitioner herein. It states that its concern is premised on the petitioner's possible future plans to move that facility's transmitter to a location near Bozeman. MBC also contends that since the petitioner has not begun construction for a recently granted FM facility in Great Falls, Montana, such commitment should be accomplished before any application for other facilities is accepted, unless the petitioner can demonstrate its intent and capability to construct both facilities within a reasonable period of time.

5. MBC also asserts that Billings currently exceeds the limit of FM allocations for a community of its size, and that, in any event, there is presently an abundance of existing service in the area. In conclusion, MBC claims that while the market is still growing, it is questionable whether its present size can support an additional broadcast facility at this time.

6. In response to the opposition, petitioner advises that as to the assertions of possible prohibited overlap and delay in constructing another station, matters of this nature have traditionally been considered at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than at the rule making level, citing in support, *Naples, Florida*, 32 R.R. 2d 171 (1974) and *Ponce, Puerto Rico*, 47 R.R. 2d 210 (1980). However, petitioner did wish to clarify the situation about progress in constructing the Great Falls station. It recites that the Great Falls station is

[1] The opposition, submitted in letter form, was not accompanied by a certificate of service, and therefore constitutes an *ex parte* presentation pursuant to §§1.1201(g) and 1.1229 of the Commission's Rules. (*See, Policies and Procedures Regarding Ex Parte Communications During Rulemaking Proceedings*, 78 F.C.C. 2d 1384 (1980).) Ordinarily, we could not accept this presentation for filing. However, the petitioner had actual notice of the letter and responded to the matters raised therein. Thus, we believe that consideration of the opposition comments of Meyer Broadcasting Company is permissible.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

presently under construction and that work at the proposed transmitter site will commence once the Commission acts on its pending application for a minor change in the construction permit.

7. In the *Notice,* we indicated that assignment of Channel 279 to Billings would cause preclusion to occur on Channels 278, 279, 280A, 281 and 282. Petitioner advised therein that, with the exception of Laurel, Montana, a suburb of Billings, each of the affected communities containing a population in excess of 2,500 currently has an FM assignment. Since the proposal herein exceeds the population guidelines, petitioner was requested to advise whether an FM channel is available to Laurel, and petitioner has responded that Channels 285A, 292A and 296A are available for allocation to that community. Therefore, we find that the preclusion impact does not appear to be substantial enough to bar a grant of the proposal.

8. As noted above, the *Notice* also acknowledged that the request for a fifth commercial FM assignment to Billings exceeds the population guidelines.[3] However, as the Commission has stated on numerous occasions, those guidelines are not applied inflexibly. Except for mutually exclusive proposals, the Commission has considered a proposed assignment's desirability in terms of its preclusive impact on other communities when the population guidelines are exceeded. *See, El Dorado, Arkansas* (BC Docket No. 78–143), *Memorandum Opinion and Order* adopted March 16, 1981, Mimeo No. 08208, and *Naples Florida* (BC Docket No. 80–415), 46 FR 25461, published May 7, 1981. Since it has been determined herein that the preclusive impact is minimal, the population guidelines do not present an obstacle to the proposed assignment. See also *Waycross, Georgia* (BC Docket No. 79–149), 45 FR 25806, published April 16, 1980.

9. MBC's claim as to the extent of current service in Billings and its uncertainty surrounding the market's ability to support an additional facility at this time, is misplaced. This type of concern is usually related to the possible economic impact a potentially competitive assignment could have on other stations in the market, which is more appropriately raised at the application stage, rather than at the assignment level. *See, Beaverton Michigan,* 44 R.R. 2d 55 (1978).

[3] Contrary to MBC's assertion, the number of FM stations presently assigned to Billings does not exceed our guidelines.

10. The possibility of prohibitive overlap should await the filing of an application which indicates an actual overlap. It has not been shown by MBC that a prohibited overlap will necessarily occur between the Bozeman and proposed Billings stations. We also do not believe that petitioner's alleged lack of diligence in constructing its Great Falls station constitutes a bar to this assignment. Rather, the matter could more appropriately be dealt with at the application stage.

11. Canadian concurrence in the assignment has been obtained.

12. Accordingly, in view of the foregoing, and pursuant to the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 and § 0.204(b) of the Commission's Rules, it is ordered, That effective May 3, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Billings, Montana	227, 246, 253, 275, and 279.

13. It is further ordered, that this proceeding is terminated.

14. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(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.

[FR Doc. 82–8835 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–578; RM–3895]

TV Broadcast Station in Alvin, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 67 to Alvin, Texas, as its first commercial TV channel in response to a request from David Eugene Brown.

DATE: Effective May 3, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations. (Alvin, Texas), BC Docket No. 81–578, RM–3895.

Report and Order—Proceeding Terminated

Adopted: March 17, 1982.

Released: March 26, 1982.

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 48716, published August 31, 1981, in response to a petition filed by David Eugene Brown ("petitioner"), proposing the assignment of UHF Channel 67 to Alvin, Texas, as the community's first television assignment. Supporting comments were filed by petitioner in which it affirmed its intent to file for the channel, if assigned.

2. Major Broadcasting company filed an opposition to the proposal on the gound that it would preclude the use of most UHF frequencies in the Channel 55 to 69 range for low power and translator television stations in Houston, Texas. Assignments for primary stations take precedence over low power or translator stations. Accordingly, the opposition is without merit.

3. Alvin (population 16,515),[1] in Brazoria county (population 169,587), is located approximately 40 kilometers (25 miles) south of Houston.

4. In support of its proposal, petitioner submitted information with respect to Alvin which indicates a need for a first TV channel assignment. In particular, petitioner states that there is a need for a minority TV station.

5. We believe that the public interest would be served by the assignment of Channel 67 to Alvin, Texas. An interest has been shown for its use, and such an assignment would provide the community with a first TV station.

6. Authority for the adoption of the amendment herein is contained 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 and 0.204(b) of the Commission's rules.

7. Accordingly, it is ordered, that effective May 3, 1982, § 73.606(b) of the Commission's rules, the TV Table of Assignments, is amended with regard to the following community:

[1] Population figures are taken from the 1980 U.S. Census, Advance Reports.

City	Channel No.
Alvin, Tex	67

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Philip Cross, Broadcast Bureau, (202) 632–5414.

(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.

[FR Doc. 82–8824 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–580; RM–3863]

FM Broadcast Station in Fairfield, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 221A to Fairfield, Texas, in response to a petition filed by Freestone Broadcasting Company. The assignment will provide Fairfield with a first local aural broadcast service.

DATE: Effective May 3, 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. (Fairfield, Texas), BC Docket No. 81–580, RM–3863.

Report and Order—Proceeding Terminated

Adopted: March 18, 1982.

Released: March 26, 1982.

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 43715, published August 31, 1981, in response to a petition filed by Freestone Broadcasting Company ("petitioner"), proposing the assignment of Channel 221A to Fairfield, Texas, as that community's first FM assignment. Comments in support of the *Notice* were filed by petitioner, and by Lloyd D. Huffman ("Huffman"), as well as W & W Investments, Inc. ("WWI").

2. Fairfield (population 3,505),[1] in Freestone County (population 14,830), is located approximately 132 kilometers (83 miles) southeast of Dallas, Texas. Neither Fairfield nor any community in Freestone County has any aural services.

3. In its comments, WWI, while advocating the assignment of an FM channel to Fairfield, does not agree that Channel 221A should be assigned. It states that, based on a study by its consulting engineer, such assignment would require a site restriction to a location south or west of Fairfield, in an area approximating 100 square miles. Instead, it states that Channel 269A could be assigned without a site restriction, and would be consistent with the Commission's Rules to provide city grade service. Further, it adds, it would apply for Channel 269A, if assigned, but would not commit itself to apply for Channel 221A.

4. A staff study reveals that Channel 269A cannot be assigned to Fairfield as it would be short-spaced to Station KNUE (Channel 268), in Tyler, Texas. The required minimum distance separation between a first adjacent Class C to a Class A facility is 105 miles, whereas the distance between Fairfield and Tyler, Texas, is 69 miles. Therefore, petitioner's proposal will prevail since it can be assigned without a site restriction, consistent with the requirements of § 73.207 of the Commission's rules.

5. In its comments, petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a first FM channel assignment to Fairfield, Texas.

6. We believe that the public interest would be served by the assignment of Channel 221A to Fairfield. An interest has been shown for its use, and such assignment would provide the community with an FM station which could render a first local aural broadcast service.

7. In view of the foregoing, and pursuant to authority contained 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 and 0.204(b) of the Commission's rules, it is ordered, That effective May 3, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to Fairfield, Texas, as follows:

City	Channel No.
Fairfield, Tex	221A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(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.

[FR Doc. 82–8825 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are derived from 1980 U.S. Census, Advance Reports.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, and 178

[Docket No. HM–176; Amdt. Nos. 173–63, 173–152, 178–69]

Specification and Usage Requirements for 3AL Seamless, Aluminum Cylinders; Correction

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule (46 FR 62452, December 24, 1981) relating to new aluminum cylinders which are designated DOT Specification 3AL. This action is necessary to correct typographical errors and omissions. In addition, several comments to the final rule were received which suggested changes of an editorial nature and requested clarification of some of the sections. While a few of the adopted changes have merit, others are of such a nature that MTB will not attempt to resolve them within the scope of this document. MTB has requested additional information from the commenters in order to properly consider the feasibility of the suggested changes, and upon receipt of information will resolve these matters as appropriate. It should be noted that the effective date of the rule now reflects that compliance with these amendments is authorized beginning April 1, 1982.

EFFECTIVE DATE: July 2, 1982. However, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur Mallen, Chief, Technical Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590 (202–755–4906).

SUPPLEMENTARY INFORMATION: This correction is necessary because, in addition to correcting typographical errors and certain discrepancies in the referenced sections, the final rule did not address the fact that shipments of flammable gases and poison A gases are authorized in DOT specification 3 AL aluminum cylinders only when transported by highway, rail and, in certain cases, cargo-only aircraft as is provided currently in the effected exemptions. The omission of this limitation was inadvertent, and MTB is amending each of the affected sections in Part 173 accordingly.

A few petitions were filed late and could not be considered as "Petitions for reconsideration" in accordance with § 106.35 of Title 49, Code of Federal Regulations. However, MTB is considering the information as "comments" in this document.

Two commenters requested clarification of § 173.23(c), relative to the placement of the specification identification markings, and also strongly recommended that MTB prohibit the practice of peening out the existing exemption mark. MTB concurs with the views of the commenters, and has revised paragraph (c) to incorporate that prohibition.

One commenter expressed concern over the requirement which allows manifolding of liquefied petroleum gas but not hydrocarbon gas. MTB has reviewed the requirement in light of this comment, and believes that such a prohibition is no longer applicable and has corrected § 173.301 accordingly.

One commenter pointed out that cylinders used in nitric oxide service should be made subject to the same cleanliness requirements as cylinders used in oxygen (§ 173.302) and nitrous oxide (§ 173.304) service (both of which are in the rule). MTB agrees. Since the oxidizing properties of nitrogen dioxide (§ 173.336) and nitric oxide (§ 173.337) are similar, from a hazardous materials point of view, MTB believes that the same cleanliness requirements should be required for all four materials. In addition, the exemptions which authorize aluminum cylinders in oxygen service, also specify such cleanliness requirements. The omission of nitric oxide and nitrogen dioxide from such provisions in the notice of proposed rulemaking and final rule was inadvertent.

One commenter questioned whether or not § 178.46–4(b) is controlled by the requirements of § 178.46–4(d)(6). The answer is no. Section 178.46–4(b) requires witnessing the chemical analysis of the incoming materials and § 178.46–4(d)(6) refers to the witnessing of the production test.

One commenter objected to § 178.46–7(c) which provides for a 0.125 inch minimum wall thickness. The commenter suggested that the minimum wall thickness should relate to the cylinder diameter and provided MTB with the following formula:

$$t = \frac{D + .040}{100}$$

MTB has not adopted this suggestion. MTB has determined that the suggested formula would not provide an adequate level of safety for cylinders having outside diameters over 5 inches. Such a formula would produce a thinner wall than is prescribed in the regulations for steel specification cylinders. Aluminum high pressure cylinders would need a minimum wall thickness much greater than .100 inch (as required for steel cylinders for diameter over 5") in order to have structural integrity equal to steel specification cylinders.

MTB has determined that there is no environmental impact associated with these changes.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

The following corrections are made in FR Doc. No. 81–36318 appearing at page 62452 in the issue of December 24, 1981:

§ 171.7 [Corrected]

1. On page 62455, "§ 171.7(d)(19)" is corrected to read as follows: "(19) Federal Specification RR–C–901 b is titled "Cylinders, Compressed Gas: With Valve or Plug and Cap; ICC 3AA, August 1, 1967."

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. On page 62455, "§ 173.23(c)" is revised to read as follows:

§ 173.23 Previously authorized packaging.

* * * * *

(c) After July 2, 1982, a seamless aluminum cylinder manufactured in conformance with and for use under DOT exemption E 6498, E 6576, E 6688, E 7042, E 7446, E 8384, or E 8422, may be continued in use if marked before or at the time of the next retest with the specification identification "3AL" immediately above the exemption number, or the DOT mark (i.e., DOT 3AL 1800) is added in proximity to the exemption marking.

§ 173.136 [Heading Corrected]

3. On page 62455, "§ 173.136" the section heading is corrected to read as follows: "§ 173.136 *Methyl dichlorosilane and trichlorosilane.*"

§ 173.301 [Corrected]

4. On page 62456, "§ 173.301(d)(3)," the eighth line from the top of the paragraph, the words "and liquefied hydrocarbon gas" is removed.

§ 173.302 [Corrected]

5. On page 62456, "§ 173.302(a)(5)" is corrected by adding a sentence just before the last sentence of the paragraph to read as follows: "Flammable gases shipped in 3AL cylinders are authorized only when transported by highway, rail and cargo-only aircraft."

§ 173.302 [Corrected]

6. On page 62456, "§ 173.302(f)" is corrected by adding a sentence at the end to read as follows: "Specification 3AL cylinders are authorized only when transported by highway, rail and cargo-only aircraft."

§ 173.304 [Corrected]

7. On page 62456, "§ 173.304(a)(2)" the following entries are corrected to read as follows:

Bromotrifluoromethane (See Note 8).	(R–13B1 or H–1301)	124	DOT–3A400; DOT–3AA400; DOT–3B400; DOT–4A400; DOT–4AA480; DOT–4B400; DOT–4BW400; DOT–3E1800; DOT–39; and DOT–3AL400.
Chlorodifluoromethane (See Note 8).	(R–22)	105	DOT–3A240; DOT–3AA240; DOT–3B240; DOT–4B240; DOT–4BA240; DOT–4BW240; DOT–4B240ET; DOT–4E240; DOT–39; DOT–41; DOT–3E1800; and DOT–3AL240.
Chloropentafluoroethane (See Note 8).	(R–115)	110	DOT–3A225; DOT–3AA225; DOT–3B225; DOT–4A225; DOT–4BW225; DOT–3E1800; DOT–39; and DOT–3AL225.
Chlorotrifluoromethane (See Note 8).	(R–13)	100	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–39; and DOT–3AL1800.
Cyclopropane (See Notes 8 and 9).		55	DOT–3A225; DOT–3A480X; DOT–3AA225; DOT–3B225; DOT–4A225; DOT–4AA480; DOT–4B225; DOT–4BA225; DOT–4BW225; DOT–4B240ET; DOT–3; DOT–3E1800; DOT–39; and DOT–3AL225.

Dichlorodifluoromethane (See Note 8).	(R-12)	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800; and DOT-3AL225.
Ethylene (See Notes 8 and 9)		31.0	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39; and DOT-3AL1800.
Ethylene (See Notes 8 and 9)		32.5	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39; and DOT-3AL2000.
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (See Note 8).		Not liquid full at 130° F	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39; and DOT-3AL240.
Sulfur dioxide (See Note 8)		125	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4B240ET; DOT-3; DOT-4; DOT-25; DOT-26-150; DOT-38; DOT-39; DOT-3E1800; and DOT-3AL225.

§ 173.304 [Corrected]

8. On page 62457, "§ 173.304(a)(3)," bottom of page, "carbonyl sulfide," is added after the word "silane,", the last word in the paragraph is corrected to read "either.", and the following sentence is added at the end of the paragraph to read as follows: "Shipments of flammable gases are authorized only when transported by highway, rail and cargo-only aircraft."

§ 173.304 [Corrected]

9. On page 62457, "§ 173.304(d)(3)(i)," the following sentence is added at the end of the paragraph to read as follows: "Shipments of flammable gases in 3AL cylinders are authorized only when transported by highway, rail and cargo-only aircraft."

§ 173.328 [Corrected]

10. On page 62457, "§ 173.328(q)(2)(i)," the last sentence is corrected to read as follows: "Specification 3AL cylinders containing arsine or phosphine may only be transported by highway and rail."

§ 173.332 [Corrected]

11. On page 62458, "§ 173.332(a)(2)," after the phrase, "above floor level.", the following sentence is added to read as follows: "Shipments in 3AL cylinders are authorized only when transported by highway and rail."

§ 173.336 [Corrected]

12. On page 62458, "§ 173.336(a)(2)," the following sentence is added at the end of the paragraph to read as follows: "Shipments in 3AL cylinders are authorized only when transported by highway, and rail." Paragraph "(a)(2)(i)" is added to read as follows:

(a)* * *

(2)* * *

(i) Each cylinder must be cleaned in compliance with the requirements of Federal Specification RR-C-901b paragraphs 3.7.2 and 3.8.2. Cleaning agents equivalent to those specified in RR-C-901b may be used; however, any cleaning agent must not be capable of reacting with oxygen. One cylinder selected at random from a group of 200 or less cleaned at the same time must be tested for oil contamination in accordance with Specification RR-C-901b paragraph 4.4.2.3 and meet the standard of cleanliness specified.

* * * * *

§ 173.337 [Corrected]

13. On page 62458, "§ 173.337(a)(1)," the entry "3AL 2800" is corrected to read "3AL 1800", and in paragraph "(a)(1)(ii)," immediately after the word "caps" the phrase "or other equally protective guards" is added. Paragraph (a)(1)(iii) is added to read as follows:

(a) * * *

(1)* * *

(iii) Each cylinder must be cleaned in compliance with the requirements of Federal Specification RR-C-901b paragraphs 3.7.2 and 3.8.2. Cleaning agents equivalent to those specified in RR-C-901b may be used; however, any cleaning agent must not be capable of reacting with oxygen. One cylinder selected at random from a group of 200 or less cleaned at the same time must be tested for oil contamination in accordance with Specification RR-C-901b paragraph 4.4.2.3 and meet the standard of cleanliness specified.

* * * * *

§ 173.337 [Corrected]

14. On page 62458, "§ 173.337(a)(1)(ii)," a sentence is added after the last word "specifications." to read as follows: "Shipments in 3AL cylinders are authorized only when transported by highway and rail."

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.46-3 [Corrected]

15. On page 62458, "§ 178.46-3," in the third line from the bottom, "Associated" is corrected to read "Associate."

§ 178.46-5 [Corrected]

16. On page 62459, "§ 178.46-5(d)," chart designated "(1) Chemical Composition Limits" the heading of the first column is corrected to read "Aluminum Association alloy designation No."

§ 178.46-5 [Corrected]

17. On page 62459, "§ 178.46-5(d)," the chart designated "(2) Mechanical Property Limits", "^{2}14" is corrected to read "14^{2}"wherever it appears.

§ 178.46-15 [Corrected]

18. On page 62461, "§ 178.46-15(a)(3)," is corrected to read as follows:

(a)* * *

(3) * * * Inspectors official mark, near serial number, date of test (such as 5-81 for May 1981), so placed that dates of subsequent tests can be easily added.

* * * * *

§ 178.46-16 [Corrected]

19. On page 62461, "§ 178.46-16", the line that reads, "Identifying symbol (registered) ———" is removed.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document (a) will not result in a "major rule" under the terms of Executive Order 12291; (b) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034); and, (c) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.) A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on March 23, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-8405 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 192

[Amdt. No. 192-40; Docket No. PS-59]

Transportation of Natural and Other Gas by Pipeline; Damage Prevention Program

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule implements section 3(a)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(a)(2)) by requiring gas pipeline operators to have or participate in a damage prevention program to reduce the risk of excavation damage to buried pipelines in populated areas. Excavation damage is the leading cause of gas pipeline accidents.

DATE: This final rule becomes effective April 1, 1983. The delayed effective date will permit operators time to prepare for compliance by participating in programs

already in existence or to begin their own programs.

FOR FURTHER INFORMATION CONTACT: Ralph T. Simmons, 202–426–2392. Copies of the final rule and documents related thereto may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Background

To reduce the risk of excavation damage to underground gas pipelines, the leading cause of pipeline accidents, MTB issued a Notice of Proposed Rulemaking (NPRM) (44 FR 65792; November 15, 1979) proposing to amend Part 192 by adding a new § 192.614 to require each operator of a buried gas pipeline in populated areas to establish and carry out, or otherwise participate in, a damage prevention program. Modeled after successful "one-call" programs, the NPRM set forth criteria that an operator's program would have to meet, including public notice, receipt of calls about pending excavation, and prompt response in locating and marking pipelines. The proposed rule was the initial step in complying with section 3(a)(2) of the NGPSA (49 U.S.C. 1672(a)(2)) that requires the issuance of this final rule.

Interested persons were given until February 15, 1980, to comment on the proposed amendment. One hundred and one different persons submitted comments. The comments were from gas utilities and gas transmission companies, their trade associations, State and Federal agencies, industry standard-making bodies, and consultant firms to the gas industry. Also, several comments were received from one-call systems.

In accordance with Section 4 of the NGPSA (49 U.S.C. 1673), the Technical Pipeline Safety Standards Committee (TPSSC) met in Washington, D.C., on April 15–17, 1980, to review the technical feasibility, reasonableness, and practicability of the amendment proposed in the NPRM. In general, the TPSSC favored the proposed rule, but suggested a number of modifications. A copy of the Committee's report is available in the docket. A discussion of any rejection of the views of the TPSSC is given below in the discussion of the sections of the final rule involved.

Cost Impact

The final rule is non-major under Executive Order 12291. The Order defines a major rule as one which has an annual effect on the economy of $100 million, a major increase in costs, or a significant adverse effect on the economy. As shown by the cost benefit analysis for this proceeding, this final rule will have no such impact. The final rule is also not a significant rule as defined by the Department of Transportation Policies and Procedures (DOT Order 2100.5).

The Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) requires a review of a proposed regulation issued after January 1, 1981, for its effect on small businesses, organizations, and governmental bodies. Although in this case a notice of proposed rulemaking was issued prior to January 1, 1981, the effect on the segments of the public covered by the Regulatory Flexibility Act has been assessed. These regulations will not have a significant economic impact on such small businesses or organizations because they have been excepted from the final rule. While small government bodies who operate pipelines are not excepted from the final rule, it will not have a significant impact on them because a large number of them are already covered by one-call systems. Also the cost to small municipalities will not be great because the charge for participating in one-call systems is based upon the miles of pipelines owned by the operator or the number of services; plus many of the small operators are often given a cost discount as an inducement to join to prevent any gaps from occurring in the system. Furthermore, a municipality which requires a permit for excavation activities may use its permit procedures with little additional modification to meet the requirements of § 192.614.

It is therefore certified, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities.

Effect on State Laws

In accordance with section 3(a) of the NGPSA (49 U.S.C. 1672(a)(1)), any State may adopt additional or more stringent safety standards for damage prevention programs and linemarkers with respect to intrastate pipeline transportation as are not incompatible with the standards being established by this amendment to Part 192. However, States may not adopt or continue in force any such standards applicable to interstate transmission facilities. Therefore, any State standards governing damage prevention programs or linemarkers for intrastate pipeline transportation that meet the compatibility test of section 3(a) will not be preempted by the new Federal standards.

Under section 5 of the NGPSA (49 U.S.C. 1674), the safety standards issued under the NGPSA generally may not be enforced by MTB against intrastate pipeline transportation in a State in which a State agency submits an annual certification stating, among other things, that it has adopted and is enforcing such standards under State law. Newly issued Federal standards that apply to intrastate pipeline transportation are enforceable by MTB under the NGPSA until a State agency adopts those standards under State law and submits another annual certification. In the case of the new damage prevention program standards, however, section 101(c) of the Pipeline Safety Act of 1979 (49 U.S.C. 1672 note) provides that the new standards "shall not apply with respect to annual certifications under section 5 during the 2-year period which begins on the effective date of such requirements." This provision allows State agencies that do not have compatible damage prevention program standards additional time thay may need to adopt and enforce the new Federal standards, while continuing to participate in the certification and grant-in-aid program under section 5 with respect to the other Federal gas pipeline safety standards. In States that take advantage of this provision, the result will be to extend for up to 2 years the period within which the new Federal damage prevention program standards are enforceable by MTB with respect to intrastate pipeline transportation that is subject to the jurisdiction of those certified State agencies.

General Comments on Proposed [6] 192.614

1. Eighty commenters stated that to burden pipeline operators instead of excavators with regulations designed to prevent excavation damage is inequitable and results in increased cost of transportation at a questionable increase in public safety. Although it is true that by this rule MTB is requiring pipeline companies to shoulder the costs of damage prevention, while perpetrators of damage pay nothing above their liability for damages, society does expect these pipeline companies, as transporters of hazardous commodities, to take every reasonable precaution against harm to the public, regardless of the cause. This societal objective is expressed in section 3(a)(2) of the NGPSA, which requires any operator of gas pipeline facilities to participate in a damage prevention program which the Secretary determines

is being carried out in a manner adequate to assure protection; or to take steps as the Secretary shall prescribe to provide services which are comparable. Furthermore, this policy is supported by studies cited in the NPRM showing that damage prevention programs are the best way to minimize harm from excavation damage. For example, the National Transportation Safety Board has, on the basis of accident investigation and special studies, identified a direct relationship between effective excavation damage prevention programs and low excavation damage rates. In addition, as set forth in the cost/benefit study for this final rule, the program benefits to the industry as a whole outweigh the costs. For example, a reduction in excavation damage to an operator's pipeline would result in benefits to the operator by reducing the cost of repairing the damage, loss of service to his customers, and by savings in the gas which would be lost if a rupture occurs as a result of the damage. Moreover, there are societal benefits that result from fewer injuries and deaths. Because of the duty operators must meet to prevent harm to the public and because these "one-call" programs have proven themselves cost effective, MTB does not agree that the operator responsibility imposed by this rulemaking is inequitable.

2. Thirty commenters recommended that MTB continue to encourage States to enact legislation placing the burden of conducting a damage prevention program on both utility operators and excavators. MTB's efforts to encourage States to enact legislation were discussed fully in the NPRM, and the results of those efforts were shown to have been mixed and inconsistent. Furthermore, because participation in an acceptable State-sanctioned or State-operated program can satisfy the requirements of the new rule, there should be a sufficient incentive for operators to lobby the States to enact appropriate legislation.

3. Four transmission companies and two trade associations argued that unlike distribution companies, transmission systems and gas gathering lines should not be required to have damage prevention programs, because they have relatively small amounts of pipeline in Class 3 or 4 areas. Moreover, they noted that the bulk of their Class 3 piping occurs where transmission lines pass an inhabited building or recreation center located in an otherwise rural area, as defined by § 192.5(d)(2), and it would be impractical to run separate programs for these segments. Similarly, the TPSSC objected to applying the proposed damage prevention program to segments of transmission pipelines in a Class 3 location solely by application of § 192.5(d)(2).

MTB recognizes the unique situation of operators who have short segments of their pipelines placed in Class 3 locations by application of the requirements of § 192.5(d)(2). In addition to transmission lines and gathering lines, there may also be distribution mains that fall into this situation. It would be impractical for an operator to develop and run or participate in a damage prevention program specifically for each short segment of its pipeline in rural areas which is in a Class 3 location as defined by § 192.5(d)(2). In addition, a program run just for these Class 3 areas would be of little benefit because of low population and excavation activity. Therefore, the final rule excepts segments of pipelines placed in Class 3 locations solely by application of the requirements of § 192.5(d)(2), provided the pipeline is marked in that Class 3 area in accordance with § 192.707.

Except as just discussed, MTB is of the opinion that it is just as necessary for transmission and gathering line systems in populated Class 3 and 4 areas to have a damage prevention program as it is for a distribution system. While the fewer number of transmission and gathering lines in these areas compared to distribution lines obviously has resulted in fewer accidents, excavation damage to these lines in populated areas would result in the public being placed at just as great a risk as it would be if the same damage occurred to a distribution pipeline. In fact, for transmission lines, the risk could be greater because they are normally larger pipelines and operate at much higher pressures than distribution pipelines. Also, it does not appear logical to require that a distribution main, which may traverse the same area as a transmission or gathering pipeline, meet the requirements of the damage prevention regulation and not require a transmission or gathering line in the same area and carrying the same product to meet the same requirement.

4. Thirty-seven commenters argued that the proposed rule was too specific and that any final rule should be written in performance language. The final rule has been written in performance language.

Operator controlled rights-of-way

In the preamble to the NPRM, MTB invited comments on the extent to which the proposed requirements should apply to systems whose operators own or have control over the property traversed by the pipelines. These operators generally are municipalities and persons who transport gas in conjunction with renting property, such as managers of mobile home parks or public housing projects and operators whose pipeline facilities are enclosed by physical barriers restricting public access to such facilities.

There were eleven comments received on this topic. Five of the commenters stated that all operators should be covered by the proposed rule, unless they have absolute control of access to the rights-of-way and can prevent any excavation on the property without their knowledge. They reasoned that mobile home parks are often small cities with uncontrolled public rights-of-way, and that since municipally-owned systems utilize the same methods as private companies for the location of their facilities (e.g., easements or streets and rights-of-way dedicated to public use), it would not be any more appropriate to except them than privately-owned systems. These commenters also argued that managers of mobile home parks and municipalities generally have minimal damage prevention programs; therefore, it would lessen the effectiveness of the final rules to except them from coverage.

Another commenter reiterated support for "control of access" being a basis for exception by stating that a mobile home park owner or housing project manager who can control access to his property should also be able to control excavation activities.

Several other commenters stated that all municipally-owned systems exceeding a minimum threshold of customers should be required to have a damage prevention program, while those under the minimum should be excepted from coverage. The commenters did not give the number of customers for the threshold or a rationale for the comment.

Additionally, one trade association commented that all liquefied petroleum gas (LP-Gas) operators should be excepted from coverage because it is inconceivable that any excavation work could take place without the knowledge of the LP-Gas dealer and/or the property owner. Additionally, the association said that LP-Gas systems are regularly serviced by LP-Gas truck drivers/delivery men, providing an opportunity for detection of excavation activity, and that above ground tanks or underground tank domes are visible remainders of the presence of gas lines.

MTB is aware that many segments of all types of gas pipelines and pipeline facilities in Class 3 or 4 locations are contained within physical barriers which restrict public access to the

pipelines or facilities. Such restricted access lessens the chance of excavation damage because the operator would know of any excavation activity within the barriers and would take steps to protect the gas pipeline and facilities. The final rule, therefore, excepts pipelines to which access is physically controlled by the operator.

MTB is not persuaded that an operator's control over its right-of-way short of physical control of access is sufficient reason to except pipeline facilities from the damage prevention program. Without physical control of entry, mere ownership of a right-of-way is not a sufficient deterrent to excavation damage since it is too easy for excavation to occur without the operator's knowledge, making it even less likely that an operator would voluntarily mark the pipelines near a planned excavation. Thus, no further exceptions than physical control of right-of-way, as discussed above, are adopted in this final rule.

Similarly, even though a municipality may control excavation activity on its rights-of-way within its jurisdiction through permits or licensing procedures, MTB does not have any information which shows that this exercise of control by the municipalities has resulted in a lessening of damage to pipelines by excavation activities. As proposed in the NPRM, MTB has made municipally-owned facilities subject to the final rule.

Although a strong argument can be made in support of including LP-Gas and master meter systems in the final rule, MTB does not now have sufficient statistical data to clearly demonstrate that a certain number of incidents caused by outside force damage will be prevented by applying the final rule to LP-Gas and master meter systems.

In the future, if adequate statistical data is available to clearly demonstrate the value of the benefits of requiring LP-Gas and master meter systems to have a damage prevention program, MTB will reconsider requiring them to have a damage prevention program at that time. In the meantime, MTB chooses not to impose on LP-Gas and master meter systems, a requirement which is of unproven value, and these systems are excepted from compliance as set forth in § 192.614(c)(4).

The following portion of this preamble discusses specific sections of the proposed rule that received significant comment.

Section 192.614(a)—Definition of "Excavation Activity"

One commenter recommended expanding the definition of "excavation activity" to mean: "Any operation in which any structure, earth, rock, or other mass of material in or on ground is moved, including without limitation, wrecking, razing, grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, cable plowing, rock plowing, and pile driving activity."

MTB believes the definition of "excavation activity," as given in less detail in the NPRM, is broad enough to cover all the earth-moving activities that can reasonably be expected to cause damage to a pipeline. Therefore, MTB has not adopted the commenter's recommendation for the final rule. However, for emphasis, the final rule does include in the definition the removal of above ground structures.

Section 192.614(b)(1)—Identification of Excavators

Fifty-one commenters thought that the term "semiannually" should be changed to "annually" with respect to how often an operator must determine who in an area is engaging in excavation activities. The reasons given were: Impossible to do semiannually because of the numerous number of contractors involved; the requirement is excessive; most one-call systems and operators' programs now do it once a year; there would not be any greater benefit from doing it semiannually, but it would increase the cost; and the mobility of the contractors make it impossible to keep track of them.

Six commenters asked that the proposed determination requirement be deleted.

MTB agrees that to require semiannual determination of the names of persons who are normally engaged in excavation or demolition would be excessive. The mobility of the people engaged in such operations would make compiling and keeping up-to-date such a list a monumental and expensive task in larger metropolitan areas. Furthermore, MTB believes that if an operator has or participates in a program which includes the features of notifying the excavation and demolition industry and the general public in the operator's Class 3 and 4 areas of operations of the program's existence, advising them how to get information from the program, and encouraging them to participate, that the large majority of persons engaged in excavation or demolition activities will become aware of the program and participate.

MTB does not agree with the commenters who recommended that the proposed § 192.614(b)(1) be deleted. If a program of informing a certain segment of the public is to be successful, the informer must be able to identify those who are to be informed. For this reason, MTB believes that it is necessary for each operator to determine who is most likely to engage in activities that may cause damage to pipelines so that information concerning the damage prevention program may be sent to them directly.

Also, the Gas Research Institute study, "Prevention of Third Party Damage to Gas Pipelines Final Report for 1980", on page 41 states: The five major utilities, their employees and their subcontractors account for well over 50 percent of the damage incidents. * * * When the associated road construction and general construction damage incidents are included * * * well over three-fourths of the damages are caused by personnel who are professionally and regularly involved in excavation activities on or near * * * the utility trenches." Given the above, it follows that the majority of the outside force damage to gas pipelines is done by a well defined group of professionals which is readily identifiable and once identified should remain fairly constant. Thus, after the initial identification process, it should be relatively simple to keep a current list of excavators for any given area.

Therefore, MTB has amended the proposal in the final rule (§ 192.614(b)(1)) to permit the operator more flexibility of action in determining those persons who are normally engaged in excavation activities in his Class 3 and 4 area of operation. In the final rule, a period for updating lists of excavators is not prescribed. Rather, an operator will have to make an initial determination, and then keep the findings current.

Section 192.614(b)(2)—Notification of damage prevention program

Fifty-two commenters opposed the proposed requirement that excavators be notified of the damage prevention program by newspaper ads and direct mailings. Their reasons were that the proposal was restrictive in that it would not allow the operator to pick the best method for his operation; that most notices would be lost in large city newspapers and newspaper ads are expensive; that most of the damage is done by fly-by-night contractors, and newspaper ads would not reach them; and that the ads would probably be ineffective because of the mobility of excavators and much of the work being done by out-of-towners.

Two commenters stated that the proposal was vague, inasmuch as the required content of the notice was not furnished. They also said a required

program is unnecessary since posted signs and public records provide notice to the excavators of the location of the pipeline.

In addition, commenters objected to the proposed semiannual notification of excavators and the public as too inflexible.

MTB agrees with the commenters' statement that the proposal as written may have been too restrictive and would not have allowed the flexibility necessary for operators to develop information programs that would promote the desired response. MTB also concurs that newspaper ads could be expensive, and might not produce the desired response from the public or would not provide the reinforcement of the message that other, more permanent types of notification might. MTB also agrees that the transient nature of the excavation industry makes it unlikely that some members would be aware of notices or ads placed in local newspapers. In consideration of these factors, MTB has modified the proposal in the final rule (§ 192.614(b)(2)) to require that the public be notified of the program functions and that known excavators be given actual notice of the program. Operators may use any methods of notification that are designed to achieve the desired results in their Class 3 and 4 areas of operation. The frequency of notification would be based on the extent to which excavators and the public are aware of the program. As awareness increases, as judged by participation, fewer notices could be given.

MTB does not agree with the commenters who stated that the proposal was vague because it did not contain the required content of the notice. If MTB were to spell out the specific wording a notice must contain, the final rule would be too rigid, inasmuch as different wording may be desirable in different locations and sections of the country because of the types of operations being performed and methods of informing the public which may be available to the operator. Furthermore, to specify the wording the notice must contain would not be in keeping with MTB's objective of writing this final rule in performance language.

MTB does not agree with the statement that posted signs and public records provide sufficient notice to the excavator of the location of the pipeline. This has not proven true in the past, and MTB does not have any indications to the effect that posted signs and public records will prove to be any more effective in the future. While a sign may alert an excavator to the presence of a pipeline, it normally does not mark the location as precisely as temporary marking in a "one-call" program. Also, public records such as permits, licenses, and right-of-way information will not provide the precise location with the necessary reliability for an excavator's use to prevent accidental damage to a pipeline. For these reasons, the commenters' recommendations were not adopted for the final rule.

Section 192.614(b)(4) (i), and (ii) (A) and (B)—Providing information

There were thirty-six commenters who opposed the proposed requirements of § 192.614(b)(4)(i) that callers be told immediately if there are pipelines in the area of plannned excavation. The reasons for their opposition were that most one-call systems do not have the capability of furnishing the required information, and to impose such requirements would destroy the one-call systems as they are presently constituted; that it is not feasible to expect that the one-call systems could maintain current records of the utility location in their area; and that no responsible operator would accept the responsibility of permitting third parties to give out facility locations because of the possible liability involved.

Seventy-two commenters were opposed to the proposed requirements of § 192.614(b)(4)(ii)(A) regarding the details about a pipeline to be given to callers. Their arguments were that most of the details would not be available to the person receiving the call; that providing the required information at the first call would encourage excavators to begin work without waiting for field marking; and that giving the pressure in the pipeline could mislead excavators to believe that damage to a low pressure line is not as hazardous as damage to a high pressure line.

Thirteen commenters opposed § 192.614(b)(4)(ii)(B), as proposed, regarding telling callers the type and time of marking to be provided. Their reason was that the surface at the work site determines the markings to be used, and the surface(s) involved could not be determined by telephone.

After review of the comments received and further investigation of the issues in § 192.614(b)(4) (i) through (ii)(B), MTB agrees with the commenters that it would not be appropriate to require that detailed information about pipeline location, characteristics, and type or time of marking be given out upon receipt of notice of planned excavation. Indeed, giving details about pipelines upon receipt of notice could be counterproductive for public safety. However, since comments on this section opposed basically the time at which information is given to excavators and not the giving of information, MTB still believes that persons planning to engage in excavation activities should be told before such activities begin whether there are pipelines in the area and if so, the type of temporary marking that is to be provided and when the marking will be completed. Giving out this information early in the process should deter excavators from forging ahead with the work should they feel a "one-call" system has not been responsive to their calls. Therefore, MTB has incorporated in the new § 192.614(b)(4) these notification provisions of paragraph (b)(4) of the NPRM, but revised them to permit the information to be given at some time after notice of excavation is received.

Section 192.614(b)(5)(i)—Temporarily Marking Pipelines

Two commenters stated that strict compliance with the proposed requirement to mark pipelines before excavation begins would be impossible as the operator has no control over when work commences.

MTB does not wholly agree with the commenters' statement. True, the operator has no control over when work commences, but a main purpose of the damage prevention program is to facilitate preconstruction cooperation and planning between the operator and excavators. MTB believes that a well planned and operated damage prevention program will facilitate preconstruction communication between parties, thereby reducing the chance that excavation activities will commence before the pipelines in the area of the proposed activities are properly located and marked or that marking of pipelines would be too far in advance of excavation.

The proposal in subparagraph (b)(5)(i) of the NPRM has been modified in the final rule, however, by qualifying the intent that marking be done before excavation begins with the words "as far as practical." This change recognizes that operators may not in every instance be able to complete marketing prior to the beginning of excavation activities because of the vagaries of persons doing the excavation.

Section 192.614(b)(5)(ii)—Inspection requirements

1. Sixty-one commenters were opposed to the proposal to inspect pipelines during and after excavation activities. Their reasons were that field inspections of all pipeline excavations during and after excavation is unnecessary, unrealistic, and

economically unfeasible; the operator should be allowed to determine which excavation should be inspected based upon his experience as to the probability of damage occurring; the support of the pipeline is a factor in only a small number of cases; it is the excavator's responsibility to notify the operator of any damage caused by his activities; and the proposal would place the burden of liability on the operator and not on the excavator where it belongs.

Many said that inspection would be excessively expensive. One commenter estimated it would cost his company over 4 million dollars a year to comply; another estimated cost at three million dollars a year, and several estimated their cost would be from two million to three million dollars a year.

Five commenters were opposed on the basis that inspection of the pipeline should continue to be the responsibility of the excavator as currently required by the Occupational Safety and Health Administration under 29 CFR Part 1926, Subpart P, section 651(a).

After reviewing the comments made on the proposed requirements of subparagraph (b)(5)(ii), MTB believes that most of the commenters interpreted the proposal to mean that an inspector must be on the job site at all times that excavation activities are taking place. This was not MTB's intent. MTB's intent was to require inspection during and after excavation activities to the extent that is necessary to verify the integrity of the pipeline.

MTB recognizes the responsibility of the excavator to notify the operator of any damage he may cause to the pipeline. MTB's concern is that the pipeline may have its coating damaged and its cathodic protection interfered with in such a manner that it would negate the protection afforded the pipeline. Also small dents, scratches, or gouges could occur or its support be undermined so that excessive stress could be set up in the pipeline that could cause failure at a later date. These causes of failure may not be recognized and reported by even the most conscientious excavator as being significant enough to be reported to the operator; therefore, inspection of the pipeline is necessary. This is shown in the following examples. The National Transportation Safety Board's special study, "Prevention of Damage to Pipelines" Report Number: NTSB–PSS–73–1) states that a 2-inch high-pressure gas main, which was apparently damaged during sewer construction several months before the accident, leaked gas and caused an explosion completely destroying a house, killing a mother and two children, and injuring seven other children.

The study further quotes a Prince Georges County, Maryland, ad hoc committee as stating that " * * * statistics show that hits still seem to occur at an alarming rate after lines have been located and marked prior to digging. This would indicate that contractors and subcontractors must assume a lion's share of the blame since their workmen not only damage the lines, but according to County Fire Department and gas company records, fail to exercise good judgment to safeguard the public in many cases. Such workmen often conceal their damages and proceed with 'work as normal.' " Another NTSB report (Number P–78–44) on an accident which occurred at Cherokee, Alabama, states that the support of a cast-iron gas main broke due to the erosion of its soil support where a sewer line had been installed perpendicular to the gas main resulting in an explosion which destroyed a house and killed one occupant.

Also, when blasting is being performed that could harm pipelines in surrounding areas, it is necessary that the pipelines in such areas be leak surveyed immediately after the blasting has occurred to ensure their integrity, since the effect of blasting on pipelines is largely unpredictable. This unpredictability results from the many variables associated with blasting, such as soil condition, type of soil, size of charges used, type of charges used, skill of the personnel doing the blasting, the proximity of the blasting to the pipeline, and the delay sequence of the blasting charges.

In Coopersburg, Pennsylvania, five persons died and sixteen were injured when a weld on an 8-inch steel high-pressure gas main was cracked by blasting.

MTB recognizes that an operator, through experience in dealing with excavators in his area, should know those who are conscientious in avoiding damaging pipelines and in reporting any significant damage. Also, operators should be able to determine from the type of excavation activities being conducted at a particular site, the possibility of damage occurring to the pipeline, and the degree and type of inspection necessary to verify the integrity of the pipeline.

For the above reasons, the final rule in subparagraph (b)(6) has been modified to make MTB's intent clear. The final rule permits the operator to determine which excavation activities should be inspected and the extent of inspection necessary except, that for blasting activities which could be harmful to nearby pipelines, leakage surveys are mandatory.

The commenters' concern over excessive cost due to performing the proposed inspections appears to stem from their belief that full-time inspection of all excavation activities would be required. This conclusion is supported by the fact that the cost estimates submitted by the commenters were based on the cost of construction inspection presently being conducted by their respective companies. This cost was projected to show the anticipated cost of full-time inspection of all excavation activities. Also, the potential benefits shown by the commenters to be derived from these expenditures were based on major damage being done to the pipeline, such as a puncture of the pipeline or a break in the pipeline. They did not consider the benefits which would be derived from preventing less immediate failures by discovering and correcting less serious damage to the pipeline as expressed in the above discussion of MTB's reasons for requiring inspection.

Since the final rule does not require full-time inspection of all excavation activities and permits the operator to use reasonable judgment in determining which excavation activities to inspect and the extent of inspection required, MTB does not believe that unreasonable additional cost will result from the final rule.

Section 192.614(c)—Program Criteria

MTB proposed that operators would not have to run their own damage prevention programs if they voluntarily or by State or local law participate in a public service program that "essentially" meets the criteria proposed under § 192.614(b) for an operator-run program. Four commenters requested clarification of the meaning of "essentially meets the requirements of paragraph (b)." They asked, are they minimum provisions which must be met or can they be met if State law encompasses many of the items enumerated? The intent of this proposal was to permit operators to provide damage prevention programs by participation in State, local, or voluntary public service programs which have the same fundamental characteristics as a damage prevention program defined in paragraph (b) of the notice. The word "essential" was included in the notice so that fundamentally sound programs might qualify though they did not provide every detail that was given in paragraph (b). In the final rule, however, the clarifying changes discussed above

regarding program criteria remove any uncertainty as to which public service programs meet these criteria so that the word "essentially" is not needed.

The final rule adopts the proposal regarding participation in public service programs by providing in paragraph (a) that an operator may perform any of the duties of a damage prevention program by participating in a qualified public service program. Where such a program only partially satisfies program criteria, as by providing a telephone answering service, the operator would have to supplement the public service program with activities of his own to assure full compliance with all criteria. Even where a public service program purports to meet all criteria, participation alone would not relieve an operator of the duty to assure that the criteria are met. In other words, an operator would be subject to penalty for the failure of a public service program in which the operator participates to correctly carry out any aspect of the program criteria that it is performing. If a function is being performed incorrectly, it is the operator's duty to correct the situation at the public service program or otherwise take the necessary steps to perform the function to assure that his compliance responsibility is met.

Section 192.614(d)—Determining Program Effectiveness

1. Fourteen commenters concurred with the proposal that the program should be monitored, but they did not believe that the number of reported incidents, by itself, is a fair measure of program effectiveness. These commenters argued that the proposal did not take into account the increase in incidents that would occur due to an increase in excavation activities, that the effectiveness of programs should be measured by something other than past experience, and that the data would be so unreliable that it could not be used for statistical analysis.

One commenter stated that a measurement based on Part 191 incident reports would be meaningless because of the small number of reports that are filed.

Seven commenters stated that operators should not be subjected to further regulatory burdens of improving programs where the fault lies with excavators' failure to respond to the operator's efforts or to take the necessary precautions to protect a facility that has been properly marked.

After reviewing the comments and consideration of use of the incident and annual reports filed under Part 191, it was determined that Part 191 reports would not be a reliable basis for measuring program effectiveness because excavation activities may increase or decrease from one year to the next. In a year of low excavation activity, a lesser amount of pipeline would be exposed to risk, and less damage would probably occur, thus making the damage prevention program appear to be very effective. In a year of high excavation activity, the reverse could be true. Also, the number of calls requesting the location and marking of pipelines is not a reliable measure, because many of the calls could be originated by excavators whose activities take place in areas where there are few, if any, pipelines, resulting in a large number of calls but with a small amount of pipeline being placed at risk. In contrast, a small number of calls could be from excavators whose activities are in areas of a high density of pipelines, thereby placing a large amount of pipeline at risk. Another consideration was the miles of pipeline in an operator's area. But, the same problem exists with the use of miles of pipeline as does with the use of number of calls received.

MTB believes that there are insufficient reliable data available at this time to allow operators to make a reliable annual determination of the effectiveness of their damage prevention programs and to take remedial action based on that determination. For the above reason, the proposed requirement that operators determine annually the effectiveness of their damage prevention programs and take action on that determination has not been incorporated in the final rule.

MTB believes that a method for monitoring the effectiveness of a damage prevention program is necessary, and will continue its efforts to develop a reliable method of doing so. MTB would welcome assistance from interested persons in developing such a method.

Section 192.707—Line Markers

Eight commenters opposed the proposed exemption of pipelines covered by a damage prevention program from the permanent line marking requirement of § 192.707. The reason most often given was that line marking serves many other useful purposes, such as aid to firefighting units.

The purpose of the line marking requirement under § 192.707 is to alert potential excavators of the existence of underground pipelines and their general location. While there may be other benefits, they did not form a basis for the rule when adopted, and thus cannot be used to justify its retention. MTB believes that where damage prevention programs exist, there is no need for line markers, because the damage prevention program is a more effective means of protecting underground pipelines against excavation damage. Although line markers may serve a secondary purpose of aiding other public bodies, this is not sufficient justification to impose costly duplicate requirements on the operators. For these reasons, the commenters' recommendation was not adopted for the final rule.

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

For the reasons set out in the preamble, 49 CFR Part 192 is amended as follows:

1. A new § 192.614 is added to read as follows:

§ 192.614 Damage prevention program.

(a) Except for pipelines listed in paragraph (c) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations. An operator may perform any of the duties required by paragraph (b) of this section through participation in a public service program, such as a "one-call" system, but such participation does not relieve the operator of responsibility for compliance with this section.

(b) The damage prevention program required by paragraph (a) of this section must, at a minimum—

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (b)(1) of the following as often as needed to make them aware of the damage prevention program:

(i) The program's existence and purpose; and

(ii) How to learn the location of underground pipelines before excavation activities are begun.

(3) Provide a means of receiving and recording notification of planned excavation activities.

(4) Provide for actual notification of persons who give notice of their intent to excavate of whether there are buried pipelines in the area of excavation activity and, if so, the type of temporary marking to be provided and how to identify the markings.

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

(6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(ii) In the case of blasting, any inspection must include leakage surveys.

(c) A damage prevention program under this section is not required for the following pipelines:

(1) Pipelines in a Class 1 or 2 location.

(2) Pipelines in a Class 3 location defined by § 192.5(d)(2) that are marked in accordance with § 192.707.

(3) Pipelines to which access is physically controlled by the operator.

(4) Pipelines that are part of a petroleum gas system subject to § 192.11 or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

2. Section 192.707(b)(2)(ii) is revised to read as follows:

§ 192.707 Line markers for mains and transmission lines.

* * * * *

(b) * * *

(2) * * *

(ii) Where a damage prevention program is in effect under § 192.614; or

* * * * *

3. The table of sections is amended by adding a new § 192.614 titled "Damage prevention program."

(49 U.S.C. 1672; 49 CFR 1.53, Appendix A of Part 1)

Issued in Washington, D.C., on March 25, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-8524 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

49 CFR Part 630

Uniform System of Accounts and Records and Reporting System

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Technical Amendments.

SUMMARY: This document amends the Urban Mass Transportation Administration's (UMTA) regulation on the Uniform System of Accounts and Records and Reporting System (49 CFR Part 630) to include the Office of Management and Budget (OMB) control number approving the required information collection requests.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Gold, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street, SW, Washington, D.C. 20590; Telephone (202) 426-4011.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulation listed below have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number in the listing.

Text of Amendment

Following the text of the paragraph of Title 49, cited in the first column of the table, add parenthetically the corresponding OMB number, and accompanying text, listed in the second column:

CFR citation	OMB Control No.
630.35.....	2132-0008. All of the information collection requests in this part have been approved by OMB under this number.

Issued on: March 24, 1982.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 82-8433 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-57-M

Proposed Rules

Federal Register
Vol. 47, No. 63
Thursday, April 1, 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

Federal Crop Insurance Corporation

7 CFR 426

[Amendment No. 1]

Combined Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Combined Crop Insurance Regulations, effective with the 1983 and succeeding crop years, by adding a section to prescribe the interest to be charged when premium payments are not made within a certain time. In addition, several minor changes to language are proposed to clarify terms and to correct typographical errors. The intended effect of this proposed rule is to improve the debt management practices of FCIC and to amend the language of the regulations to make them easier to understand and more administratively effective. This proposed rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than June 1, 1982, to be sure of consideration.

ADDRESS: Written comments on this proposed 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 Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 426) have been approved by the Office of Management and Budget (OMB) and have been assigned OMB #0563-0001, 0563-0003, and 0563-0007.

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, 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, and (3) this action conforms to 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 in OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has been determined that this action does not constitute a review as to need, clarity, currency, 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 for these regulations.

The principal change in this proposed rule is to add a section to provide for an interest charge when premium payments are not made within a certain time.

This change, to become effective with the 1983 and succeeding crop years, provides that unpaid premiums will bear interest in the amount of one and a half percent (1½%) simple interest per month or any part thereof, starting with the final acreage reporting date for the crop in the county.

In addition to minor language corrections, the table of contents is corrected, a section requiring the posting of indemnities in the county courthouse is removed and reserved since the Federal Crop Insurance Act, as amended, no longer requires such notices to be posted, and the title of Manager is changed to read Chairman in order to reflect administrative changes in FCIC.

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

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Combined Crop Insurance Regulations (7 CFR Part 426), as appearing in the **Federal Register** at 44 FR 68431-68435, on Thursday, November 19, 1979, effective with the 1983 and succeeding crop years, in the following instances:

PART 426—COMBINED CROP INSURANCE

1. The authority citation for 7 CFR Part 426 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. The Table of Contents is amended to read as follows:

Sec.
426.1 Availability of combined crop insurance.
426.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
426.3 [Reserved].
426.4 Creditors.
426.5 Good faith reliance on misrepresentation.
426.6 The contract.
426.7 The application and policy.
Appendix A—Counties Designated for Combined Crop Insurance.

§ 426.1 [Amended]

3. 7 CFR § 426.1, is amended in the 7th line by deleting the word "Manager" and substituting the word "Chairman".

§ 426.2 [Amended]

4. 7 CFR § 426.2, is amended in the first line by deleting the word "Manager" and substituting the word "Chairman".

§ 426.3 [Amended]

5. 7 CFR § 426.3, is hereby removed and reserved.

6. 7 CFR § 426.5(b) is amended to read as follows:

§ 426.5 Good faith reliance on misrepresentation.

* * * * *

(b) The Board of Directors of the Corporation, or the Chairman in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premium or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

7. 7 CFR § 426.7(b), is amended by adding a subsection 4(d) to read as follows:

§ 426.7 The policy.

* * * * *

(b) Combined Crop Insurance Policy

Terms and Conditions

* * * * *

4.

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1-½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the month in which the acreage reporting date for the crop occurs (see Section 3): *Provided*, That such interest will not be charged if the full amount of the premium is received by the Corporation within 30 days from the date of the first premium billing.

8. The Appendix to 7 CFR Part 426, The policy, is amended to read as follows:

Appendix A.—Counties Designated for Combined Crop Insurance—7 CFR 426

In accordance with the provisions of 7 CFR § 426.1, the following counties are designated for combined crop insurance:

State and County and Crop(s)

North Dakota:

Barnes—Barley, flax, oats, rye, wheat.
Grand Forks—Barley, flax, oats, wheat.
Pierce—Barley, flax, oats, rye, wheat.
Richland—Barley, flax, oats, rye, soybeans, wheat.
Steele—Barley, flax, oats, wheat.

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

Date: March 22, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Melvin E. Sims,

Chairman.

[FR Doc. 82-8513 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-08-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of reopening of time for comments.

SUMMARY: This document announces the reopening of the comment period for the proposed rule of January 25, 1982 (47 FR 3490-3509) that would amend the regulations governing the interstate movement of cattle, as related to brucellosis, by removing incorporation by reference of the July 1977 Uniform Methods and Rules (UM&R) and by incorporating pertinent provisions of the current UM&R directly in the regulations; by specifically removing the definition of and use of Certified Brucellosis-Free, Modified Certified Brucellosis, and Noncertified Areas and by defining and using Class Free, Class A, Class B, and Class C States in their places; by amending the requirements for interstate movement of livestock to reflect the new classification of States; and to make other amendments to update and clarify the regulations.

DATE: Comments must be received on or before April 30, 1982.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, Chief Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20582, 301-436-5961.

SUPPLEMENTARY INFORMATION: On January 25, 1982, there was published in the **Federal Register** (47 FR 3490-3509) a proposed rule to amend the regulations in 9 CFR Part 78 by removing the incorporation by reference of the July 1977 UM&R and incorporating the pertinent provisions of the current UM&R directly in the regulations. Included in that proposal is the use of whole State classification and removal of the county-by-county classification system. Other proposed interstate movement requirements for cattle, bison and swine are also included in the proposed rule.

When the proposed rule was published, it provided for receipt of comments on or before March 26, 1982. However, several State animal health officials and affected livestock industry officials have requested additional time to prepare and submit their comments.

Since the Department is interested in receiving meaningful views and comments concerning this complex proposal, these circumstances are considered justification for reopening the comment period originally alloted for submitting views and comments. Therefore, the period for submission of comments concerning the amendment is hereby reopened until April 26, 1982.

Done at Washington, D.C. this 29th day of March 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-8743 Filed 3-29-82; 2:39 pm]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act, and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from April 1, through October 1, 1982. The Board's next semiannual agenda will be published in October 1982.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: (A staff contact for each item is indicated with the regulatory description below.)

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections: Section A reports those regulatory matters from the

Board's last Semiannual Agenda (October 1, 1981 through April 1, 1982) on which final action has been taken; Section B reports on regulatory matters that have been proposed and that are under Board consideration; and Section C reports regulatory matters the Board may consider proposing for public comment during the next six months.

A double asterisk (**) in Sections B and C indicates those matters listed on the Board's previous Semiannual Agenda; a dagger (†) indicates a proposal that is likely to have a significant economic impact on a substantial number of small entities. The latter designation applies to only those matters proposed for public comment *after* the January 1, 1981 effective date of the Regulatory Flexibility Act.

A. Regulatory Matters From the October 1, 1981 Through April 1, 1982 Semiannual Agenda on Which Final Action Has Been Taken

1. Regulation: K—International Banking Operations (12 CFR Part 211)

Action taken: In October 1981, the Board issued for public comment and subsequently adopted an amendment to Regulation K that permits Edge Corporations in the United States to offer certain investment, financial and economic advisory services (47 FR 11817, March 19, 1982). These services include providing general economic information and certain portfolio investment advice, as well as managing investment portfolios for non-U.S. Customers of the Edge Corporation. These services may be provided for U.S. customers only with respect to foreign assets.

The amendment imposes no additional burden on any Edge Corporation.

Authority: Federal Reserve Act, 12 U.S.C. 611; 611a, as added by the International Banking Act of 1978; and 616.

Docket number: R–0366.

Staff contract: Melanie L. Fein, Attorney, Legal Division, (202–452–3594); Henry N. Schiffman, Division of Banking Supervision and Regulation, (202–452–2525).

2. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Action taken: In June 1981, the Board issued for public comment a proposed amendment to Regulation T to provide special rules for margin on options written on Treasury or Government National Mortgage Association (GNMA) securities (46 FR 32033, June 19, 1981).

The Board's action requested public comment on two alternative margin-setting proposals for options on govenment and government agency debt issues. One such proposal would permit brokers and dealers to give "good faith" loan value to an option which has been purchased and would permit a "good faith" margin when an option contract is written. Under the alternate proposal, the Board would set a margin requirement of 130 percent of the option premium, plus $1,000 for the initial writing of all uncovered option contracts on exempt debt securities. Under this proposal no option contract would be permitted to have loan value.

In October 1981, following review of the public comments, the Board adopted an amendment to Regulation T to require brokers and dealers to obtain "good faith" margin from customers who write options on government securities (46 FR 49827, October 8, 1981).

The Board's final rule is a modification of the proposal it made in June. The "good faith" margin is to be based on the maintenance margins of the exchange that trades the option. Under the amendment, no loan value may be accorded to the option itself.

By adopting the proposal the Board, as described in its Regulatory Flexibility Analysis, streamlined compliance by reducing regulatory overlap—a reduction that should be particularly beneficial to many small brokers, for whom compliance costs constitute a large proportion of administrative expenses.

Authority: Securities Exchange Act of 1934, 15 U.S.C.78 g and w.

Docket number: R–0082.

Staff contract: Laura Homer, Securities Credit Officer; Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202–452–2781).

3. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In June 1981, the Board issued for public comment a proposed amendment to Regulation Y to include the issuance of travelers checks in the list of activities permissible for bank holding companies.

Following review of the public comments, the Board adopted the proposal in substantially the form proposed (46 FR 58065, November 30, 1981). Adoption of this proposal imposes no additional burden on any bank holding company.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0361.

Staff contract: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779); Susan Weinberg, Attorney, Legal Division, (202–452–3707).

4. Guidelines for Enforcement of the Equal Credit Opportunity and Fair Housing Acts

Action taken: In July 1978, the five Federal financial regulatory agencies—Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and the Federal Reserve Board—issued for public comment proposed uniform guidelines for enforcement of the Equal Credit Opportunity and Fair Housing Acts (43 FR 29256, July 6, 1978). The guidelines would specify the kind of corrective action a creditor would be requested to take for violations of the more substantive provisions of the Equal Credit Opportunity Act (Regulation B) and the Fair Housing Act. Based on the comments received and further deliberation, the agencies, under the direction of the Federal Financial Institutions Examination Council, have adopted a policy statement and agency guidelines for implementing the policy statement (46 FR 56500, November 17, 1981).

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691, *et seq.*, Federal Deposit Insurance Act, 12 U.S.C. 1818(b).

Docket number: R–0168.

Staff contact: Jerauld C. Kluckman, Associate Director, Division of Consumer and Community Affairs, (202–452–3401).

B. Regulatory Matters That Have Been Proposed and Will Involve Further Board Consideration

****1. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)**

Action taken: In April 1979, the Board, in response to requests for clarification, solicited public comment on how the specific rules of Regulation B should apply to various credit scoring practices (44 FR 23365, April 23, 1979).

In August 1980, the Board published a revised proposal in the form of two interpretations, the first dealing with consideration of income and the second with the selection and disclosure of reasons for adverse action (45 FR 56818, August 26, 1980). The proposals would primarily affect creditors that use credit scoring systems. The Board is expected to take further action during the next six months.

Authority: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

Docket number: R–0203.

Staff contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****2. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)**

Action taken: In October 1978, the Board proposed for comment several amendments to the regulation. In April 1979, one of the proposals was adopted (44 FR 23813, April 23, 1979). The three remaining proposals would affect creditors that extend credit to small businesses by extending recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquiries as to marital status of applicants would be prohibited in all business credit applications.

The Board is expected to consider these matters during the next six months in conjunction with action on the proposed credit-scoring interpretations that are also outstanding. (See entry B.1.)

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

Docket number R–0185.

Staff contact: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202–452–2412).

****3. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)**

Action taken: The Board will consider further during the next six months a proposal to adopt contemporaneous reserve accounting. In August 1980, the Board stated that it is disposed toward returning to contemporaneous reserve accounting if investigation indicates that such a system is practical. In November 1981, the Board solicited additional public comments on a proposal to adopt contemporaneous reserve accounting (46 FR 58184, November 30, 1981). The proposal would change the reserve maintenance schedule of depository institutions to coincide with reserve computation periods as a means of improving the System's ability to meet its monetary policy objectives. Such a proposal would affect the reserve management practices of all depository institutions with $15 million or more in total deposits.

Authority: 12 U.S.C. 461 *et seq.*

Docket number: R–0371.

Staff contact: David Lindsey, Assistant Director, Division of Research and Statistics, (202–452–2601); Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202–452–3625).

****4. Regulation: E—Electronic Fund Transfers (12 CFR Part 205)**

Action taken: In March 1982, the Board approved issuing for public comment amendments to the regulation that would provide (1) an exemption for small institutions limited to their participation in the federal government's direct deposit program; (2) an exemption from the periodic statement requirements for certain telephone transfers between a consumer's accounts held at the same institution; (3) modification of certain requirements for institutions that offer electronic services internationally; and (4) an exception to the required disclosure on the terminal receipt of type of account affected, for certain transfers in a regional or nationwide interchange system.

The proposed amendments, if adopted by the Board, would relax existing regulatory burdens for a number of small institutions (under the first two items listed above) and for institutions that are members of debit-credit card networks (under the third and fourth item). It is believed that these proposed changes would not result in the loss of significant protections for consumers. The Board will review the comments and is expected to take further action within the next six months.

Authority: Electronic Fund Transfer Act, 15 U.S.C. 1693b.

Docket number: R–0388.

Staff contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****5. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); and U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221); X—Rules Governing Borrowers Who Obtain Securities Credit (12 CFR Part 224)**

Action taken: In June and July 1981, the Board proposed for public comment major revisions to simplify its margin regulations. Following review of the public comments, the Board in January 1982, amended the existing rules to grant relief and flexibility in areas where the comments disclosed no substantial disagreement with the Board's proposals and the amendments could be adopted without substantial modification of the existing regulations (47 FR 2981, January 21, 1982). These changes will relax regulatory treatment of individual and business borrowers, enhance the financing capabilities of small as well as large businesses, and increase the consistency of treatment across all lenders.

The effects of these amendments are:

1. *Regulation G:* Permit lenders subject to this regulation (chiefly insurance companies and credit unions) to extend the scope of their lending, give them more flexibility with respect to collateral, and clarify the definition of indirect security for loans.

2. *Regulation T:* Relax restrictions on the arranging of credit by brokers and dealers to permit investment banking services that may otherwise be prohibited.

3. *Regulation U:* Revise the applicability of the regulation so as to exempt bank credit not secured by margin equity securities, and clarify the definition of indirect security credit, as in Regulation G.

4. *Regulations G, T and U:* Remove some restrictions on transactions in highly leveraged margin accounts, thereby giving these account holders greater flexibility in reallocating portfolios.

During the next six months, the Board is expected to consider proposing for public comment simplified versions of the other three margin credit regulations (G, U, and X), as well as reviewing the comments on the proposed revision of Regulation T. A simplified revision of Regulation T was approved for public comment on March 24, 1982.

Authority: Securities Exchange Act of 1934, 15 U.S.C 78 g and w.

Docket number: R–0362.

Staff contact: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, (202–452–2781); Robert Rewald, Division of Research and Statistics, (202–452–3637) Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, (212–791–5032), or James M. McNeil, (212–791–5914), Federal Reserve Bank of New York.

†6. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, and Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); and U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)**

Action taken: In November 1981, the Board issued for public comment proposed amendments to the requirements set forth in Regulations G, T, and U for initial and continued inclusion on the List of OTC Margin Stocks, (46 FR 57532, November 24, 1981).

In July 1969, the Board adopted criteria for including stocks on the List of OTC Margin Stocks. In discussions leading to the selection of the criteria, the Board indicated that (a) stocks to be included on the List should have market characteristics similar to exchange-listed securities; (b) manipulation by issuers to permit or prevent inclusion or non-inclusion should be made as difficult as possible, and (c) fluctuations in the List should be minimized.

Recommended changes in the OTC List criteria are the result of a staff review of the OTC Margin stock listing and continued listing requirements in the light of recent developments in the

securities markets in general, the OTC market in particular, and staff experience with administering the requirements. It is believed that revising the criteria is especially appropriate at this time because of a recent decision to revise the List three times a year commencing in 1982 rather than twice a year as is the current practice. This has been a frequent recommendation of the securities industry.

Stocks included on the List of OTC Margin stocks may be bought and held on margin at brokerage firms, and some market participants believe this broadens the market for these stocks. To the extent this is true, changes in the listing criteria may affect the future growth of the List and might have some effect on the ability of small corporations to raise additional equity capital from the public.

The Board will review the comments on the proposals and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C 78 g and w.

Docket number: R–0372.

Staff contact: Robert S. Plotkin, Assistant Director; Laura Homer, Securities Credit Officer; Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, (202–452–2781).

7. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); and U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

Action taken: In February 1982, the Board issued for public comment a regulatory framework that could be used to establish margin requirements on futures contracts based on stock indexes (47 FR 8788, March 2, 1982). This action was taken in connection with the Board's review of an application by the Kansas City Board of Trade (KCBOT) to trade in stock market index futures contracts.

The Board decided not to specify a margin requirement on stock index futures contracts at that time, following action by the Commodity Futures Trading Commission permitting the KCBOT to trade such a contract.

The Board noted actions taken by the KCBOT to increase its own initial margin requirements on these futures contracts and to narrow the definition of hedging for margin purposes. In view of this, the Board decided not to take immediate action of its own.

However, the Board indicated that, because formal margin requirements on stock index futures contracts may be appropriate later to limit the use of speculative credit and to assure competitive equality with stock options—on which margin requirements are currently imposed—it plans to monitor the development and operation of this market closely.

The Board therefore asked for comment both on specific issues related to establishment of margin requirements on stock index futures contracts and related instruments and on a proposed framework for such regulation.

Specifically, the public was asked to comment on the following issues in connection with stock index futures contracts and related instruments:

1. The appropriate level of margin;
2. The appropriate definition of a hedge transaction;
3. The use of Regulation G or T to cover futures commission merchants that may not otherwise be subject to the Board's margin regulations;
4. The proper customer account to use in Regulation T for these instruments; and
5. The treatment of bank loans and loans from other lenders for the purpose of meeting margin calls and related costs.

The objective of several of the foregoing questions is to design a regulatory framework that would create the least operational problems for borker-dealers presently subject to Regulation T and those firms not presently covered, while providing comparable treatment of the two groups. It is not expected that this proposal would have a significant impact on a substantial number of small firms.

The Board will review the comments on the proposals and may take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 c, g and w.

Docket number: R–0385.

Staff contact: Laura Homer, Securities Credit Officer; Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

****8. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)**

Action taken: In May 1981, the Board issued for public comment proposals to amend Subpart A of Regulation J by (1) redefining the terms "sender" and "bank" to include a depository institution as defined in 12 U.S.C. 461 (b), namely, banks and thrift institutions, (2) imposing on a paying bank that returns an item an indemnity for loss or expense resulting from return of the item beyond the deadlines provided in the regulation, (3) incorporating provisions for collecting coupons and other securities similar to provision regarding the payment and return of cash items, and (4) imposing a warranty and related indemnity regarding wire advice of nonpayment on a paying bank which returns a cash item (46 FR 24576, May 1, 1981). After considering the comments received, the Board adopted the first proposal in substantially the form proposed (46 FR 42059, August 19, 1981). Final action on the other three items is expected during the next six months. In its consideration of these proposals, the Board has taken account of the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, and has concluded that none are expected to have a significant economic impact on a substantial number of small entities.

Authority: Sections 13, 16, and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket number: R–0357.

Staff contact: Joseph R. Alexander, Attorney, Legal Division, (202–452–2489).

****9. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)**

Action taken: In November 1981, the Board issued for public comment a proposed amendment to Regulation T to permit letters of cedit to be used as collateral in connection with the lending of securities (46 FR 55533, November 10, 1981). The current rule (12 CFR 220.6(h)) permits only cash to be used as collateral when creditors borrow securities to make delivery in the cases of short sales, failures to receive securities required to be delivered, or in other circumstances involving settlement of securities transactions. In addition, staff has expressed the view that Treasury bills may also be used as collateral.

Members of the securities industry and institutional lenders of securities have requested Board staff to review Regulation T with a view toward permitting the use of letters of credit in securities lending transactions. They believe that low-cost alternative to cash deposits in such transactions is necessary under current economic conditions. They also argue that the use of letters of credit would be more efficient since it eliminates transfers of money and book entry problems. In addition, the newly revised Federal Bankruptcy Code has created uncertainty over the rights of securities lenders to the cash collateral deposited by a broker/borrower in the event of the latter's insolvency. Finally, the Department of Labor has recently given permission to employee benefit plans to lend securities and take back letters of credit as collateral. It is not expected

that such a proposal would have an adverse economic impact on any small institutions.

The Board will review the comments on the proposal and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Docket number: R–0370.

Staff contact: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, (202–452–2781).

10. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In February 1979, the Board adopted regulations to implement the Change in Bank Control Act, under which any person seeking to acquire control of any insured bank or bank holding company must provide 60 days' prior written notice to the appropriate Federal banking agency. At the same time the Board invited public comment on the final regulations (44 FR 7229, February 6, 1979). It is not anticipated that the Board will take further action on this matter within the next six months. However, these regulations will be considered by the Board in the context of the general revision of Regulation Y that will be proposed in the near future. (See entry C.10.)

Authority: Change in Bank Control Act of 19787, 12 U.S.C. 1817(j).

Docket number: R–0199.

Staff contact: Carl Howard, Senior Attorney, Legal Division (202–452–3786); Jack M. Egerston, Assistant Director, Division of Banking Supervision and Regulation, (202–452–3408).

11. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In October 1980, the Board issued for public comment a proposed amendment to Regulation Y to modify the scope of permissible data processing activities for bank holding companies. (45 FR 75221, November 5, 1980). In July 1981, the Board clarified this proposal by issuing a more detailed description of the proposed rule. (46 FR 37905, July 23, 1981).

Before a bank holding company is allowed to engage in a nonbanking activity, the Board must first determine that (1) the activity is "so closely related to banking * * * as to be a proper incident thereto," and (2) permitting the particular company to engage in the activity is in the public interest. The Board may make the "closely related" determination by issuing an order in an individual case upon requester or by adopting a regulation; the public interest determination is always made on a case-by-case basis. The Board has previously determined that certain data processing activities are closely related to banking. In view of some uncertainty regarding the exact scope of permissible data processing activities, however, the Board proposed to modify the existing regulation through rulemaking procedures before an administrative law judge. The administrative law judge is expected to make a recommendation to the Board within the next three months.

The proposed change would impose no additional burden on any bank holding company; indeed it should facilitate the application process for any company wishing to engage in the activity because the company would merely have to refer to the regulation without offering specific evidence on the "closely related" test.

The Board will review the comments received on the draft proposal and the administrative law judge's recommendation and is expected to take final action on the proposal during the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0363.

Staff contact: Carl Howard, Senior Attorney, (202–452–3786); Pamela Nardolilli, Attorney, Legal Division, (202–452–3289).

12. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In December 1981, the Board issued for public comment notice of an application by J. P. Morgan & Co., Inc. to act as a futures commission merchant with respect to futures contracts in bullion, foreign exchange, U.S. Government securities, and money market instruments. At the same time, the Board requested comment on the question whether these activities should be added to the list of activities permissible for bank holding companies generally. (46 FR 60503, December 10, 1981).

Before a bank holding company is allowed to engage in a nonbanking activity, the Board must first determine that (1) the activity is "so closely related to banking * * * as to be a proper incident thereto." and (2) permitting the particular company to engage in the activity is in the public interest. The Board may make the "closely related" determination by issuing an order in an individual case upon request or by adopting a regulation; the public interest determination is always made on a case-by-case basis. On several occasions the Board has found by order that acting as a futures commission merchant with respect to certain financially related commodities is closely related to banking. The Board has now requested comment as to whether a general "closely related" determination should be made by regulation.

The change would impose no additional burden on any bank holding company; indeed, it should facilitate the application process for any company wishing to engage in the activity because the company would merely have to refer to the regulation without offering specific evidence on the "closely related" test.

The Board will review the comments received on the draft proposal and is expected to take final action on the proposal during the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0375.

Staff contact: Carl Howard, Senior Attorney, (202–452–3786); Anthony Winer, Attorney, Legal Division, (202–452–2418).

13. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In December 1981, the Board published for comment a proposal to authorize BankAmerica Corporation to engage in financing commercial real estate development by the placement of equity interests. The Board also indicated that it was considering whether to amend Regulation Y to incorporate the proposed activity into the list of those generally permissible for bank holding companies.

Before a bank holding company is allowed to engage in a nonbanking activity, the Board must first determine that (1) the activity is "so closely related to banking * * * as to be a proper incident thereto." and (2) permitting the particular company to engage in the activity is in the public interest. The Board may make the "closely related" by issuing an order in an individual case upon request or by adopting a regulation; the public interest determination is made on a case-by-case basis. Any change of the regulation, if adopted, would impose no additional burden on any bank holding company; rather, it would reduce burden by expanding the nonbanking activities in which bank holding companies may engage.

The Board will review the comments received on the draft proposal and is expected to take final action on the proposal during the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0376.

Staff contact: Bronwen Mason, Senior Counsel, (202–452–3564); Mary Ann Gadziala, Attorney, Legal Division, (202–452–3786).

C. Regulatory Matters the Board May Consider During the Next Six Months

1. Regulation: C—Home Mortgage Disclosure (12 CFR Part 203)

Anticipated action: The Home Mortgage Disclosure Act (HMDA) and Regulation C provide that state-chartered depository institutions within a state may be exempt from the federal requirements if two conditions are met: (1) The state requirements are substantially similar to federal requirements, and (2) there is adequate provision for enforcement. Upon application, the Board is directed to determine whether the conditions for exemption are met, and to grant or deny the application.

Certain state-chartered institutions are currently exempt from the federal requirements in five states: California, Connecticut, Massachusetts, New Jersey, and New York. Because changes were made to the federal home mortgage disclosure requirements effective August 11, 1981 (46 FR 40679), reapplications are required.

Applications for a continuation of the exemption have been received thus far from New Jersey and New York. The Board's staff is working with the state banking agencies in Massachusetts and Connecticut on their planned submissions. California, on the other hand, has withdrawn its application for budgetary reasons. California institutions currently exempt from Regulation C coverage will be required to comply with the federal law beginning with calendar year 1982. The Board will consider publishing for comment a notice concerning these applications in the near future, and will determine whether to continue the exemption after its review of the relevant documents.

State exemptions from federal law that are granted by the Board would result in fewer burdens on depository institutions subject to HMDA and located in those states (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The HMDA and Regulation C apply to all depository institutions over $10 million in assets that have offices in SMSAs (Standard Metropolitan Statistical Areas) and that makes federally related mortgage loans.

Authority: The Home Mortgage Disclosure Act, 12 U.S.C. 2801 *et seq.*

Staff contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

† 2. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)

Anticipated Action: The Board will consider publishing for comment a proposal that would allow Federal Reserve Banks to charge depository institutions for cash letters that are made available to them on a weekday that is banking day for the Reserve Bank but not for the paying bank. The purpose of the amendment is to eliminate the float generated when depository institutions regularly close on weekdays, and to promote equity with other depository institutions that remain open on such days. The proposal will not impose any additional reporting, recordkeeping, or other compliance requirements on any institution, or duplicate, overlap, or conflict with any other federal rule. Board staff does expect, however, that affected institutions (approximately 450 of them with deposits of less than $20 million) could experience some reduction of earnings.

Authority: Section 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Staff contact: Joseph R. Alexander, Attorney, Legal Division, (202–452–2489).

****3. Regulation: K—International Banking Operations (12 CFR Part 211)**

Anticipated Action: The Board will consider publishing for comment a revised proposal that would permit Edge Corporations to provide a broader range of banking services than is now permissible to a limited class of customers. While Edge Corporations are in most instances owned by major banks, the proposal would also afford scope for smaller banks to compete more effectively in development and supply of services to support U.S. trade. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 to improve the competitive position of Edge Corporations (44 FR 10509, February 21, 1979).

Action on this matter would represent a relaxation of regulatory burden on Edge Corporations and would permit a shift to a more cost-effective method of supervision of Edge Corporations.

Authority: International Banking Act of 1978, 12 U.S.C. 3101; Federal Reserve Act, 12 U.S.C. 601 and 615.

Staff contact: James S. Keller, Senior Attorney, Legal Division, (202–452–3582); Henry S. Terrell, Chief, International Banking Section, Division of International Finance, (202–452–3768).

4. Regulation: L—Management Official Interlocks (12 CFR Part 212)

Anticipated Action: The Board will consider issuing for public comment proposed amendments to Regulation L to update, clarify, and make technical changes in the light of the Board's experience with the regulation to date and recent amendments to the Interlocks Act (12 U.S.C. 3201 *et seq.*). It is not expected that such proposals would have any significant economic impact on the depository institutions, depository holding companies, and their affiliates affected by the regulation.

Authority: Depository Institutions Management Interlocks Act, 12 U.S.C. 3207.

Staff contact: Melanie L. Fein, Attorney, (202–452–3594); Bronwen Mason, Senior Counsel, Legal Division, (202–452–3564).

5. Regulation: M—Consumer Leasing (12 CFR Part 213)

Anticipated Action: The Truth in Lending Act and Regulation M provide that classes of lease transactions within a state may be exempt from some of the federal requirements if certain conditions are met. These conditions require an existing state law to be substantially similar to the federal law or to afford greater consumer protection and benefit, and to contain adequate provisions for enforcement. Upon application by a state, the Board is directed to determine whether the conditions for exemption are met, and either grant or deny the application.

The Board has received an application from Maine to exempt, under the Truth in Lending Act and Regulation M, certain lease transactions from federal requirements. The Board will consider publishing for comment a notice concerning this application, once it determines whether the conditions for exemption appear to have been satisfied in this case.

A state exemption from federal law that is granted by the Board would result in fewer burdens on lessors in that state (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The Truth in Lending Act and Regulation M apply to all sectors of the economy that engage in lease transactions including banks and retail establishments.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Staff contact: Clarence B. Cain and Rugenia Silver, Attorneys, Division of Consumer and Community Affairs, (202–452–2412).

****6. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)**

Anticipated action: The Board will consider issuing for public comment either an amendment to the special cash account provision of Regulation T or an interpretation to facilitate the covered writing of options by institutions and other entities which are prevented by law from using margin accounts. Because of processing delays in delivery versus payment arrangements in which escrow receipts from banks are used, brokers have asked for more flexibility than presently permitted.

Lifting the Securities and Exchange Commission's moratorium on option expansion has increased the difficulties encountered by brokers, and the Board's staff has verified with banks that a problem exists. With respect to the Regulatory Flexibility Act (5 U.S.C. 601–612), it is not expected that such a proposal would be likely to have a significant economic impact on a substantial number of small entities.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff contact: Robert Lord, Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202–452–2781).

****7. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)**

Anticipated action: The Board will consider issuing for public comment a proposal to amend Regulation Y to authorize bank holding companies to act as agents for the sale of renewal insurance.

In rulemaking proceedings to conform the Board's insurance agency regulation (§ 225.4(a)(9) of Regulation Y) to a court decision, the Board in July 1981, revoved the authority for bank holding companies to sell renewal insurance. In connection with that rulemaking proceeding, the Board had received comments from several organizations requesting that the authority for bank holding companies to sell renewal insurance be re-added to Regulation Y. In addition the Board received a request opposing the inclusion of renewal insurance within the final regulation. The proposal was deferred pending final Board action on the rulemaking proceedings referred to above that were completed on July 15, 1981. On October 2, 1981, the Board considered the propoal to amend Regulation Y to authorize bank holding companies to act as agent for the sale of renewal insurance and decided to suspend further consideration in an effort to avoid the expense and delay associated with proceedings that in part might be duplicated by Congress in its examination of related matters.

Accordingly, if the Board determines to pursue this proposal, it would seek comment from the public on whether the activity is "so closely related to banking * * * as to be a proper incident thereto," including comment on whether performance of the activity by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The proposal would impose no additional burden on any bank holding company.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0150.

Staff contact: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779).

8. Regulation: Z—Truth in Lending (12 CFR Part 226)

Anticipated action: The Truth in Lending Act and Regulation Z provide that state law requirements determined to be inconsistent with certain federal Truth in Lending requirements are preempted by the federal law and regulation. Upon request by any interested person or on its own motion, the Board is authorized to make determinations regarding inconsistent state law provisions for preemption purposes. The Act and regulation also provide that classes of transactions within a state may be exempt from some of the federal requirements if certain conditions are met. These conditions require an existing state law to be substantially similar to the federal law (or in certain instances to afford greater consumer protection) and to contain adequate provisions for enforcement. Upon application by a state, the Board is directed to determine whether the conditions for exemption are met, and then either grant or deny the application for exemption.

The Board has received four requests for preemption determinations concerning state laws in Arizona, Florida, Missouri, and South Carolina. The Board will consider publishing for comment a notice concerning its initial determination as to whether any or all of these four laws are preempted. The Board has also received applications from Maine and Connecticut to exempt, under the recently revised Truth in Lending Act and Regulation Z, certain transactions from federal requirements. Again, it is expected that the Board will consider publishing for comment a notice concerning these applications, once it determines whether the conditions for exemption appear to have been satisfied in each case.

Board determinations that state laws are inconsistent and thus preempted, and state exemptions from federal laws that are granted by the Board, would result in fewer burdens on creditors in those states (without significant loss of consumer protection) because in each case duplicate requirements would be eliminated.

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Staff contacts: Clarence B. Cain, Attorney, (202–452–2412); Lynn C. Goldfaden, Attorney, (202–452–3867); and Rugenia Silver, Attorney, (202–452–2412), Division of Consumer and Community Affairs.

****9. Regulation: AA—Unfair or Deceptive Acts and Practices (12 CFR Part 227)**

Anticipated action: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

In response to a proposed FTC rule (governing the preservation of consumers' claims and defenses), in 1976 the Board published a comparable proposal for comment (41 FR 7110). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claims and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditory rule for comment in November 1979. When a final FTC rule is adopted, the Board will consider appropriate regulatory action.

Authority: Section 18(f) of the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Docket number: R–0006.

Staff contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****10. Regulatory Improvement Project**

Anticipated action: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect

the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

During the next six months, the staff will complete its review of Regulation Y (Bank Holding Companies and Change in Bank Control), and public comment on proposed changes is expected to be sought during this period. These proposals are being designed to reduce regulatory burdens, and none is expected to have a significant adverse economic impact on any bank holding company. In addition, the Project will be continuing to develop simplified revisions of the "margin credit" regulations: Regulation G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). Substantive amendments of these regulations were made in January, 1982, and a revision of Regulation T was proposed for public comment in March, 1982. (See entry B.5.) The Project will also participate in other regulatory action listed in this agenda to ensure that the objectives of the Project are met.

Authority: Financial Regulation Simplification Act of 1980, 12 U.S.C. 3501.

Staff contact: Barbara R. Lowrey, Associate Secretary, Office of the Secretary, (202–452–3742).

Board of Govenors of the Federal Reserve System, March 24, 1982.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 82–8525 Filed 3–31–82; 8:45 am]

BILLING CODE 6210-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

General Provisions; Insurance

Corrections

In FR Doc. 82–8015 appearing on page 12806 in the issue of Thursday, March 25, 1982, make the following changes:

On page 12807, second column, § 618.8030 (b), sixth line, "with" should read "within"; in the third column, § 618.8030 (b), in subparagraph (9), twelfth line, "the" at the end of that line should read "The"; and the subparagraph now reading "(1)" should read "(10)".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASO-10]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Control Zone and Transition Area, Fort Myers, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Fort Myers, Florida, Control Zone and Transition Area by lowering the base of controlled airspace southeast of Page Field. A new airport, Southwest Florida Regional Airport, is being constructed approximately eight miles southeast of Page Field. This proposed rule will provide controlled airspace for aircraft performing Instrument Flight Rule (IRF) operations at the new airport.

DATE: Comments must be received on or before: June 1, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before June 1, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory 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, Chief, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763–7646. Comminications must identify the notice 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 Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for containment of IFR operations in the Fort Myers, Florida, area. The Southwest Florida Regional Airport is being constructed southeast of Page Field and is tentatively scheduled to be operational in late 1982. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain IFR operations in the vicinity of the new airport. The size and shape of the proposed airspace designations may vary slightly after the navigational aids, which will support the IFR operations, are established.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (46 FR 455), and Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Fort Myers, Florida

By amending § 71.171 in the description of the Fort Myers, Florida, Control Zone by deleting the words " * * * northwest of the VORTAC * * *" and substituting for them the words " * * * northwest of the VORTAC; within a 5-mile radius of the Southwest Florida Regional Airport (lat. 26°32'10"N., long. 81°45'18"W.) * * * "

Fort Myers, Florida

By amending § 71.181 in the description of the Fort Myers, Florida, Transition Area by deleting the words " * * * northeast of the VORTAC * * *" and substituting for them the words " * * * northeast of the VORTAC; within an 8.5-mile radius of the Southwest Florida Regional Airport (lat. 26°32'10"N., long. 81°45'18"W.) * * *"

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 16559(c)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) it is certified the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in East Point, Georgia, on March 22, 1982.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 82-8589 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ACE-08]

Transition Area; Webster City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Webster City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Webster City Municipal Airport utilizing the Fort Dodge, Iowa, VOR as a navigational aid.

DATE: Comments must be received on or before May 14, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Webster City, Iowa. To enhance airport usage, an additional instrument approach procedure to the Webster City, Iowa, Municipal Airport is being established utilizing the Fort Dodge, Iowa, VOR as a navigational aid. The establishment of a new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Webster City, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following new transition area:

Webster City, Iowa

That airspace extending upward from 700 feet above the surface within 6½ miles of the Webster City Municipal Airport (Latitude 42°26'15"N, Longitude 93°52'20"W), Webster City, Iowa.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) is certified that at promulgation, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 18, 1982.

John E. Shaw,

Director, Central Region.

[FR Doc. 82-8603 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 290

[Docket No. RM82-13]

Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978; Extension of Time for Comments

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry; extension of comment period.

SUMMARY: On January 29, 1982, the Commission issued a Notice of Inquiry involving the collection of cost of service information under section 133 of the Public Utility Regulatory Policies Act of 1978 (47 FR 5437, February 5, 1982). The comment period is being extended at the request of Northeast Utilities.

DATE: Comments must be filed by not later than April 30, 1982.

ADDRESS: An original and fourteen copies of all comments to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM82-13).

FOR FURTHER INFORMATION CONTACT:

Michael R. Postar, Office of the General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Issued: March 26, 1982.

On February 25, 1982, Northeast Utilities filed a request for an extension of time to file comments in response to the Commission's Notice of Inquiry issued January 29, 1982, in the above-docketed proceeding. The motion states that additional time is required because Northeast Utilities and other investor-owned electric utilities are presently engaged in the preparation of various regulatory reports and other filings which are required under PURPA.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted. Comments are now required to be submitted on or before April 30, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8878 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On March 8, 1982, the State of Maryland submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State Plan.

DATE: Written comments on the Plan must be received on or before 5:00 p.m., May 3, 1982.

ADDRESSES: Copies of the full text of the proposed Maryland Plan are available for review during regular business hours at the following locations:

State of Maryland, Bureau of Mines, 69 Hill St., Frostburg, Maryland 21532

Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25311

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240.

Written comments must be mailed or hand carried to: Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25311. Comments received after 5:00 p.m., (30 days from publication) will not be considered or included in the administrative record for this rulemaking.

The administrative record will be available for public review at the OSM Charleston, W. Va. office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m. excluding holidays.

FOR FURTHER INFORMATION CONTACT:

Donald Beightol, Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, W. Va. 25311. Telephone: (304) 343-7649.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the approved program.

On March 8, 1982, OSM received a proposed Abandoned Mine Land Reclamation Plan from the State of Maryland. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Land Reclamation (AMLR) Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (FR) on October 25, 1978, 43 FR 49932-49952).

This notice describes the proposed program and sets forth information concerning public participation in the Assistant Secretary's determination of whether or not the submitted Plan may be approved. The public participation requirements for the consideration of a State Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AMLR Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Maryland Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Maryland.

By submitting a proposed Plan, Maryland has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Assistant Secretary for Energy and Minerals of the Department of the Interior, the State will have primary responsibility for the reclamation of abandoned mine lands in Maryland. If the program is disapproved and the State does not choose to revise the Plan, a Federal AMLR program will be implemented and OSM will have primary responsibility for these activities.

OSM's State Office has determined that the public was provided adequate

notice and opportunity to be heard on the Plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of OSM's State Office will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. at OSM's office in Charleston, W. Va., indicated above under "Addresses", at the request of members of the public to receive their advice and recommendations concerning the proposed State Abandoned Mine Land Reclamation Plan.

Persons wishing to meet with representatives of the State Director's Office during this time period may place such requests with Donald Beightol, telephone 304/343–7649.

The Department intends to continue to discuss the State's Plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Maryland Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Maryland Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment (EA) or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The Maryland Abandoned Mine Land Reclamation Plan can be approved if:

1. The Assistant Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the Plan.

4. The Plan meets all requirements of the OSM, AMLR Program Provisions.

5. The State has an approved Regulatory Program.

6. It is determined that the Plan is in compliance with all applicable State and Federal laws and regulations.

The Maryland Bureau of Mines has been designated by the Governor of the State of Maryland to implement and enforce the Abandoned Mine Land Reclamation Program in accordance with SMCRA. The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of an authorized State Agency to administer the Program;

(b) State's chief legal officer's opinion on the authority of the designated agency to conduct the program in accordance with Title IV of the SMCRA;

(c) Description of the policies and procedures to be followed in conducting the Program including:

(1) Goals and objectives;

(2) Project ranking and selection procedures;

(3) Coordination with other reclamation projects;

(4) Land acquisition, management and disposal;

(5) Reclamation on private land;

(6) Rights of entry; and

(7) Public participation in the Program;

(d) Description of the administrative and management structure to be used in the Program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the Program;

(2) Personnel staffing policies;

(3) Purchasing and procurement systems and policies; and

(4) Description of the accounting system including specific procedures for operation of the reclamation fund;

(e) Description of the public's participation in the preparation of the Plan;

(f) A general description of activities to be conducted under the Plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map;

(2) General description of the problems identified and how the Plan proposes to deal with them;

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses;

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the Plan;

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base;

(ii) Sociologic and demographic characteristics;

(iii) Significant aesthetic, historic or cultural, and recreational values;

(iv) Hydrology, including water quality and quantity problems associated with past mining;

(v) Flora and fauna, including endangered and threatened species and their habitat;

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction; and

(vii) Anticipated benefits from reclamation.

Dated: March 23, 1982.

J.R. Harris,

Director, Office of Surface Mining.

Dated: March 24, 1982.

William P. Pendley,

Acting Assistant Secretary of Energy and Minerals.

[FR Doc. 82–8829 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 01-82-01]

Drawbridge Operation Regulations; West Bay, Osterville, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Town of Barnstable, Massachusetts, the Coast Guard is considering establishing regulations for the operation of drawspan crossing West Bay in the Village of Osterville. The regulations may provide for the reasonable needs of navigation and would permit the draw to be closed during winter months. the proposed regulations have been in effect, informally, for many years.

DATE: Comments must be received on or before May 17, 1982.

ADDRESS: Comments should be submitted to and will be available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed envelope or postcard.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. the proposed regulations may be changed in light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Willion J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

West Bay is used primarily for recreation, there is no known commercial traffic along the waterway. Recreational boating commences in April and continues through October. The Town of Barnstable seeks official approval of the informal operating schedule that has served in the past.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33 of the Code of Federal Regulations by adding a new § 117.78a immediately after § 117.78 to read:

§ 117.78a West Bay, Osterville, Massachusetts.

The draw will be opened on signal from April 1 through October 31 on the following schedule:

(a) April 1 through June 14 and October 12 through October 31, 8 a.m.–4 p.m.,

(b) June 15 through June 30, 8 a.m.–6 p.m.,

(c) July 1 until Labor Day, 8 a.m.–8 p.m.,

(d) Labor Day through October 11, 8 a.m.–5 p.m.

(e) For the remainder of this period the draw will open on signal if 4 hours notice is given in advance.

(f) From November 1 through March 31 the draw will open on signal if a 24-hour notice is given in advance.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: March 25, 1982.

L. L. Zumstein,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 82-8831 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Penalties for Violations of Seaway Regulations and Assessment, Mitigation or Remission of Penalties; Correction

AGENCY: Saint Lawrence Seaway Development Corporation.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects an error which appeared in the March 15, 1982 issue of the **Federal Register**. On March 15, 1982, the Saint Lawrence Seaway Development Corporation published in the **Federal Register** (47 FR 11039) a proposed rule amending Subpart B and Subpart C of the Seaway Regulations. This correction supplements the material published on March 15, 1982 by correcting an error in the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel (315 764-3245).

The following correction is made to the

SUPPLEMENTARY INFORMATION:

1. On line 21, change the word "find" to "fine".

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended, and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

Issued at Washington, D.C. on March 26, 1982.

Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,

Administrator.

[FR Doc. 82-8815 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-61-M

Coast Guard

46 CFR Parts 56 and 58

[CGD 79-159]

Tank Stop Valves and Their Controls and Indicators

AGENCY: Coast Guard, DOT.

ACTION: Termination of rulemaking.

SUMMARY: The Coast Guard issued an advance notice of proposed amendments to its regulations on tank stop valves, including sluice valves and gates, and their operating devices and indicators. A determination has been made not to issue a notice of proposed rulemaking and accordingly, the rulemaking is terminated. The comments receives on the advance notice of proposed rulemaking indicate the economic impact would be much higher than originally estimated. The Coast Guard does not view the estimated high cost of this rulemaking as commensurate with the possible benefits.

FOR FURTHER INFORMATION CONTACT: LCDR Roger D. Mowery, Office of Merchant Marine Safety (G-MMT-2/12), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C., 20593 (202-426-2160).

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking was published in the **Federal Register** of April 16, 1981 (46 CFR 22210). The notice was intended to stimulate comments and suggestions, particularly comments on the economic aspects of these changes and suggestions for any alternatives which would provide an equivalent level of protection to vessels, personnel, and the marine environment. There were 18 letters of comments received and all of these were opposed to

the advance notice of proposed rulemaking. Many of these letters came from barge operators who expressed concern that the proposed rules would be applied to barges, new and existing. One shipyard and several companies associated with the petroleum industry also responded. Although no alternative suggestions were offered, many comments took issue with the effectiveness of the proposed changes. No comments gave evidence or data which supported their arguments. However, almost all of the comments addressed the economic impact of the proposed changes. Industry estimates of the cost to a typical vessel are much higher than anticipated by the Coast Guard. One comment termed the rulemaking as inflationary. The Coast Guard does not view the improvement in the level of protection to vessels, personnel, and the marine environment as commensurate with the higher than anticipated cost and, therefore, will not propose regulations at this time.

Dated: March 22, 1982.

Clyde Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-8845 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR part 73

[BC Docket No. 81-616; RM-3836]

FM Broadcast Station in West Liberty and Flemingsburg, Kentucky; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Denial of petition for rulemaking.

SUMMARY: This action retains Channel 292A at Flemingsburg, Kentucky, as its first commercial FM channel and denies the request of Langley Franklin to reassign the channel to West Liberty, Kentucky.

EFFECTIVE DATE: May 18, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: March 12, 1982.

Released: March 19, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Liberty and Flemingsburg, Kentucky); BC Docket No. 81-616, RM-3836.

1. The Commission has before it a *Notice of Proposed Rule Making*, 46 FR 45170, published September 10, 1981, in response to a petition filed by Langley Franklin ("Franklin") requesting that FM Channel 292a be deleted from Flemingsburg, Kentucky, and reassigned to West Liberty, Kentucky. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for the channel, if assigned.

2. Oppositions to the proposal were filed by Fleming County Broadcasting, Inc. ("Fleming") and Flemingsburg Broadcasting Company ("Flemingsburg Broadcasting").

3. In its opposition, Fleming states that it had previously filed an application for Channel 292A in Flemingsburg which was rejected by the Commission because of an unacceptable transmitter site location. That problem is purportedly resolved by Fleming's new application.[1] Fleming argues that use of the channel in Flemingsburg would provide that community and much of the surrounding area with its first and only nighttime broadcasting service while West Liberty and Morgan County are already served by a fulltime AM broadcast station. Fleming questions whether Morgan County would have the economic base to support two broadcast stations. The move of Channel 292A to West Liberty would result in a provision of service to fewer citizens than if the channel remained at Flemingsburg, according to Fleming. Fleming further states that it would construct a facility for Flemingsburg as quickly as possible, if its application were granted.

4. In its opposition, Flemingsburg Broadcasting states that it is also preparing an application for operation on Channel 292A at Flemingsburg. It contends that retention of the channel at Flemingsburg is preferable since it is the larger city (2,835 to West Liberty's 1,381), and although each city has one AM station, WLKS in West Liberty operates fulltime, whereas WFLE in Flemingsburg operates daytime-only. Each city should have one fulltime station to serve local needs after sunset, according to Flemingsburg Boardcasting.

5. Franklin filed reply comments in which it argues that we should not treat the AM station at West Liberty as a full nighttime facility because its coverage is extremely limited at night. In fact, approximately 75 percent of its county (Morgan County) is unserved by this AM station and would therefore receive a first local (county) service by the proposed West Liberty FM assignment.

6. Franklin also states that although Flemingsburg's population is greater than West Liberty's, the difference (1,454) is not significant, especially in view of the fact that the population of Morgan County, 12,103, is substantially the same as that of Fleming County, 12,323. Franklin points out that Channel 292A has lain fallow in Flemingsburg since 1977, and claims that the new application interests by Fleming and Flemingsburg Broadcasting were prompted by the possible loss of the channel whereas Franklin has been persistent in efforts to have the channel assigned to West Liberty.

7. In its reply comments, Flemingsburg reiterates its previous statements in favor of Flemingsburg.

8. Flemingsburg (population 2,835) [2] is the seat of Fleming County (population 12,323) and is located approximately 80 kilometers (50 miles) southeast of Lexington. West Liberty (population 1,381), is the seat of Morgan County (population 12,103), and is located approximately 112 kilometers (70 miles) east of Lexington.

9. West Liberty is served by a fulltime AM station, and Flemingsburg is served by a daytime-only AM station. Also, West Liberty receives two 60 dBu FM signals—from WQHY in Prestonburg, Kentucky, and WSIP-FM in Paintsville, Kentucky. Flemingsburg receives such a signal only from Station WFTM-FM in Maysville, Kentucky.

10. Section 307(b) of the Communications Act of 1934, as amended, mandates to provide a fair, efficient and equitable distribution of radio service among the several states and communities.

11. In comparing the two communities, we are guided by the priorities first set forth in the *Further Notice of Proposed Rule Making* (Docket 14185), FCC 62-607 (1962); see also, *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974). The relevant priority is expressed as follows: "(3) [i]nsofar as possible, to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) AM station * * *" *Anamosa, Iowa, supra* at 524. Here, West Liberty has a nighttime local aural service which, although it is allegedly restricted in coverage, presumably provides adequate local service to the residents of West Liberty. On the other hand, Flemingsburg has no local nighttime service and receives only one

[1] The new application was filed on November 3, 1981 (File No. 811103AA).

[2] Population data are taken from the 1980 U.S. Census, Advance Reports.

FM signal. On this basis we conclude that Flemingsburg has the greater need for the channel.

12. In making this determination we are not unmindful of the fact that the channel has remained vacant for four years at Flemingsburg. However, Fleming has satisfactorily explained that it has had difficulty in finding a transmitter location in the small area available and had in fact submitted an application which was returned. As a matter of administrative finality, we believe it appropriate to accord due weight to retaining an existing assignment when to do otherwise would add an element of instability to our assignment proceedings. See *Martin and Salyersville, Kentucky* (BC Docket No. 81–411), 46 Fed. Reg. 53725 (1981); *Lumberton and Long Beach, Mississippi* (RM–4011), Mimeo No. 1557, released January 13, 1982.

13. Accordingly, it is ordered, That the petition of Langley Franklin to reassign Channel 292A from Flemingsburg, Kentucky, to West Liberty, Kentucky, is denied.

14. It is further ordered, that this proceeding is terminated.

15. For further information concerning this proceeding, contract Philip S. Cross, Broadcast Bureau, (202) 632–5414.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcasting Bureau.

[FR Doc. 82–8508 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–147; RM–4049]

FM Broadcast Station in Nantucket, Massachusetts; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution on FM Channel 242 for FM Channel 228A at Nantucket, Massachusetts, and modification of the Class A license accordingly, in response to a petition filed by the licensee, Home Service Broadcasting Corporation.

DATES: Comments must be filed on or before May 3, 1982 and reply comments must be filed on or before May 18, 1982.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 15, 1982.

Released: March 19, 1982.

1. A petition for rule making was filed by Home Service Broadcasting Corporation ("petitioner") on January 27, 1982, which seeks to substitute Class C FM Channel 242 for Channel 228A at Nantucket, Massachusetts, and modify the license for Station WGTF(FM) (Channel 228A) to specify operation on Channel 242.

2. Nantucket (population 5,087),[1] seat on Nantucket County (population 5,087), is located on Nantucket Island approximately 136 kilometers (85 miles) southeast of Boston, Massachusetts. It is served by FM Station WGTF (Channel 228A), licensed to the petitioner.

3. Petitioner contends that WGTF is experiencing interference within its 60 dBu contour along the western end of Nantucket in the Madaket area. The problem appears to stem from the close spacing and intervening water path between its own station and Station WSNE(FM), Taunton, Massachusetts (Channel 227), operating from a new and higher antenna location atop the WJAR–TV tower at Rehobeth, Massachusetts. It is the opinion of the petitioner that substituting Channel 242 for Channel 228A would permit interference-free coverage of the entire county. Additionally, it would allow for the reassignment of Channel 228A to any of seven communities, five of which are without local service (Harvich, Brewster, Eastham, Wellfleet and Truro) on the eastern portion of Cape Cod.

4. Preclusion would be minimal according to the petitioner since almost all of the possible assignment area is already precluded by Station WSRS (Channel 241), Worcester, Massachusetts. Only the extreme eastern portion of Massachusetts and Nantucket Island could be assigned Channel 242. This area could receive the assignment of Channel 228A if removed from Nantucket. Thus, we find that preclusion appears to present no obstacle in the substitution of channels. In accordance with our established policy, we shall also propose to modify the license of Station WGTF (Channel 228A) to specify operation on Channel 242. However, should another party indicate an interest in the Class C assignment, then the modification could not be implemented. *See, Cheyenne, Wyoming*, 62 FCC 2d 63 (1976). Instead, if the channel is assigned, an opportunity for the filing of a competing application must be provided.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as it pertains to Nantucket, Massachusetts, as follows:

City	Channel No.	
	Present	Proposed
Nantucket, Massachusetts	228A	242

6. 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.

7. Interested parties may file comments on or before May 3, 1982, and reply comments on or before May 18, 1982, and are advised to read the Appendix 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.

9. 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. 4,303,307, 48 Stat., as amended, 1065, 1082, 1083; 47 U.S.C. 154, 303, 307.)

[1] Population figures are taken from the 1980 U.S. Census.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

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 Sections 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 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 it 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. 82-8511 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-332; RM-3756]

FM Broadcast Station in Newport, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order; denial of proposed rule.

SUMMARY: This action denies the assignment of Channel 285A to Newport, Washington, for failure of the petitioner, Pend Oreille Valley Broadcasting or any other interested person, to indicate a continuing interest in the proposal.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202)632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) *Table of Assignments,* FM Broadcast Stations. (Newport, Washington), BC Docket No. 81-332, RM-3756.

Report and Order

Adopted: March 18, 1982.

Released: March 26, 1982.

1. Before the Commission is the Notice of Proposed Rule Making, 46 FR 27726, published May 21, 1981, proposing the assignment of Channel 285A to Newport, Washington. No comments in response to a petition from Pend Oreille Valley Broadcasting ("petitioner") have been received.

2. New port (population 1,655)[1] is located in Pend Oreille County (population 8,580), approximately 64 kilometers (40 miles) north of Spokane, Washington, on the Idaho border. It is served by a Class D noncommercial educational FM station (KUBS, Channel 218D).

3. As is the usual practice, the *Notice* requested that the petitioner or some other interested party indicate a continuing interest in the proposed assignment. We have received no such filing. The petitioner has orally (through telephone conversations) confirmed that a letter reaffirming a continuing interest in the proposed assignment was in fact sent. However, a search of our files reveals no such letter and although we have requested a copy of the letter or a new letter, we have yet to receive such written affirmation. We have delayed action for approximately 5 months for this purpose. Rather than suspend action any further, we shall deny the assignment and should petitioner, or any party, desire to state an interest, it could do so in a timely petition for reconsideration or a new petition for rule making.

4. Our own view of the desirability of the proposed assignment to Newport without an expression of interest is that the community is too small to expect that an interest would be forthcoming in the near future. However, we believe that sufficient need had previously been shown for the assignment and the only missing variable is the demand by a potential applicant.

5. Canadian concurrence had been obtained for the assignment based on a 2.2 kilometer (1.4 miles) site restriction to Channel 282, Kellogg, Idaho, and Channel 284 in Cranbrook, B.C., Canada.

6. In view of the above, it is ordered, that the petition of Pend Oreille Valley Broadcasting for the assignment of Channel 285A to Newport, Washington, is denied.

7. It is further ordered that this proceeding is terminated.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-8820 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01--M

[1] Population figures are taken from the 1980 U.S. Census, Advance Reports.

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47 CFR Part 73

[BC Docket No. 82-150; RM-4021]

FM Broadcast Station Hearne, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes a first FM assignment to Hearne, Texas, in response to a petition filed by East Texas Wireless Radio.

DATES: Comments must be filed on or before May 10, 1982, and reply comments on or before May 25, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Hearne, Texas), BC Docket No. 82–150, RM–4021.

Adopted: March 19, 1982.

Released: March 26, 1982.

1. The Commission herein considers a petition for rule making filed by East Texas Wireless Radio (petitioner) which seeks the assignment of Channel 232A to Hearne, Texas, as that community's first FM assignment. Petitioner states its intent to apply for the channel, if assigned. In addition, Texan Broadcasting Co., Inc. has also requested the assignment of Channel 232A to Hearne in a separate petition for rule making filed February 26, 1982. We have considered that request as comments in support of the petitioner's proposal.

2. Hearne (population 5,418),[1] in Robertson County (population 14,653), is located approximately 168 kilometers (105 miles) northwest of Houston. It is without local broadcast service.

3. In support of the proposal, petitioner states that Hearne is Robertson County's largest city. Its economic base, which is derived from a major railroad terminal, a refurbishment center, and its growing oil and gas industry, is supportive of the proposed station. Texan Broadcasting Co., Inc., adds that it intends to serve the many community service organizations, retail merchants, manufacturers, farmers, agricultural related businesses, and educational, religious and service institutions in Hearne and other nearby communities.

4. In view of the fact that the proposal could provide a first local broadcast service, comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Hearne, Tex.		232A

5. 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.

6. Interested parties may file comments on or before May 10, 1982, and reply comments on or before May 25, 1982, and are advised to read the Appendix below 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 Fed. Reg. 11549, published February 9, 1981.

8. 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. 82–150 RM–4021]

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 §§ 0.204(b) and 0.281(b)(6) 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. *Showing 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 conflicts 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, and 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. 82-8821 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census, Advance Reports.

47 CFR Part 73

[BC Docket No. 82-148; RM-3988]

FM Broadcast Station Belzoni, Miss.; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 296A to Belzoni, Mississippi, in response to a petition filed by Humphreys County Broadcasting Company. The assignment could provide a first FM service to Belzoni.

DATES: Comments must be file on or before May 10, 1982, and reply comments on or before May 25, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Belzoni, Mississippi), BC Docket No. 82-148, RM-3988.

Adopted: March 17, 1982.

Released: March 26, 1982.

1. A petition for rule making [1] was filed by Humphreys County Broadcasting Company (petitioner) proposing the assignment of Channel 272A to Belzoni, Mississippi,[2] as its first FM assignment. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Belzoni (population 2,982),[3] seat of Humphreys County (population 13,931), is located approximately 96 kilometers (60 miles) north of Jackson, Mississippi. It is served by daytime-only AM Station WELZ.

3. Petitioner, in support of its request, states that Belzoni is Humphreys County's largest and only incorporated city and is the center of industry and commerce for the area. The economy is based on manufacturing plants, factories and a variety of stores. Petitioner also states that Belzoni has a full range of civic and service organizations.

[1] Public Notice of the petition was given on October 22, 1981, Report No. 1314.

[2] The request for Channel 272A at Belzoni, Mississippi, is mutually exclusive with the proposal to assign Channel 272A to Leland, Mississippi, BC Docket No. 81-775 (the distance between the cities is 28 miles, 65 miles is required). We have substituted Channel 296A for consideration here.

[3] Population figures are taken from the 1980 U.S. Census.

4. To avoid the conflict with the Leland proposal (BC Docket No. 81-775), we have determined that Channel 296A can be assigned to Belzoni in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 8 kilometers (4.8 miles) northeast of the city.[4]

5. In view of the apparent need for a first FM service that could be provided, the Commission believes it appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the rules) as follows:

City	Channel No.	
	Present	Proposed
Belzoni, Miss		296A

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 below before a channel will be assigned.

7. Interested parties may file comments on or before May 10, 1982, and reply comments on or before May 25, 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.

9. 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 fled the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

[4] This restriction is necessary to avoid short spacing to Station WKYV (Channel 294), Vicksburg, Mississippi. WKYV is proposing to relocate its transmitter site, and if granted, the mileage separation requirements would be met, thereby eliminating the imposition of a site restriction.

(Secs. 4, 503, 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. 82-148; RM-3988]

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 §§ 0.204(b) and 0.281(b)(6) 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. 82-8822 Filed 3-31-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-149; RM-4000]

FM Broadcast Station in Chester, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 255 to Chester, California, as its first commercial FM channel in response to a request from Michael E. and Teresa R. Worrall.

DATES: Comments must be filed on or before May 10, 1982, and reply comments on or before May 25, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: March 18, 1982.

Released: March 26, 1982.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Chester, California), BC Docket No. 82-149, RM-4000.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking was filed by Michael E. and Teresa R. Worrall ("petitioners"), proposing the assignment of Class C FM Channel 255 to Chester, California.

(b) Petitioners did not submit the required preclusion study stating that it qualifies for an exception since the assignment would be the first to a small community not located near a large population center. This exception, however, is for Class A assignments. Thus petitioners should submit a preclusion study indicating the communities without aural service and over 1,000 population which are located in the affected area. In addition, a list of alternate available channels should be provided.

(c) Petitioners should submit also a statement that they will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Chester is in Plumas County, California, approximately 192 kilometers (120 miles) north of Sacramento.

(b) *Population.* The population of Plumas County is 17,340.[1] Chester is not listed in the 1980 U.S. Census. Petitioners state that the Chester "area" has 3,504 persons. Petitioners should submit population figures for the community of Chester itself.

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* The leading industries in the Chester area are said to be logging and lumbering, recreation and tourism, agriculture, hydroelectric power, Christmas trees and mining. The economy fluctuates with the seasons. Unemployment is said to rise above 20 percent during the cold season when heavy snow falls at the 4,500 feet above sea level location. The community remains intact, however, as the work force is not a migrant one. A large number of vacation homes are located throughout the Chester area.

4. Petitioners also state that the proposed assignment of a Class C channel to Chester would provide a first FM service to 5,785 persons and a second FM service to 16,695 persons.

5. Although further information must be submitted by petitioners, as indicated above, we believe that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, to provide a first local broadcast service to Chester, California, and to the outlying areas as follows:

City	Channel No.	
	Present	Proposed
Chester, California		255

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 below before a channel will be assigned.

7. Interested parties may file comments on or before May 10, 1982, and reply comments on or before May 25, 1982, and are advised to read the Appendix below for the proper procedures.

8. The Commission had 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.

9. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414. 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. 82-149 RM-4000]

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 §§ 0.204(b) and 0.281(b)(6) of the Commisson'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.

[1] Population figures are from the 1980 U.S. Census.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Apendix 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 Apendix 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 Section 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. 82-8823 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-07; Notice 1]

Federal Motor Vehicle Safety Standards; Power-Operated Window Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Safety Standard No. 118, *Power-Operated Window Systems,* to permit the operation of power windows and partitions after the engine has been turned off or the key has been removed from the ignition, provided all vehicle doors remain closed. After any door has been opened, the ignition key would have to be turned to the "on" or "accessory" position before the windows would once again operate. This amendment is proposed in response to a petition for rulemaking filed by General Motors Corporation (GM). The amendment would allow GM and other vehicle manufacturers to offer power window systems that are more convenient to use than currently permitted systems. The agency believes that GM's proposed amendment would not be a detriment to safety. By permitting the windows to operate only if no door has been opened, the proposed provision assures that the driver is in the vehicle and can supervise the operation of any power-operated window or partition.

This notice also propose several minor clarifying amendments to Standard No. 118.

DATES: If adopted, the proposed amendment would take effect on the date of publication of the final rule in the **Federal Register.** Comments must be submitted on or before June 1, 1982.

ADDRESSES: Comments should refer to the docket and notice mumbers and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket room hours: 8:00 a.m.–4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2720).

SUPPLEMENTARY INFORMATION: Safety Standard No. 118, *Power-Operated Window Systems* (49 CFR § 571.118), specifies requirements for power-operated window and partition systems. The primary purpose of the standard is to prevent the unsupervised operation of power windows or partitions by children. Such operation creates the risk of injury or death, because a person could get caught between a window or partition that is closing and the closure channel or seal.

Paragraph S3 of the rule requires that power windows or partitions not be movable when the ignition key is in an "off" position or is removed from the lock. There are three exceptions to this requirement. First, windows or partitions may be movable by muscular force, unassisted by a power source within the vehicle. Second, a power window or partition may operate if activated by a key-locking system located on the exterior of the vehicle. Third, if the window is located on a door that does not have a frame meeting the upper edge of the window when closed, the window may operate when activated by a switch that is energized only when the door is opened an amount that is specified in the standard (paragraph S3(c)).

General Motors Corporation (GM) has petitioned NHTSA to amend paragraph S3 to permit the operation of power windows under a new set of circumstances. GM has requested that power windows and partitions be allowed to operate after the ignition has been turned off or after the key has been removed from the ignition, provided all vehicle doors remain closed. After any door has been opened, the ignition key would have to be turned to "on" or "accessory" before the windows or partitions would operate again by power. The windows or partitions could also be moved once a door has been opened if one of the three current exceptions described above is met. Such a provision would permit GM and other manufacturers to offer power window and partition systems that are more convenient to use than those currently allowed by the standard. For example, the driver of a vehicle equipped with GM's proposed power window system who is parked in a gas station with his or her engine turned off would be able to lower a window to converse with an attendant without first having to turn the ignition switch to "on" or "accessory."

In its petition, GM suggested also that paragraph S3(c) of the standard be deleted. The petitioner expressed concern over possible confusion between this paragraph and the proposed amendment, since the proposed amendment allows the window to operate only for as long as all vehicle doors remain closed, while

paragraph S3(c) permits a window to operate only if a door is opened. Also, GM stated that paragraph S3(c) allows a mode of operation that, to its knowledge, has never been incorporated in any vehicle by any manufacturer, including GM. NHTSA adopted paragraph 3(c) in 1975 in responding to a petition from GM.

NHTSA has tentatively concluded that GM's requested amendment to Standard No. 118 should be adopted. The agency believes that the proposed amendment would not be a detriment to safety. By allowing the windows or partitions to operate only for as long as all vehicle doors remain closed, the proposed amendment assures that under most normal circumstances the driver is still in the vehicle and can supervise the operation of the windows or partitions. NHTSA recognizes that it is possible to envision scenarios in which the driver has left the vehicle and the windows or partitions can still be operated. For example, a driver could leave the vehicle with the engine running (which he or she might do to mail a letter or purchase a few items at a convenience store), and then turn the ignition off by leaning in through the open window. In such a case, unsupervised children could still operate the power windows or partitions. NHTSA does not believe this would be a likely occurrence, but does solicit comments on the problems presented by this scenario and other similar situations.

However, NHTSA does not believe there would be a need to delete paragraph S3(c) if the agency amends the standard to permit power windows to be operated under the circumstances requested by GM. The agency does not anticipate any confusion between the amendment proposed by this notice and paragraph S3(c). It is true that paragraph S3(c) permits the power window on a door to operate when that door is open. However, this exception is limited to a specific type of vehicle door. Also, the door must be opened a specified amount for the window to operate. Only the window on the door that is open can be activated. Thus, NHTSA believes that deletion of paragraph S3(c) is unnecessary. The agency solicits comments on the question of whether paragraph S3(c) should be deleted. In this notice, NHTSA is also proposing to make several minor clarifying amendments to paragraph S3 of Standards No. 118 These amendments would merely improve the language used in the paragraph so as to clarify the meaning of the standard. No changes in the substantive requirements of the paragraph would be made in making these minor amendments. The clarifying amendments proposed by the agency appear in the proposed rule that is set forth below.

NHTSA has considered the economic and environmental impacts of GM's proposed amendment to Standard No. 118. The agency has determined that this amendment is not a major rule within the meaning of Executive Order No. 12291 or a significant rule under the Department of Transportation's regulatory policies and procedures. This amendment would simply create an exception to a requirement. Whether a manufacturer takes advantage of the exception is totally at the option of that manufacturer. Further, the cost of manufacturing any vehicle in accordance with the exception is expected to be minor. Based on its assessment, NHTSA has further concluded that the economic and other consequences of the amendment are so minimal that a regulatory evaluation is not necessary.

NHTSA has also considered the impact of GM's proposed amendment on small businesses, governmental jurisdictions, and small organizations as required under the Regulatory Flexibility Act (the Act). The agency certifies that this amendment, if adopted, would not have a significant economic impact on a substantial number of small entities, and thus an initial regulatory flexibility analysis is not necessary in this case. Vehicle manufacturers are the primary producers of power window systems. Virtually none of these manufacturers are "small businesses" as that term is defined in the Act.

Small organizations and small governmental jurisdictions would not be affected by this amendment, because such entities typically do not purchase vehicles equipped with luxury items such as power windows or partitions. Even if small organizations or governments purchase vehicles equipped with GM's proposed power window system, the vehicles will not be significantly more expensive than vehicles equipped with power windows presently permitted by the standard, for the reasons discussed above.

Finally, NHTSA has evaluated the environmental impact of GM's proposed amendment in accordance with the National Environmental Policy Act. An environmental impact assessment has been prepared and has been placed in the public docket. Based on that assessment, the agency has determined that the amendment would not have any significant impact on the human environment.

All the amendments proposed in this notice, if adopted, would take effect on the date the final rule is published in the **Federal Register**. The agency tentatively finds, for good cause shown, that an immediate effective date is in the public interest since the amendment would not impose any additional burdens on vehicle or equipment manufacturers.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future

rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The program officials primarily responsible for this notice are John Carson, Office of Vehicle Safety Standards, and Joan M. Griffin, Office of the Chief Counsel.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that paragraph S3 of 49 CFR § 571.118 be revised as follows:

§ 571.118 Standard No. 118; Power-operated window systems.

* * * * *

S3. *Requirement.* When the key that controls activation of the vehicle's engine is in an "off" position or is removed from the ignition lock and any door has been opened, a power-operated window or partition shall not be movable until the key that controls activation of the engine is in an "on" position, except that the window or partition may be movable—

(a) By muscular force unassisted by a power source operable within the vehicle;

(b) By a power source operated by a key-locking system that is located on the exterior of the vehicle; or

(c) In the case of a window that is located on a door that does not have a frame that meets the upper edge of the window when the window is closed, by a power source operable within the vehicle only when the door is opened wide enough to permit a ball 8 inches in diameter to pass between the upper rear corner of the window in its fully raised position and the vehicle's roof rail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 26, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-8658 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 63
Thursday, April 1, 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.

ACTION

National Voluntary Service Advisory Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Voluntary Service Advisory Council (Council) will be held on April 15, 1982 from 9:00 A.M.–12:00 noon in Washington, D.C. For further details concerning the location of the meeting, contact Mark Blitz, Assistant Director of ACTION for Policy and Planning at (202) 254–7630.

The entire meeting will be open to the public. The purpose of the meeting is two-fold:

(1) To organize the Council; and

(2) To advise the Director of ACTION concerning the implications of current social and economic trends for voluntary action.

Signed this 25th day of March 1982 in Washington, D.C.

Thomas W. Pauken,

Director.

[FR Doc. 82–8750 Filed 3–31–82; 8:45 am]

BILLING CODE 6050–01–M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Confidential Business Information

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting.

AGENDA FOR MEETING: The Committee will reconsider a proposed recommendation on exemption (b)(4) of the Freedom of Information Act.

DATE; TIME; PLACE: April 6, 1982; 1:30 p.m.; Lower Level Conference Room, 2120 L Street NW., Washington, D.C. 20037.

PUBLIC PARTICIPATION: Attendance at the Committee's meeting is open to the public. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, Telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION: In December 1981 the Administrative Conference Committee on Regulation of Business proposed a recommendation on federal agency treatment of confidential business information to the full Administrative Conference. The Assembly of the Administrative Conference voted to recommit the proposal to the Committee, with instructions to consult with the Committee on Judicial Review and the Committee on Public Access and Information. These two committees have now completed their reviews of the proposal, and will shortly transmit their views to the Committee on Regulation of Business. The agenda for the meeting of the Committee on Regulation of Business includes a discussion of the views of the other two committees, as well as consideration of a survey of "reverse FOIA" cases brought in federal district courts since 1978.

The proposal includes: (1) Scope of coverage of exemption (b)(4) of the Freedom of Information Act; (2) procedures to be used by agencies in handling FOIA requests for information that may be subject to the exemption, and (3) judicial review of contested agency decisions to disclose, under FOIA, information that is claimed by the submitter of the information to be exempt.

Richard K. Berg,

General Counsel.

March 25, 1982.

[FR Doc. 82–8721 Filed 3–31–82; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Determination of referendum results.

SUMMARY: This document contains the determination with respect to the termination of the designation of all Maryland tobacco auction markets. A referendum was conducted among tobacco growers of Maryland (Type 32) tobacco, February 8–12, 1982, to ascertain if they favor termination of this program, thus eliminating the requirement for mandatory, federal inspection and grading for the 1981 and succeeding crop years. The vote in the referendum shows that the majority of eligible producers voting in the referendum favored termination of the designations. Therefore, no mandatory federal inspection and grading will be performed in future marketing seasons on the Hughesville, LaPlata, Upper Marlboro, and Waldorf, Maryland, markets.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformity with Executive Order 12291 and has been classified as not major and has been determined to be exempt from the requirements thereunder.

A notice was published in the February 2, 1982 issue of the **Federal Register** (47 FR 4718) directing that a referendum would be conducted among Maryland, Type 32, tobacco growers to ascertain if such growers favor termination of the designation of the Hughesville, LaPlata, Upper Marlboro, and Waldorf, Maryland, tobacco auction markets which were officially designated on May 17, 1948 (13 FR 2579) under the Tobacco Inspection Act of 1935.

The referendum was conducted among growers who were engaged in the production of Maryland, Type 32, tobacco for calendar year 1981. Ballots for the February 8–12 referendum were mailed to the approximately 4,300 producers. The Department received a total of 1,568 responses: 1,263 eligible producers voted in favor of terminating the designation of the Hughesville,

LaPlata, Upper Marlboro, and Waldorf, Maryland markets; 242 eligible producers voted against termination; and 63 responses were determined to be from ineligible voters.

Upon the basis of the results of the referendum, it is determined that the designations for the four Maryland tobacco auction markets are hereby terminated and are exempt from mandatory federal grading of tobacco sold at auction for the 1982 and succeeding seasons. Permissive inspection and grading will continue to be provided, by request, at a prescribed base hourly rate of $17.80; an overtime rate of $21.30; and $26.70 for work performed on Sundays or holidays (46 FR 10451, February 3, 1981).

The referendum was held in accordance with the provisions of 7 U.S.C. 1312(c) and the regulations set forth in 7 CFR Parts 29 and 717.

Dated: March 29, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-8834 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Cooperative Federal-State Spruce Budworm Integrated Pest Management Program, Maine, 1982; Decision Notice and Finding of No Significant Impact

An environmental assessment (EA) that discusses the proposed Cooperative 1982 Integrated Pest Management (IPM) Program for spruce budworm in Maine has been prepared and is now available to the public. Under the 1982 program, the Maine Forest Service in cooperation with the USDA Forest Service proposes to provide silvicultural assistance to small woodlot owners, utilization-marketing assistance, application of chemical insecticides on 863,000 acres, and application of biological insecticides on 97,000 acres in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset and Washington Counties.

Decision Notice

It is my decision to provide Federal financial assistance for Maine's proposed 1982 program only for the following actions:

—Silvicultural management/utilization of spruce-fir stands or spruce-fir stands mixed with hardwoods to further lessen the threat from the spruce budworm.

—The IPM suppression measures of applying Bt and acephate in buffers, around settlement areas, environmentally sensitive areas, and small ownerships.

—Completion of the supply-demand analyses. Funding will be provided to the extent that current Federal circumstances will permit.

This decision supports the direction of the selected alternative as outlined in the FPEIS Cooperative Five-Year Spruce Budworm Management Program for Maine dated February 12, 1981 (USDA–FS–NA–81–01), and recognizes that the State of Maine has the capability to implement this program.

As described in the FPEIS selected alternative (p. 72) and the 1981 Record of Decision, Federal participation in the 1982 program depends primarily on the environmental analysis process and a demonstrated commitment by the State of Maine to reduce the use of chemical insecticides and to increase assistance to small woodlot owners, increase utilization-marketing assistance, and increase use of biological insecticides.

The 1982 proposed program meets USDA Forest Service environmental, biological, and economic criteria for financial assistance. Therefore, I have determined that a Federal role exists. Mitigation measures, specific requirements and monitoring described in the 1982 Environmental Assessment are adopted as minimum precautions.I84Finding of No Significant Impact

I have determined that the proposed 1982 program will not cause any significant impacts or adverse effects which have not already been addressed in the FPEIS. Therefore, an environmental impact statement will not be prepared. This determination was made considering the following factors: (a) Management requirements and constraints and mitigation measures insure against significant adverse effects; (b) applications of chemicals and biologicals will comply with applicable EPA labels, and State and Federal law; (c) physical and biological effects are limited to the areas of planned treatment; and (d) all chemicals and biologicals are approved by EPA for the proposed use.

Implementation may take place immediately after the date of this decision. Suppression activities depend upon insect development and are not expected to occur before May 20, 1982. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: March 24, 1982.

Duane L. Green,

Acting Area Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 82-8722 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-11-M

Cooperative Gypsy Moth Suppression Projects—1982; Decision Notice and Finding of no Significant Impact

An Environmental Assessment (EA) was prepared that documents the site-specific environmental analysis conducted by the USDA Forest Service and State agencies requesting Federal assistance for 1982 cooperative gypsy moth suppression projects. The EA discusses the purpose and need for action in 1982, treatment areas, insecticides, application methods, public involvement notification procedures, monitoring and associated environmental effects.

Cooperative suppression projects are proposed in:

Maine—25,000 acres in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, and York;

Maryland—60,000 acres in the counties of Baltimore, Carroll, Cecil, Frederick, Harford, Montgomery, and Washington;

Massachusetts—226,800 acres in the counties of Barnstable, Berkshire, Bristol, Essex, Franklin, Middlesex, Plymouth, and Worcester;

New Hampshire—80,000 acres in the counties of Belknap, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford, and Sullivan;

New Jersey, Department of Agriculture—85,000 acres in the counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren;

New Jersey, Department of Environmental Protection—45,000 acres in the counties of Burlington, Cape May, Hunterdon, Monmouth, Morris, Passaic, Salem, Sussex and Warren;

New York—76,000 acres in the counties of Albany, Broome, Cayuga, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Monroe, Montgomery, Nassau, New York, Orange, Oswego, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Steuben, Suffolk, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Westchester, and Yates;

Pennsylvania—600,000 acres in the counties of Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Tioga, Union, Wayne, Wyoming, and York;

Rhode Island—100,000 acres in the counties of Bristol, Kent, Newport, Providence, and Washington;

Vermont—4,722 acres in the counties of Bennington, Rutland, and Windham.

Alternatives for cooperative gypsy moth suppression projects were previously discussed in the Final Programmatic Environmental Impact Statement (FPEIS) for Cooperative Gypsy Moth Suppression and Regulatory Program Activities (USDA FS–FPEIS 81–01) issued February 27, 1981. The alternative selected by the USDA Forest Service in the FPEIS was to provide financial and technical assistance to support an integrated pest management approach to suppress gypsy moth populations in the Northeastern United States. The selected alternative guides USDA Forest Service consideration of annual State requests for financial assistance.

Decision Notice

The 1982 proposed State cooperative projects meet USDA Forest Service environmental, biological, and economic criteria for financial assistance. Therefore, I have determined that a Federal role exists.

It is my decision to provide Federal financial assistance and technical support for cooperative gypsy moth suppression projects as proposed by cooperating State agencies and discussed in the EA, to the extent that current Federal circumstances will permit.

This decision recognizes that damaging gypsy moth populations remain at high levels within the generally infested area of the Northeast and natural spread of the insect continues into adjacent uninfested areas.

Finding of No Significant Impact

Based on the analysis described in the EA, I have determined that this is not a major Federal action and that the proposed 1982 cooperative suppression projects will not cause any significant environmental impacts or adverse effects which have not already been addressed in the FPEIS. Therefore, a revised or amended environmental impact statement is not needed. This decision was made considering the following factors: (a) All chemical and biological insecticides are approved by EPA; (b) applications of chemical and biological insecticides will comply with applicable EPA labels and State and Federal law; and (c) public involvement, public notification, treatment area selection, insecticide selection, performance standards, and monitoring procedures that are used in cooperative gypsy moth suppression projects will minimize the potential for adverse environmental effects.

Copies of the EA are available for public review at the following offices:

Maine Department of Conservation, Bureau of Forestry, State Office Building, Augusta, ME 04333.

Maryland Department of Agriculture, Offices of Plant Industries & Pest Management, Parole Plaza Office Building, Annapolis, MD 21401

Massachusetts Department of Environmental Management, Division of Forests and Parks, 100 Cambridge Street, Boston, MA 02202

New Hampshire Department of Resources and Economic Development, Division of Forests and Lands, Box 856, 105 Loudon Road, Concord, NH 03301

New Jersey Department of Agriculture, Division of Plant Industries, Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625

New Jersey Department of Environmental Protection, Division of Parks and Forestry, Forestry Services, CN–401, Trenton, NJ 08625

Pennsylvania Department of Environmental Resources, Bureau of Forestry, 100 Evangelical Press Building, Third and Reily Streets, Harrisburg, PA 17120

New York Department of Environmental Conservation, Bureau of Forest Management, 50 Wolf Road, Albany, NY 12233

Rhode Island Department of Environmental Management, Division of Agriculture, Veterans Memorial Building, 83 Park Street, Providence, RI 02903

Vermont Department of Forests, Parks and Recreation, Agency of Environmental Conservation, Montpelier, VT 05602

USDA Forest Service, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, PA 19008

USDA Forest Service, Northeastern Area State and Private Forestry, Federal Building, Portsmouth, NH 03803

USDA Forest Service, Northeastern Area State and Private Forestry, 180 Canfield Street, Morgantown, WV 26505

Implementation may take place immediately after the date of this decision. This decision is not subject to administrative review pursuant to 36 CFR 211.19.

Dated: March 26, 1982.

Duane L. Green,

Acting Area Director, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 82-8723 Filed 3-31-82; 8:45 am]
BILLING CODE 3410-11-M

Oil and Gas Exploration and Leasing Recommendations Within the Washakie Wilderness of the Shoshone National Forest, Park, Fremont, and Hot Springs Counties, Wyoming; Revised Notice of Intent To Prepare an Environmental Impact Statement

In the Notice of Intent to prepare an Environmental Impact Statement regarding oil and gas leasing and geophysical exploration in the Washakie Wilderness, Shoshone National Forest, Wyoming (Vol 46; No. 98; 46 FR 27734; May 21, 1981), the date estimated for issuing the final Environmental Impact Statement and Record of Decision was February 1982. However, because several legislative proposals are now pending before Congress relative to the question of oil and gas exploration and leasing in wildernesses, the Forest Service has determined that to issue the Final Environmental Impact Statement at this time would be premature. A premature release could result in significant and unnecessary expenditures to print and mail the environmental documents.

If Congress acts on the pending legislation, the decision made by the Forest Service will comply with any new law. Otherwise the Forest Service will consider releasing the final Environmental Impact Statement and Record of Decision later in the year.

Craig W. Rupp,

Regional Forester.

[FR Doc. 82-8725 Filed 3-31-82; 8:45 am]
BILLING CODE 3410-11-M

Peppermint Recreation Area, Sequoia National Forest, Tulare County, California; Intent To Prepare an Environmental Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for a proposed alpine ski development and other winter and summer recreation facilities. The area to be studied is located approximately 5 air miles southeast of Camp Nelson in an area commonly referred to as "Peppermint."

A range of alternatives will be considered. One these will be to continue present management and not

develop additional facilities. Other alternatives will consider different sizes of development ranging from 3,000 to 18,000 persons capacity at one time. Alternative locations for winter and summer facilities will be considered.

Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues.

The Forest Supervisor has been conducting informational meetings and will continue to hold informational and scoping meetings during late winter and spring of 1982. Notification to known interested parties of scoping meetings will be by direct mail and by local newspaper notice.

Joe Brown, Forest Supervisor (Phone: (209) 784–1500), Sequoia National Forest, Porterville, California, is the responsible official.

The analysis is expected to take about 15 months. The draft environmental impact statement should be available for public review by July 1983. The final environmental impact statement is scheduled to be completed in January 1984.

Written comments and suggestions concerning the analysis, or questions about scoping the proposed action and environmental impact statement should be directed to Norman Arseneault, Recreation Staff Officer, Sequoia National Forest, 900 West Grand Avenue, Porterville, California 93257 (Phone: (209) 784–1500).

Dated: March 26, 1982.

Joe J. Brown,

Forest Supervisor.

[FR Doc. 82-8724 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-11-M

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet at 10 a.m. on April 26, 1982, at Federal Building, 1130 "O" Street, Room 4305, Fresno, California 93721. The Purpose of this meeting is to discuss the Forest "Range" Budget for 1983, the planned use of Range Betterment Funds during 1982, 1983 and 1984, revisions of allotment plans during 1982, 1983 and 1984 and identify Board Meeting Objectives and trip dates for the rest of 1982.

The meeting will be open to the public. Persons who wish to attend should notify Ken Stithem, Federal Building, 1130 "O" Street, Room 3017, Fresno, California 93721. Telephone (209) 487–5143.

The committee has established the following rules for public participation: Matters identified by the public will be considered by the Board at the close of the planned agenda.

Dated: March 26, 1982.

Angelo Lavagnino,

Acting Forest Supervisor.

[FR Doc. 82-8726 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Joint Committee on the Future of Cooperative Extension; Meeting

Notice is hereby given that the Joint Committee on the Future of Cooperative Extension will meet April 22, 1982 from 1:00 to 5:00 p.m., and April 23, 1982 from 8:30 a.m. to 3:00 p.m. at the Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC.

The Committee's purpose is to advise the Secretary of Agriculture on policies and programs affecting the mission, future scope and priorities of Cooperative Extension nationally throughout the 1980's and beyond. The agenda for the meeting will consist of a review of the role of the federal partner in the Extension Service system, a review of the role of the State Cooperative Extension Services, and a report of the Congressional oversight hearings on Extension.

The meeting of the Joint Committee on the Future of Cooperative Extension is open to the public for observation on a space available basis.

For additional information contact Dr. Mary Nell Greenwood, Administrator, Extension Service, Room 340 Administration Building, 14th and Independence Avenue, SW, Washington, DC 20250. Telephone 202/447–3377. Written comments may also be addressed to Dr. Greenwood.

Mary Nell Greenwood,

Administrator, Extension Service.

[FR Doc. 82-8776 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-01-M

COMMISSION ON CIVIL RIGHTS

Louisiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 8:30 am to 5:00 pm, on April 15, 1982; it will also convene at 9:00 am and will end at 12 Noon, on April 16, 1982, the Capitol House Hotel, 201 Lafayette Street, Baton Rouge, Louisiana. The purpose of this meeting is to conduct a consultation on the block grant program in Louisiana.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Louis C. Pendleton, 1514 Gary, Shreveport, Louisiana 71103, (318) 424–1297; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 730–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8784 Filed 3-31-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement; Washington, D.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 October 1, 1982 in the Washington, D.C. SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 03–10–82002–01.

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 30, 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 sources. 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 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 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. N.W., Room 4830, Washington, D.C. 20230.

Dated: March 26, 1982.

John F. Iglehart,

Acting Regional Director.

[FR Doc. 82-8727 Filed 3-31-82; 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, Virginia 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 30, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., 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 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 effecuate 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. N.W., Room 4830, Washington, D.C. 20230.

Dated: March 26, 1982.

John F. Iglehart,

Acting Regional Director.

[FR Doc. 82-8728 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Norfolk, Virginia.

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 September 1, 1982 in the Norfolk, Virginia SMSA. The cost of the project is estimated to be $225,000. The maximum federal participation amount is $225,000. The minimum amount required for non-federal participation is $25,000. The project number is 03-10-82004-01.

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 30, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street N.W., 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

compedtitive applications for the Busniess 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:

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—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.

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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, timeiness 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

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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 proceeding 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. N.W., Room 4830, Washington, D.C. 20230.

Dated: March 26, 1982.

John F. Iglehart,

Acting Regional Director.

[FR Doc. 82-8729 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Evaluation of Coastal Zone Management Programs, NOAA, Commerce.

AGENCY: Office of Coastal Zone Management.

ACTION: Notice of Availability of Evaluation Findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Virgin Islands, Hawaii, Delaware, Massachusetts, California and Maine Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved coastal management program. The states evaluated were found to be adhering both to the programmatic items of their financial assistance awards and to their approved coastal management programs; and to be making satisfactory progress on grant tasks, special award conditions, and significant improvement tasks. Accomplishments were occurring with respect to the national coastal management objectives identified in section 303(2)(A)–(I) of the Coastal Zone Management Act.

A copy of the findings made by the Acting Assistant Admnistrator for Coastal Zone Management for each of these states may be obtained on request from: Harriet Knight, Chief of Program Evaluation, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634–4245).

Dated: March 24, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-8732 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-08-M

Upcoming Evaluation of Approved State Coastal Zone Management Programs

AGENCY: National Oceanic and Atmospheric Administration Office of Coastal Zone Management, Commerce.

ACTION: Notice of Intent To Evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, Office of Coastal Zone Management (OCZM), Office of Policy, Evaluation and External Relations, announces its intent to evaluate the performance of the States and Territories of Northern Marianas, Guam, Puerto Rico, Wisconsin, Michigan, Connecticut, Pennsylvania, Florida, Mississippi, American Samoa, and Hawaii with respect to coastal zone management. These reviews will be conducted during the third quarter of this fiscal year. The review involves consideration of written submissions, a site visit to the state, a public meeting, and consultations with interested Federal, state and local agencies and members of the public. The date following each listed state or territory is the scheduled beginning of the site visit by the evaluation team. These dates are tentative and interested parties should contact the OCZM for the latest information:

- Northern Marianas—April 14
- Guam—April 19
- Puerto Rico—April 26
- Wisconsin—May 12
- Michigan—May 17
- Connecticut—May 24
- Pennsylvania—June 1
- Florida—June 7
- Mississippi—June 14
- American Samoa—June 22
- Hawaii—June 28

A public meeting will be held in the state as part of each review, and notice of that meeting will be issued by the state. Copies of each state's most recent performance report, as well as the OCZM's supplemental information request to the state, are available upon request from the OCZM.

FOR FURTHER INFORMATION CONTACT: Harriet Knight, Chief of Program Evaluation, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202/634–4245).

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) as amended, requires a continuing review of the performance of coastal states with respect to coastal management. This review must include a written evaluation that assesses the extent to which the state has: (1) implemented and enforced its approved program; (2) addressed the coastal management needs identified in Section 303(2)(A)–(I) of the CZMA; and (3) adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. Section 312 also requires that a public meeting be held, providing an opportunity for oral and written comment by the public. Copies of draft findings will be made available upon request. A notice of the availability of the final evaluation findings written after each review of performance is published in the **Federal Register.**

Dated: March 25, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-8733 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Levels of Restraint for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective on April 1, 1982

March 25, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing levels of restraint for certain wool and man-made fiber textile products, produced or manufactured in Romania and exported during the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983.

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania establishes specific levels of restraint for Men's and Boys' Wool Suits in Category 443, Man-Made Fiber Woven Suits in Category 643/644pt. and Man-Made Fiber Sweaters in Category 645/646. The agreement also provides consultation levels for certain categories, such as Categories 435/444 (Women's Girls' and Infants' Wool Coats and Suits), 635 (Women's, Girls', and Infants' Coats of Man-Made Fibers) and 446 (Women's Wool Sweaters), which are not subject to specific limits and for which the levels of restrain may be adjusted during the agreement year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit, during the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983, entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 435/444, 443, 446, 635, 643/644pt. and 645/646, in excess of the designated levels. The levels for textile products in Categories 443 and

643/644 have been reduced to account for carryforward used during the previous agreement year in respective amounts of 453 dozen and 3,572 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

This letter and the action taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212)

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 25, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1982 and for the twelve-month period extending through March 31, 1983, entry into the United states for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 435/444, 443, 446, 635, 643/644pt. and 645/646, produced or manufactured in Romania, in excess of the following levels of restraint:

Category	12-Mo. level of restraint
435/444	7,037 dozen.
443	7,180 dozen.
446	6,720 dozen.
635	41,162 dozen.
643/644 pt.[1]	22,683 dozen.
645/646	195,924 dozen.

[1] In Category 643/644, only TSUSA numbers 379.3160, 379.8976, 379.9560, 379.9565, 383.2230, 383.5382 and 383.9060.

In carrying out this directive, entries of textile products in the foregoing categories, except Category 645/646, produced or manufactured in Romania, which have been exported to the United States on and after April 1, 1981 and extending through March 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Texitile products in Category 645/646 that have been exported to the United States before April 1, 1982 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of September 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) Specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the agreement. Any appropriate adjustments under the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United states for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-8717 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-25-M

Additional Officials of the Government of Sri Lanka Authorized To Issue Visas for Certain Apparel Products Exported to the United States

March 29, 1982.

AGENCY: Committee for the Implementation of textile Agreements.

ACTION: Announcing two new officials of the Government of Sri Lanka who are authorized to sign export visas for cotton, wool and man-made fiber apparel products from Sri Lanka, in addition to those previously designated.

SUMMARY: The Government of Sri Lanka has notified the Government of the United States that two additional officials have been authorized to sign export visas for cotton, wool and man-made fiber apparel products exported to the United States: G. D. Umaguiliya and Felix Perera. A complets list of currently authorized officials follows this notice.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On June 21, 1979, a letter dated June 15, 1979 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 36221), which established an export visa requirement for cotton, wool and man-made fiber apparel products, produced or manufactured in Sri Lanka and exported to the United States. One of the requirements is that the visas must be signed by an authorized official. Sri Lanka has designated two new officials to sign export visas in addition

to the two officials previously designated.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials of the Government of Sri Lanka Authorized To Issue Export Visas for Cotton, Wool and Man-Made Fiber Apparel Exported to the United States

D. P. Balachandra
Miss P. G. Peiris
Felix Perea
G. D. Umagiliya

[FR Doc. 82-8675 Filed 3-31-82; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Thursday, April 22, 1982; Friday, April 23, 1982.

Times: 0830-1230 hours, April 22, 1982 at Carnegie-Mellon (Closed); 1300-1700 hours, April 22, 1982 at Westinghouse (Closed); 0830-1600 hours, April 23, 1982 (Closed).

Place: April 22, 1982 at Carnegie-Mellon Institute of Research and at Westinghouse, both in Pittsburgh, PA; April 23, 1982 in Room 2E715B in the Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup conducting a study on Robotics and Artificial Intelligence will meet to receive and present briefings and hold discussions addressing applications of this technology for the Army. This meeting will be closed to the public in accordance with section 552(b)(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-8839 Filed 3-31-82; 8:45 am]
BILLING CODE 3710-08-M

Engineer Corps/Department of the Army

Intent To Prepare Environmental Impact Statement of Union Oil Co.

AGENCY: Army Corps of Engineers, DOD.

In the matter of intent to prepare an Environmental Impact Statement on a Department of the Army permit application by Union Oil Company of California to construct an earth fill dam of Parachute Creek, Garfield County, Colorado. Permit is required under Section 404 of the Clean Water Act.

SUMMARY: The application is for placement of 1,750,000 cubic yards of fill to construct a dam 115 feet high and 1,650 feet long with a crest at elevation 5735. The first part of construction will be to place a cut-off trench. The dam will be constructed with three zones. Materials for the construction of the dam will come from sites within the reservoir site. Present plans for construction are that no cofferdams or water diversions will be necessary. It is estimated that 15 acres of wetlands and 55 acres of riparian habitat will be inundated by the 110-acre suface area of the 3,500 AF reservoir.

Union Oil Company of California is pursuing phased development of its oil shale holdings in the Parachute Creek area of Garfield County, Colorado. Phase 1 of the Parachute Creek Shale Oil Program is permitted and under construction. Production from the 10,000 barrels per day Phase I operation is scheduled to begin in 1983. Under Phase II, Union has initiated planning and permitting for an expansion of a total production of 90,000 barrels per day (BPD) of shale oil by 1993.

Phase I

Phase I facilities will include all components required to mine, retort, and upgrade 10,000 BPD of shale oil. The underground mine utilizing conventional room and pillar mining techniques, is being developed on Long Ridge. The Phase I, 10,000 BPD retort will be located 1,000 feet above the valley floor on a bench site at the mine entrance. Retorted shale will be placed against the north side of the East Fork Canyon and revegetated. Phase I shall oil upgrading facilities are being constructed in the Parachute Creek Valley about 8 miles south of the Long Ridge mine and retort. The upgrading will convert raw shale oil from the retort into a premium syncrude.

Phase II

Phase II will add 80,000 barrel-per-day capacity to the Parachute Creek Shale Oil Program, bringing total production to 90,000 barrels per day by 1993. Major elements of Phase II include a reservoir, expansion of the Long Ridge mine, new mine development on the Old Mountain, access roads, retorted and shale storage facilities on Old Mountain, shale ore transportation systems, retorted shale disposal systems, and expanded shale oil upgrading facilities.

Mining

Mine development of Old Mountain will begin in 1985, with continued use of underground room and pillar mine techniques. An overall mine height of sixty feet will be achieved in two thirty-foot cuts. The mine rooms will be supported by pillars with a length of 1 hundred feet and a width of 50 feet.

Since the 10,000 BPD Long Ridge retort has capacity for only one-third of the Long Ridge resources, the remaining shale ore from Long Ridge will be conveyed to the retorting complex on Old Mountain. Total mine production by 1993 will be 117,000 tons per day. A large shale storage facility will be constructed on the surface near the 80,000 BPD Old Mountain retort complex.

Retorting

Union's upflow retorting process occurs in a retort vessel designed to produce 10,000 BPD of crude shale oil from crushed ore. Ore is forced upward through the retort vessel by a piston, or "rock pump." Heated gas will enter the top of the retort, releasing raw shale oil from the rock in both gaseous and liquid form. With the addition of some natural gas, the gases produced in the retort will be heated and recirculated in the retorting process. The crude shale oil will be pipelined to the shale oil upgrading plant about eight miles to the south for further processing. Retorted shale will be cooled, wetted, and disposed in an environmentally acceptable manner.

During Phase II, an 80,000 BPD retort complex containing eight 10,000 BPD retorts will be constructed and operated on Old Mountain. Retorts will be constructed in pairs with common process units supporting each pair. The retorts will be built over a seven-year period of time as contractors move from one unit to another. As a result, large fluctuations in work force are avoided.

Retorted Shale Disposal

An alternatives study of retorted shale disposal systems was initiated by Union in late 1981. Screening parameters were: engineering feasibility, reclamation, environmental impact (especially hydrology and biology), and

cost. The entire area surrounding the project was considered. After screening, areas selected for in-depth study include: in-mine disposal, head of hollow mountain top disposal on Old Mountain and Long Ridge, and valley fill in the East Fork Canyon. The alternatives study is still in progress at this time.

Upgrading Facilities

Shale fines, sulfur, nitrogen, and metals will be removed from the crude shale oil in the upgrading facility. In the facility's central unit, crude shale oil is reacted with hydrogen to remove nitrogen and sulfur. The resulting ammonia and sulfur by-products will be marketed for agricultural and industrial use. All waste water will be treated and piped to the retort area for reuse. The upgraded shale oil will be transported to existing refineries for further processing into gasoline, diesel, jet fuel, or other products.

Expansion of shale oil upgrading facilities will occur at the site of the Phase I 10,000 BPD upgrading facility in Parachute Creek. Units capable of producing 20,000 BPD will be built sequentially through the seven year construction period beginning in 1986, resulting in total production of 90,000 BPD of upgrade shale oil by 1993.

Project Support Systems

Planning for facilities for product shipment, power supply, fuel supply, and water supply are in progress at this time. Plans for product shipment through the La Sal pipeline are currently being developed. Preliminary estimates of power requirements for the full 90,000 barrels per day are roughly 200 megawatts. Fuels utilized on the project will be brought in by a combination of truck, rail, and/or pipeline.

Water Resources

Union holds sufficient pumping and storage rights to support operation of the 90,000 barrel per day project. The primary water source is the Colorado River. Major elements of the Phase II water supply include an existing water intake structure on the Colorado River, a proposed settling pond, a proposed pipeline roughly paralleling County Road 215, and a proposed reservoir on the mainstream of Parachute Creek.

Union's plans call for eventual construction of a reservoir on Parachute Creek with capacity for 33,773 acre-feet of storage rights, held jointly with Chevron. However, an analysis of short-term water storage needs indicates that 3,500 acre-feet of storage will be sufficient to support full production of 90,000 barrels per day through a severe drought period. Therefore, Union plans to build the Parachute Creek reservoir in stages.

Scope of the EIS: The EIS will analyze project need, alternatives, affected environment, and environmental consequences in accordance with Corps of Engineers and Council on Environmental Quality Regulations. Thus far the following significant issues have been identified:

1. Social and economic impacts.
2. Air quality impacts.
3. Spent shale disposal.
4. Water quality impacts.
5. Water supply and water use.
6. Hazardous and toxic wastes.
7. Energy consumption.
8. Shale oil transport systems.

Scope meetings: Public scoping meetings are planned for the following times and locations:

April 13, Glenwood Springs, 7:00 P.M., Glenwood Jr. High School Cafeteria, 14th and Roaring Fork Drive.

April 14, Parachute, 7:30 P.M., Grand Valley School, 100 E. 2nd Street (1 block north of Highway 6).

April 15, Grand Junction, 7:00 P.M., Two Rivers Plaza, 2nd and Main Street.

In addition to the above meetings, representatives from the Sacramento District will be available between 1:00 p.m. and 4:00 p.m. to discuss the scope of the EIS with interested individuals at the following locations:

Glenwood Springs

April 13, Garfield County Office, Conference Room, 2014 Blake Street.

Parachute

April 14, Parachute Town Hall, Conference Room, off Country Road 300.

Grand Junction

April 15, Corps of Engineers Office, 2784 Crossroads Boulevard, Suite 111. We estimate the draft EIS will be available to the public by December 1982.

For further information, contact Mr. Tom Coe, Regulatory Section, telephone (916) 440-2541 or FTS 448-2541.

Henry Lee,

Lieutenant Colonel, CE Acting Commander.

March 16, 1982.

[FR Doc. 82-8734 Filed 3-31-82; 8:45 am]

BILLING CODE 3710-GH-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: April 21, 1982, 6:00 to 7:30 p.m.; April 22–23, 1982, 9:00 a.m. to 4:30 p.m.

ADDRESS: April 21, 1982, National Advisory Council on Adult Education, 425 13th Street, NW., Washington, D.C.; April 22–23, 1982, Indian Treaty Room, Executive Office Building, 17th & Pennsylvania Ave., NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the adminstration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the council is open to the public; however, due to limited space, reservations must be made by calling the Council office, (202) 376–8892. The proposed agenda includes:

Orientation Meeting and Oath Ceremonies

Panels on the State Grant Program and Liaison with Organizations, Agencies, and Associations

Council Governance and Budget

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St, NW., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on March 29, 1982.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 82-8731 Filed 3-31-82; 8:45 am]

BILLING CODE 4000-01-M

Advisory Council on Dependents' Education; Partially Closed Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Dependents' Education and of three ad hoc subcommittees concerning bylaws and rules, local and regional advisory councils, and programs for the gifted and talented and for the handicapped. This notice also describes the functions of the council. Notice of these meetings are 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.

DATE: The Advisory Council on Dependents' Education—April 20–22, 1982, from 8:30 a.m. to 5:30 p.m.; and three subcommittees, April 19 and 23, 1982, from 8:30 a.m. to 5:30 p.m.

ADDRESS: U.S. Department of Education, 400 Maryland Avenue, S.W., Room 1130, Washington, D.C. 20202

FOR FURTHER INFORMATION CONTACT: Dr. William L. Smith, Administrator of Education for Overseas Dependents, 400 Maryland Avenue, S.W., Washington, D.C. 20202, 202–245–8011.

SUPPLEMENTARY INFORMATION: The Advisory Council on Dependents' Education is established under section 1411 of the Defense Dependents' Education Act of 1978, as amended (20 U.S.C. 929). The Council is established to:

(1) recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system,

(2) make recommendations to the Director and to the Secretary of Education on the orderly transfer of the functions under the Dependents' Education Act of 1978 to the Secretary and Department of Education, and

(3) provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system.

(4) advise the Director on the design of the study and the selection of the contractor referred to in section 1412(a)(2) of the title, and

(5) perform such other tasks as may be required by the Secretary of Education.

The meeting of the Council is open to the public except as indicated below. The proposed agenda for the full meeting of the council April 20–22 includes: Reports of the three temporary subcommittees, with discussions and recommendations concerning them; the report of the Director of Dependents' Education, with discussion and recommendations; discussion of criteria, review of proposals, and advice on selecting a contractor for the comprehensive study of the defense dependents education system; and new business still undetermined.

The proposed agenda for the subcommittee concerning bylaws and rules for April 19 includes preparation of draft bylaws and rules concerning the formal organization and procedures of the Council and recommendations concerning the best mechanism for obtaining information on effective programs and practices in primary and secondary education. Its agenda for April 23 will consist of business remaining from the meeting of April 19 and new business put before it by the full council meeting held April 20 through 22.

The proposed agenda for the subcommittee concerning local and regional councils for April 19 includes consideration of legislative addition of regional councils to the advisory structure of the dependents' schools, the interrelationships of the advisory councils and the military commands, use of local council chairmen to communicate council activities to the school population, national council members as liaison to regional advisory councils, and required student membership on regional and local councils as well as on the national council. Its agenda for April 23 will consist of business remaining from the meeting of April 19 and new business put before it by the full council meeting held April 20 through 22.

The proposed agenda for the subcommittee concerning programs for the gifted and talented and for the handicapped for April 19 includes ways to improve the administation of these programs and initiation of a program for the gifted and talented in the Panama region. Its agenda for April 23 will consist of business remaining from the meeting of April 19 and new business put before it by the full council meeting held April 20 through 22.

The April 21 council meeting will be closed to the public from 8:30 a.m. to 12:30 p.m. to review proposals and advise on the selection of a contractor for the study of the defense dependents' education system. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) and under subsections (4) and (6) of Section (c) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 522b). Advice on the selection of a contractor will include review of proposals and qualifications of staff of potential contactors, and so contain information that is forbidden by Federal procurement regulations to be disclosed in public prior to award.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Council proceedings, and are available for inspection at the office of the Advisory Council on Dependents' Education, Room 1130, 400 Maryland Avenue, S.W., Washington, D.C. from the hours of 8:30 to 5:30 p.m.

Dated: March 26, 1982.

John Rodriguez,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 82-8755 Filed 3-31-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Garrison-Spokane 500-kV Transmission Project; Public Meetings

AGENCY: Bonneville Power Administration (BPA).

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule of public meetings BPA will hold for discussion of BPA's Draft Environmental Impact Statement (EIS), Garrison-Spokane 500-kV Transmission Project. The draft EIS describes BPA's proposal to construct and maintain a 500,000 volt transmission line from Garrison, Montana, to the vicinity of Spokane, Washington, with an intermediate substation in western Montana. An informal open house will precede each meeting for interested

people to learn more about the project. The public may present formal statements and comments at the meetings.

DATES AND ADDRESSES:

April 12, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; East Valley High School, Commons Area, East 15711 Wellesley, Spokane, Washington
April 13, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; North Shore Motor Hotel, Bay 4 Convention Center, Coeur D'Alene, Idaho
April 14, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Wallace Senior High School Cafeteria, 401 River Street, Wallace, Idaho
April 15, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; St. Regis High School Cafeteria, St. Regis, Montana
April 19, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Big Sky High School Multipurpose Room, 3100 South Avenue West, Missoula, Montana
April 20, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Drummond Community Center, Drummond, Montana
April 21, 1982
Open house, 3:45–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Lolo School Gymnasium, Lolo, Montana
April 22, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Granite County Courthouse, Courtroom, Philipsburg, Montana
April 26, 1982
Open house, 3:30–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Elementary School Multipurpose Room, Frenchtown, Montana
April 27, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Superior High School Multipurpose Room, Superior, Montana
April 28, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; High School Library, St. Ignatius, Montana
April 29, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Plains Grange Hall, Plains, Montana
April 30, 1982
Open house, 3:30–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Potomac School, Potomac, Montana
May 3, 1982
Open house, 2:00–6:00 p.m.; Registration, 7:00 p.m.; Meeting, 7:30 p.m.; Junior High School Gymnasium, Columbia and Haley Streets, Thompson Falls, Montana

FOR FURTHER INFORMATION CONTACT: Copies of the draft EIS, as well as additional or clarifying information, may be obtained by writing or calling George Eskridge, Projects Information Officer, P.O. Box 4327, Missoula, Montana 59806. Toll-free telephone: 1–800–332–2421 (Montana residents) and 1–800–548–4285 (for other states). Written comments will be accepted until the close of comment date, May 28, 1982.

Issued in Portland, Oregon, March 24, 1982.

Peter T. Johnson,

Administrator.

[FR Doc. 82-8701 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL82-1-000]

APS–PJM Interconnection Agreement, et al.; Rescheduled Informal Conference

March 29, 1982.

Take notice that the informal conference scheduled for March 25, 1982 in Docket No. EL82–1–000 is to be rescheduled by request of the parties. The revised rescheduled conference will be held at 10:00 a.m. on April 22, 1982, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8800 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-396-000]

Arkansas Power and Light Co.; Filing

March 29, 1982.

The filing Company submits the following:

Take notice that on March 23, 1982, Arkansas Power and Light Company (APL) submitted for filing the Fifth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between APL and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for three additional points of delivery; to abandon two points of delivery; to increase the capacity of six points of delivery; and to change the existing provisions of one point of delivery.

APL requests the Commission waive any requirements with which APL has not already complied.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8785 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No ER80-344-000]

Carolina Power and Light Co.; Order Granting Motion for Imposition of Interim Rates Pending Commission Action on Settlement Proposal

Issued March 25, 1982.

Carolina Power & Light Company (CP&L) filed a motion on February 23, 1982, seeking Commission authorization to impose interim rates in lieu of the rates originally filed in this docket pending Commission action on a settlement agreement also filed with the Commission on February 23, 1982. CP&L seeks permission to make refunds in accordance with the proposed settlement agreement prior to Commission review of the agreement. The motion states that, if granted, neither CP&L's right to increased rates nor its customers' rights to further refunds would be prejudiced if the settlement agreement is not approved by the Commission. The motion further states that the parties do not oppose the interim rate proposal. For the reasons stated below, we shall grant the motion.

On April 18, 1980, CP&L tendered proposed increased rates in this docket

of $33,733,249 (18.05%) for the twelve months ending June 30, 1981. These rates apply to firm service to eighteen electric cooperative customers, twenty-five municipal customers and two private distributing customers. By subsequent order, the rates were allowed to go into effect on August 18, 1980, subject to to refund, and the matter was set for hearing. The hearing was held and on December 1, 1981, an initial decision was issued resolving all contested issues. The settlement agreement of February 23, 1982, if approved, would supersede the initial decision.

The interim rate motion is designed to make the lower settlement rates immediately available while reducing CP&L's potential refund liability. Because CP&L's motion is specificially stated neither to prejudge the merits of the agreement nor to prejudice the rights of the parties to adjustments in the rates if the agreement is not approved by the Commission and because the motion is not opposed by any party to this proceeding, we believe that the public interest will be furthered if the motion for interim rates is granted.

Pursuant to § 35.1(e) of the Commission's regulations, we find that good eause exists to permit the collection of the interim rates, subject to refund, as of August 18, 1980, until such time as the Commission acts on the settlement agreement filed by CP&L. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

The Commission orders:

(A) The motion filed by CP&L on February 23, 1982, for permission to collect interim rates in lieu of the rates originally filed in this docket is hereby granted.

(B) Good cause having been shown, CP&L is hereby authorized pursuant to § 35.1(e) of the Commission's regulations to collect, subject to refund, the proposed rates reflected in its motion and settlement agreement from August 18, 1980, until the Commission acts on the settlement proposal.

(C) Within 30 days of issuance of this order, CP&L shall refund to its customers, with interest pursuant to § 35.19(a) of the Commission's regulations, the difference in revenues already collected under the originally filed rates and the amounts authorized under the amended rates, and shall file a refund report with the Commission 30 days thereafter. A copy of the refund report shall also be sent to the affected state commissions.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 92-8786 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5815-000]

City of Galion, Ohio; Application For Preliminary Permit

March 30, 1982.

Take notice that the City of Galion, Ohio (Applicant) filed on December 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5815 to be known as the Beverly Lock and Dam No. 4 Project located on the Muskingum River in Washington County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. M. Lewis & Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) the existing State of Ohio's Beverly Lock and Dam No. 4; (2) the existing reservoir with a crest elevation of 616.96 ft. msl.; (3) a new powerhouse containing two generating units having a total rated capacity of 4.5 to 5.0 MW; (4) an existing 138-kV transmission line; and (5) appurtenant facilities. The applicant estimates that the average annual energy output would be between 27.2 and 30.2 GWh. The energy derived from the proposed project would be utilized by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $75,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 6, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 7, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8787 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5811-000]

City of Galion, Ohio; Application For Preliminary Permit

March 30, 1982.

Take notice that the City of Galion, Ohio (Applicant) filed on December 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5811 to be known as the Luke Chute Lock and Dam No. 5 located on the Muskingum River in Morgan County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W.M. Lewis & Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) the existing State of Ohio's Luke Chute Lock and Dam No. 5; (2) an existing reservoir with a crest elevation of 627.72 ft. msl; (3) a new powerhouse containing two generating units having a total rated capacity of 3.6 to 4.0 MW; (4) an existing 138-kV transmission line; and (5) appurtenant facilities. The applicant estimates that the average annual energy output would be between 21.8 and 24.2 GWh. The energy derived from the proposed project would be utilized by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $75,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 6, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 4, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8788 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5712-001]

Color Cable Inc.; Application For Preliminary Permit

March 30, 1982.

Take notice that Color Cable Inc. (Applicant) filed on February 23, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5712 to be known as the Upper Slate Creek Project located on South and West Fork of Slate Creek near the City of Redding in Shasta County, California. The proposed project would affect the United States lands in Shasta-Trinity National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Eugene R. Crippa, President, Color Cable Inc., 9033 Cleave View Drive, Anderson, California 96007.

Project Description—The proposed project would consist of: (1) A 6-foot high diversion dam on South Fork Slate Creek; (2) a 36-inch diameter, 9000-foot long pipeline; (3) a 6-foot high diversion dam on West Fork Slate Creek; (4) a 9000-foot long, 42-inch diameter pipeline; (5) a powerhouse with a total installed capacity of 2500 kW; and (6) a 3.2-mile long, 12.7-kV Transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual output would be 12.5 million kWh.

Purposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, economic, hydrological, and environmental studies; and prepare an FERC license application. The Applicant estimates that these studies would cost $80,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 11, 1982, the competing application itself or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 11, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have not comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8789 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-233-000]

Cities Services Gas Co.; Application

March 29, 1982.

Take notice that on March 12, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-233-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Colorado Interstate Gas Company (CIG) in south central Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that both Applicant and CIG purchase gas in south central Wyoming and that on January 26, 1982, they entered into a gas exchange agreement providing for the gathering and exchange of volumes of natural gas between wells to which each party is singly connected in a specific area of interest in south central Wyoming. It is further stated that pursuant to such agreement Applicant and CIG would deliver thermally equivalent volumes of natural gas at three additional balancing points, two in Sweetwater County, Wyoming, and one in Ford County, Kansas, where gas would be delivered to Natural Gas Pipeline Company of America for CIG's account.

Applicant explains that each party would reimburse the other for the gathering of gas and asserts that the proposed exchange would eliminate duplication of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its desginee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8801 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-86-000]

Consortium of Alternate Energies; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 23, 1982.

On March 1, 1982, the Consortium of Alternate Energies, Lemon Grove, California 90245, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located near Ridgecrest, California. The primary energy source of the facility will be solar energy. Capacity of the facility will be 560 megawatts and 7 percent of annual energy output will be used to preheat water for a desalination plant. Installation of the facility is scheduled to begin in 1984. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure. All such petitions or protests must be filed on or before May 3, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8802 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-EASON OIL COMPANY				RECEIVED:	02/26/82	JA: MI			
8220538		2105500000		103		VIOLET HART #1-3	WILDCAT	639.0	MICHIGAN CONSOLID
-PETROTECH INC				RECEIVED:	02/26/82	JA: MI			
8220539		2106500000		102-4		LAURA GILBERT UNIT-STATE VEVAY #1-8	WILDCAT T2N-R1W SECTI	0.0	CONSUMERS POWER C
-SHELL OIL CO				RECEIVED:	02/26/82	JA: MI			
8220536		2114100000		102-2		LEDGES FARMS STATE ALLIS 2-19A	ALLIS	106.2	MICHIGAN CONSOLID
8220537		2103100000		102-2		STATE FOREST 2-14	FOREST	94.5	MICHIGAN CONSOLID
OKLAHOMA CORPORATION COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:	02/25/82	JA: OK			
8220556	12882	3508720121		108		C S GIVENS G U #1	DIBBLE N	17.1	MOBIL OIL CORP
-AMOCO PRODUCTION CO				RECEIVED:	02/25/82	JA: OK			
8220545	16713	3514920153		107-DP		AARON UNIT #1	WILDCAT (SPRINGER)	146.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	02/26/82	JA: OK			
8220494	16016	3501520924		102-3		CALDWELL UNIT A #1	EAST NILES (HUNTON)	75.0	DELHI GAS PIPELIN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/26/82	JA: OK			
8220521	12844	3500320865		103		ADAMS A-2	S E LAMBERT	70.0	PIONEER GAS PRODU
8220522	12845	3500320866		103		OARE A-2	S E LAMBERT	70.0	PIONEER GAS PRODU
8220489	12843	3500320844		103		TUCKER E-1	S E LAMBERT	70.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY				RECEIVED:	02/25/82	JA: OK			
8220559	16764	3514920154		107-DP		HUBERT #29-1		290.0	EL PASO NATURAL G
-ANDOVER OIL COMPANY				RECEIVED:	02/26/82	JA: OK			
8220504	15950	3501721960		102-2		REDING #20-1		180.0	PHILLIPS PETROLEU
-APACHE CORPORATION				RECEIVED:	02/26/82	JA: OK			
8220493	16033	3503920564		102-2		SANDERS 1-17		1129.0	EL PASO NATURAL G
-ARCADIA REFINING CO				RECEIVED:	02/25/82	JA: OK			
8220552	10638	3508321424		103		C A DANIEL #1	SOUTH ELK HORN AREA	0.0	EASON OIL CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/26/82	JA: OK			
8220486	12866	3504321179		103		PRESLEY UNIT #1-L	PUTNAM	146.0	MOBIL OIL CORP
8220487	12865	3504321179		103		PRESLEY UNIT #1-U	PUTNAM	146.0	MOBIL OIL CORP
-ATLAS OIL INC				RECEIVED:	02/26/82	JA: OK			
8220507	15680	3508321933		102-4		OLIVER 1-33 LEASE	WEST GUTHRIE FIELD	50.0	EASON OIL CO
-B & H EXPLORATION CO				RECEIVED:	02/26/82	JA: OK			
8220531	12826	3510525162		103		MOOMAW #3	UNNAMED	8.5	A G SYSTEMS INC
-BARON EXPLORATION CO				RECEIVED:	02/25/82	JA: OK			
8220548	10222	3510321184		102-4		DITCH WITCH #1	PERRY DISTRICT	0.0	H M GAS CO
8220551	10402	3508321442		102-4		GABRIEL #1	CRESCENT-LOVELL	0.0	EASON OIL CO
8220550	10387	3508321387		102-3		MCKAIG #1	CRESCENT-LOVELL	0.0	EASON OIL CO
8220549	10223	3510321222		102-4		STATE SMITH #1	PERRY DISTRICT	0.0	H M GAS CO
-BLAIK OIL COMPANY				RECEIVED:	02/25/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8220557	12964	3504722451		103		MAXEY #1
-C J CASSELMAN				RECEIVED:	02/26/82	JA: OK
8220530	12821	3511122941		103		GALE 1A
-CHAMPLIN EXPLORATION INC				RECEIVED:	02/25/82	JA: OK
8220542	15811	3515321216		102-4	103	DEWEESE #1
8220544	15812	3504321316		102-4	103	MELHUISH #1
8220543	15813	3515321216		102-4	103	SANDER #2-32
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/26/82	JA: OK
8220481	13098	3508300000		108		ABERDEEN #4
8220498	13099	3509300000		108		P J WHITENECK "A" #1
-CHASE EXPLORATION CORP				RECEIVED:	02/25/82	JA: OK
8220553	12528	3507121022		108		MILLER #3-24
8220555	12542	3507120980		108		TAYLOR 3-22
-CHASE EXPLORATION CORP				RECEIVED:	02/26/82	JA: OK
8220508	12536	3507121445		108		SCHULZ #1-35
8220510	12537	3507121038		108		SPORE #1-25
8220509	12520	3507121476		108		VOEGELE 1-30
8220511	12529	3507121173		108		WOOD 1-31
-DAWN ENERGY CO				RECEIVED:	02/26/82	JA: OK
8220523	12847	3515321208		103		FITHEN #1-4
8220488	12846	3510320703		103		TREADWAY #1-21
-ENERGY SERVICES INC				RECEIVED:	02/26/82	JA: OK
8220506	15784	3512910654		102-2		SMITH #15-1
-FARMERS INVESTMENTS INC				RECEIVED:	02/25/82	JA: OK
8220554	12963	3502720447		103		PATTY #1
-GETTY OIL COMPANY				RECEIVED:	02/26/82	JA: OK
8220495	16010	3501520907		102-2		LARSON NO 30-1
-GULF OIL CORPORATION				RECEIVED:	02/26/82	JA: OK
8220482	13072	3510320395		108		SEWELL #9
-HAMILTON BROTHERS OIL CO				RECEIVED:	02/26/82	JA: OK
8220503	15962	3501521152		102-2		VIERSEN #1-9
-HELMERICH & PAYNE INC				RECEIVED:	02/26/82	JA: OK
8220496	15976	3504321377		102-2		CROOKED FINGER #2-34
8220497	15975	3504321379		102-2		WARD #3-4
-HOFFMANN OIL CO				RECEIVED:	02/26/82	JA: OK
8220524	12848	3510524939		103		HALLETT #1
-IMPERIAL OIL COMPANY				RECEIVED:	02/25/82	JA: OK
8220547	07325	3515120578		108-ER		WOLGAMOTT 1-13
-IREX CORP				RECEIVED:	02/26/82	JA: OK
8220526	12900	3515321182		102-4	103	LETA PEARL #1-19
-JET OIL COMPANY				RECEIVED:	02/26/82	JA: OK
8220525	12849	3508321705		103		CREWS #1-A
-JICO EXPLORATION INC				RECEIVED:	02/26/82	JA: OK
8220512	12818	3507323072		103		JICO-ARMSTRONG #1
-JOE D DONOVAN				RECEIVED:	02/26/82	JA: OK
8220519	12807	3512120765		103		CARNEY #1
-KENNEDY & MITCHELL INC				RECEIVED:	02/25/82	JA: OK
8220546	03387	3515300000		103		FEERER #20-310
-KENNEDY & MITCHELL INC				RECEIVED:	02/26/82	JA: OK
8220517	2231	3515300000		103		MADDUX #11-131
8220518	10762	3504520845		103		PITTMAN #28-428
-LEEMAN ENERGY CORP				RECEIVED:	02/26/82	JA: OK
8220533	12853	3511122457		103		HOUSE #1

FIELD NAME	PROD	PURCHASER
SOONER TREND	3.0	EXXON CO USA
MORRIS	54.8	PHILLIPS PETROLEU
CESTOS	550.0	PANHANDLE EASTERN
CESTOS	625.0	PANHANDLE EASTERN
CESTOS	550.0	PANHANDLE EASTERN
CASHION	21.9	CITIES SERVICE GA
E CHANEY DELL	6.0	CHAMPLIN PETROLEU
UNNAMED	4.0	CITIES SERVICE GA
UNNAMED	2.3	CITIES SERVICE GA
UNNAMED	0.4	CITIES SERVICE GA
UNNAMED	3.8	CITIES SERVICE GA
UNNAMED	2.7	CITIES SERVICE GA
UNNAMED	2.0	CITIES SERVICE GA
NORTH BOILING SPRINGS	300.0	NORTHERN NATURAL
PERRY	834.0	ARCO OIL & GAS CO
	584.0	DELHI GAS PIPELIN
NORTHWEST NORMAN	30.0	SUN GAS CO
BINGER	238.0	MICHIGAN WISCONSI
PERRY NW	12.0	ARCO OIL & GAS CO
SOUTH MIDDLEBERG	69.0	
EAST SEILING	150.0	MICHIGAN WISCONSI
EAST SEILING	150.0	MICHIGAN WISCONSI
	21.9	A-G SYSTEMS INC
WOLGAMOTT	18.0	PANHANDLE EASTERN
WILDCAT	275.0	DELHI GAS PIPELIN
ELKHORN	8.0	EASON OIL CO
SOONER TREND	45.6	PHILLIPS PETROLEU
OLD QUINTON GAS FIELD	15.0	SOUTHEAST TRANSMI
UNDESIGNATED (SW SW 8	146.0	NORTHERN NATURAL
UNDESIGNATED (C NE 15	125.0	NORTHERN NATURAL
UNDESIGNATED (2-23N-2	100.0	PANHANDLE EASTERN
HAMILTON SWITCH	27.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LILES OIL & GAS CO				RECEIVED:	02/26/82	JA: OK			
8220516	15943	3501722175		102-2		HOWARD #1		73.0	PHILLIPS PETROLEU
-MARYMAC CO				RECEIVED:	02/26/82	JA: OK			
8220534	15721	3508520443		102-4		BOLIN #1	NORTH PIKE	75.0	AMINOIL USA INC
8220535	15732	3508520460		102-4		WILKINSON #1	NORTH PIKE	75.0	AMINOIL USA INC
8220513	15741	3508520458		102-4		ZELDA #1	NORTH PIKE	75.0	AMINOIL USA INC
-MURCHISON OIL & GAS INC				RECEIVED:	02/25/82	JA: OK			
8220541	15352	3504921671		102-4		TURNER #1	S E LOVE	180.0	WARREN PETROLEUM
-PCX CORP				RECEIVED:	02/26/82	JA: OK			
8220490	15674	3501722084		102-4		JAMESON #1	NE GEARY	0.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/26/82	JA: OK			
8220505	15588	3501721751		102-3		SCHWEITZER A #1	WEST OKARCHE	390.0	
8220491	12978	3501721391		108		WIEWEL C #1	N CONCHO	16.0	PANHANDLE EASTERN
-PORTS OF CALL OIL CO				RECEIVED:	02/26/82	JA: OK			
*8220492	16801	3501521190		107-DP		WILLIAMS #9-1	EAKLEY	200.0	EL PASO NATURAL G
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	02/26/82	JA: OK			
8220514	15922	3509322381		102-4		KARBER #2	S FAIRVIEW	146.9	PHILLIPS PETROLEU
8220515	15923	3509322072		102-4		RATZLAFF #2	S FAIRVIEW	47.5	PHILLIPS PETROLEU
-S KEITH TUTHILL & BILL J BARBEE				RECEIVED:	02/25/82	JA: OK			
8220540	15805	3515121244		102-2		HULL #1-3	NORTH CAMPBELL	440.0	PANHANDLE EASTERN
-SEARCH DRILLING CO				RECEIVED:	02/26/82	JA: OK			
8220520	12819	3500721977		103		HILL #1-23	E BALKO	33.0	PHILLIPS PETROLEU
-SELLERS & SELLERS				RECEIVED:	02/26/82	JA: OK			
8220527	12913	3506300000		108		ANDERSON #1	GREASY CREEK	8.5	PUBLIC SERVICE CO
8220529	12915	3506300000		108		EDDIE #1	GREASY CREEK	6.9	PUBLIC SERVICE CO
8220501	12919	3506300000		108		HENRY #3	GREASY CREEK	6.8	PUBLIC SERVICE CO
8220502	12921	3506300000		108		MARINDA NO 1	GREASY CREEK	7.7	PUBLIC SERVICE CO
8220500	12918	3506300000		108		PRICE #1	GREASY CREEK	5.9	PUBLIC SERVICE CO
8220499	12916	3506300000		108		ROSETTA WESLEY #1	GREASY CREEK	8.5	PUBLIC SERVICE CO
8220528	12914	3506300000		108		TOM'S #1	GREASY CREEK	11.6	PUBLIC SERVICE CO
-SHAR-ALAN OIL CO				RECEIVED:	02/26/82	JA: OK			
8220483	12904	3507323149		103		CARL WEHRENBERG #1	SOONER TREND	0.0	CITIES SERVICE CO
8220484	12901	3507323018		103		CLIFFORD BUCKMINSTER #A-1	SOONER TREND	237.0	PHILLIPS PETROLEU
-STONE MOUNTAIN CORP				RECEIVED:	02/26/82	JA: OK			
8220532	12827	3510721066		103		JONES #3	EAST WELEETKA	16.2	PHILLIPS PETROLEU
-TABOR OIL CO				RECEIVED:	02/26/82	JA: OK			
8220485	12873	3507100000		103		TRENARY #7	UNNAMED	14.6	CHASE GATHERING S
-TXO PRODUCTION CORP				RECEIVED:	02/25/82	JA: OK			
8220558	16019	3506120456		102-4		WALKER "L" #1	WILDCAT	690.0	
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-TENNECO OIL COMPANY				RECEIVED:	02/26/82	JA: CO 1			
8220566	UDCD 0098-81	0510308428		107-TF		GOVERNMENT #4-31	THUNDER	40.0	NORTHWEST PIPELIN
8220565	CD 0096-81	0510308544		107-TF		GOVERNMENT #7-29	THUNDER	90.0	NORTHWEST PIPELIN
8220567	CD 0532-81	0510308679		107-TF		GOVERNMENT 13-31	UNDESIGNATED	35.0	NORTHWEST PIPELIN
-AMBRA OIL & GAS CO				RECEIVED:	02/26/82	JA: UT 1			
8220560	UD 0505-81	4301930691		102-4		BROWNDIRT #2	CISCO SPRINGS	12.0	NORTHWEST PIPELIN
8220561	UD-0497-81	4301930690		102-4		TXO 15-2	GREATER CISCO (CISCO	12.0	NORTHWEST PIPELIN
8220562	UD-0498-81	4301930713		102-4		TXO 9-1 SPRINGS	GREATER CISCO (CISCO	120.0	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED:	02/26/82	JA: UT 1 \			
8220564	UD 0545-81	4304730659		107-TF		STAGECOACH 21-8	STAGECOACH	0.0	MOUNTAIN FUEL SUP
-BOWERS OIL & GAS EXPLORATION INC				RECEIVED:	02/26/82	JA: UT 1			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220563	UD 0484-81	4301930768		102-4		BOWERS FEDERAL #1-31	GREATER CISCO AREA	35.0	NORTHWEST PIPELIN
-TEXACO INC				RECEIVED:	02/26/82	JA: UT 1			
8220569	UD 0003-82	4303730728		103		ANETH UNIT #F-128	ANETH	6.9	EL PASO NATURAL G
-TXO PRODUCTION CORP				RECEIVED:	02/26/82	JA: UT 1			
8220570	UD-0548-81	4301930834		103		HANCOCK FEDERAL #1-X	WILDCAT	630.0	NORTHWEST PIPELIN
8220568	UD 0550-81	4301930780		103		PTASYNSKI FEDERAL #1	EAST CANYON	151.0	NORTHWEST PIPELIN

OTHER PURCHASERS

8220492 TRANSWESTERN P L CO

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
82-09979	LA	Marathon Oil Co.	CVOC Hunt Stewart #3	572	1-05-82	C:	108-ER approved
82-10090	OK	Magic Circle Energy	Somers #2	573	1-08-82	C:	Well name
82-10466	OH	Sandhill Energy	William Clegg #3B (Sec 15)	574	1-14-82	C:	107-DV approved
82-10468	OH	Sandhill Energy	Cecile Mills #1	574	1-14-82	C:	107-DV approved
82-11550US(NM)		Fred Pool Jr	Grynberg Comm Fed #1	579	1-22-82	C:	102-2 &107-TF approved
82-12117US(LA)		Pennzoil Producing Co	OCS-G2416 #A-4ST	581	1-27-82	C:	Well name
82-12137US(LA)		Pennzoil Producing Co	OCS-G2416 #A-2D	581	1-27-82	C:	Well name
82-12138US(LA)		Pennzoil Oil & Gas Inc	OCS-G2416 #A-2A	581	1-27-82	C:	Well name
82-12145US(LA)		Pennzoil Oil & Gas, Inc	OCS-G2384 #A-4	581	1-27-82	C:	Well name
82-12147US(LA)		Pennzoil Producing Co	OCS G2384 #A-8	581	1-27-82	C:	Well name
82-12154US(LA)		Pennzoil Oil & Gas Inc	OCS-G2416 #A-2	581	1-27-82	C:	Well name
82-12200	TX	Cassell Oil Co	Murdoch #1	582	1-27-82	C:	103 approved, 102-4 withdrawn
82-12201	TX	Cassell Oil Co	O. B. Byrd #2	582	1-27-82	C:	103 approved, 102-4 withdrawn
82-12202	TX	Cassell Oil Co	O. B. Byrd #1	582	1-27-82	C:	103 approved, 102-4 withdrawn
82-12216	TX	R A W Energy Corp	Dunaway #1	582	2-01-82	C:	Well name
82-12599	NM	MTS Limited Partnership	Acme #2	584	2-01-82	C:	102-2&107-TF approved
82-12600	NM	MTS Limited Partnership	R16 #2	584	2-01-82	C:	102-2&107-TF approved
82-13221	NY	Arlington Exploration Co	Meter Kennedy & Howe U #1	586	2-04082	C:	107-DV approved; not 107-TF
82-13373US(NM)		El Paso Exploration Co	Jicarilla 119 N #12	586	2-04-82	C:	108-PB approved
82-13374US(NM)		El Paso Natural Gas Co	Valdez #4	586	2-04-82	C:	108-PB approved

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before April 16, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8798 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

Issued: March 25, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMERADA HESS CORPORATION			RECEIVED:	02/25/82		JA: TX			
8220842	F-8A-046703	4216532053	103			SEMINOLE SAN ANDRES UNIT #2226	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8220843	F-8A-046704	4216532134	103			SEMINOLE SAN ANDRES UNIT #2227	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8220844	F-8A-046708	4216532139	103			SEMINOLE SAN ANDRES UNIT #3532	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
8220841	F-8A-046702	4216532132	103			SEMINOLE SAN ANDRES UNIT NO 3522	SEMINOLE SAN ANDRES	0.0	PHILLIPS PETROLEU
-AMERICAN QUASAR PETROLEUM CO			RECEIVED:	02/25/82		JA: TX			
8220608	F-8A-042321	4244530952	102-4			TRUETT FLACHE #2-71	BROWNFIELD S (STRAWN)	0.0	
-AMINOIL USA INC			RECEIVED:	02/25/82		JA: TX			
8220694	F-08-045406	4200300000	103			UNIVERSITY 28 "B" #5	ANDREWS SO (WOLFCAMP)	365.0	EL PASO NATURAL G
-AMMEX PETROLEUM INC			RECEIVED:	02/25/82		JA: TX			
8220666	F-03-044971	4205130444	102-2	103		BRACEWELL UNIT #1	BIG A (TAYLOR)	356.4	CLAJON GAS CO
8220584	F-03-034942	4214930864	102-2	103		MAURINE #1	GIDDINGS(EDWARDS GAS)	513.0	CLAJON GAS CO
8220665	F-03-044960	4205139130	102-2	103		MIKE UNIT #1	BIG A (TAYLOR)	291.6	CLAJON GAS CO
8220632	F-03-043630	4205131890	102-2	103		STAN UNIT #1	BIG A (TAYLOR)	481.5	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED:	02/25/82		JA: TX			
8220709	F-08-045687	4200332511	103			FUHRMAN MASCHO UNIT #131 BLK 9	FUHRMAN-MASCHO	3.7	PHILLIPS PETROLEU
8220850	F-08-046753	4213533763	103			GOLDSMITH LANDRETH DEEP UNIT #218	GOLDSMITH (CLEARFORK)	4.4	PHILLIPS PETROLEU
8220847	F-08-046750	4213533792	103			GOLDSMITH LANDRETH DEEP UNIT #221	GOLDSMITH (CLEARFORK)	1.5	PHILLIPS PETROLEU
8220846	F-08-046749	4213533764	103			GOLDSMITH LANDRETH DEEP UNIT #223	GOLDSMITH (CLEARFORK)	26.3	PHILLIPS PETROLEU
8220848	F-08-046751	4213533759	103			GOLDSMITH LANDRETH/DEEP/ UNIT #199	GOLDSMITH (CLEARFORK)	0.4	PHILLIPS PETROLEU
8220845	F-08-046748	4213533770	103			GOLDSMITH LANDRETH/DEEP/ UNIT #208	GOLDSMITH (CLEARFORK)	17.2	PHILLIPS PETROLEU
8220849	F-08-046752	4213533775	103			GOLDSMITH LANDRETH/DEEP/ UNIT #209	GOLDSMITH (CLEARFORK)	2.6	PHILLIPS PETROLEU
8220746	F-08-045998	4213533639	103			NORTH COWDEN UNIT #1097	COWDEN NORTH	2.6	WESTAR TRANSMISSI
8220747	F-08-045999	4213533674	103			NORTH COWDEN UNIT #1106	COWDEN NORTH	78.8	WESTAR TRANSMISSI
8220748	F-08-046000	4213533646	103			NORTH COWDEN UNIT #1107	COWDEN NORTH	39.7	WESTAR TRANSMISSI
8220594	F-06-040282	4220330618	107-TF			WILLIAM MATTHEWS GAS UNIT #1	BLOCKER/COTTON VALLEY	70.0	UNITED GAS PIPELI
-ANDOVER OIL COMPANY			RECEIVED:	02/25/82		JA: TX			
8220852	F-03-046758	4215931657	103			ARCO #179-2	BEECH CREEK SW (Y-9)	0.0	ARCO OIL & GAS CO
-ANGELL PETROLEUM INC			RECEIVED:	02/25/82		JA: TX			
8220647	F-78-44101	4213332685	102-4			H L SCIETERN #1 (17894)	GORMAN N (MARBLE FALL	16.0	NORTHERN GAS PROD
-APC OPERATING PARTNERSHIP			RECEIVED:	02/25/82		JA: TX			
8220818	F-09-046614	4207732393	103			SARAH MAXEY (4) #21514	BUCK M (BRYSON)	15.0	FAGADAU ENERGY CO
8220832	F-09-046661	4207732452	103			SARAH MAXEY #5 #21514	BUCK M (BRYSON)	30.0	FAGADAU ENERGY CO
-ARCO OIL AND GAS COMPANY			RECEIVED:	02/25/82		JA: TX			
8220803	F-08-046580	4213533584	103			GOLDSMITH CUMMINS (DEEP) #172	GOLDSMITH CLEARFORK	0.3	PHILLIPS PETROLEU
8220802	F-08-046579	4213533583	103			GOLDSMITH CUMMINS (DEEP) #173	GOLDSMITH CLEARFORK	0.3	PHILLIPS PETROLEU
8220801	F-08-046578	4213533585	103			GOLDSMITH CUMMINS (DEEP) #175	GOLDSMITH CLEARFORK	0.3	PHILLIPS PETROLEU
8220800	F-08-046577	4213533417	103			GOLDSMITH-CUMMINS (SA) UNIT #221	GOLDSMITH (SAN ANDRES	25.4	PHILLIPS PETROLEU
-B J GIERHART INC			RECEIVED:	02/25/82		JA: TX			
8220853	F-04-046759	4213134477	102-4	103		PALACIOS-CABALLERO GAS UNIT #1	CABALLERO (BAZAN 7500	36.0	VALLEY GAS TRANSM
-BASS ENTERPRISES PRODUCTION CO			RECEIVED:	02/25/82		JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220767	F-8A-046217	4221933298		103		PIRKLE UNIT #5	SLAUGHTER	3.0	AMOCO PRODUCTION
-BEST PETROLEUM EXPLORATION INC				RECEIVED:	02/25/82	JA: TX			
8220742	F-09-045973	4207732328		103		E L PERKINS #1	BUFFALO SPRINGS (CADD	66.0	LONE STAR GAS CO
-BLAKE HAMMAN				RECEIVED:	02/25/82	JA: TX			
8220658	F-09-044623	4223700000		108		H STRICKLAND #1 21352	DARNER-HAMMON (BEND C	0.0	CITIES SERVICE CO
8220661	F-09-044822	4223700000		108		H STRICKLAND #3 43635	DARNER-HAMMON (BEND C	14.0	CITIES SERVICE CO
-BLUE RIDGE OIL & GAS EXPLOR INC				RECEIVED:	02/25/82	JA: TX			
8220782	F-7C-046476	4210533427		103	107-TF	BAGGETT #4	ADAMS-BAGGETT RANCH (	24.0	DETROIT-TEXAS GAS
8220783	F-7C-046477	4210533425		103	107-TF	BAGGETT #6	ADAMS-BAGGETT RANCH (	16.0	DETROIT-TEXAS GAS
-BORDER EXPLORATION CO				RECEIVED:	02/25/82	JA: TX			
8220605	F-04-042085	4242731543		103		NIMMO G U #1 2-P	YZAQUIRRE (9400')	665.0	VALERO TRANSMISSI
-BRIDWELL OIL CO				RECEIVED:	02/25/82	JA: TX			
8220776	F-7C-046434	4239900000		103		MRS H S BRIGHT "A" #1	CREE-SYKES	168.0	UNION TEXAS PETRO
8220777	F-7B-046435	4242932869		103		VAN WINKEL #1	HOG MOUNTAIN	25.0	WARREN PETROLEUM
-BRITTON OPERATING INC				RECEIVED:	02/25/82	JA: TX			
8220750	F-09-046013	4223733887		102-2		JONES-B 96232	LUCKY JACK (CONGL)	0.0	SOUTHWESTERN GAS
-BRUNER OIL & GAS INC				RECEIVED:	02/25/82	JA: TX			
8220576	F-7B-024774	4214300000		102-4		MARVIN JONES #3	BRYNES (DUFFER)	0.0	CORONADO TRANSMIS
8220590	F-7B-038355	4242932385		103		SHALOR COPELAND #1	WILDCAT	0.0	LONE STAR GAS CO
-C F LAWRENCE & ASSOC INC				RECEIVED:	02/25/82	JA: TX			
8220589	F-7C-037284	4210500000		108		HOBBS "B" #3	CLARA COUCH (WOLFCAMP	0.0	EL PASO NATURAL G
-CAMPBELL ENERGY CORP				RECEIVED:	02/25/82	JA: TX			
8220728	F-7B-045989	4248132188		102-4		N D CORBETT #2	SPANISH CAMP (4100' F	182.5	NATURAL GAS PIPEL
-CARTER EXPLORATION CO				RECEIVED:	02/25/82	JA: TX			
8220648	F-02-044151	4223921672		102-4	103	SAM POWELL #1	EL TORRO SW (6506)	50.0	UNITED GAS PIPELI
-CHALLENGER MINERALS INC				RECEIVED:	02/25/82	JA: TX			
8220727	F-08-045906	4222732487		103		BROUGHTON-DAVIS #1	BIG SPRING (FUSSELMAN	33.0	
-CHAMA PETROLEUM CO				RECEIVED:	02/25/82	JA: TX			
8220733	F-08-045954	4247500000		102-4		SEALY SMITH FOUNDATION A #3	CHAMA (GLORIETA)	875.0	EL PASO NATURAL G
-CHAMPLIN EXPLORATION INC				RECEIVED:	02/25/82	JA: TX			
8220796	F-03-046545	4214930583		102-2		ALVIN BOEHNKE #1 (RRC ID #13364)	GIDDINGS (AUSTIN CHAL	2.4	PHILLIPS PETROLEU
8220695	F-03-045457	4214930931		102-2		BARKER-KRET #1 (RRC ID #14337)	GIDDINGS (AUSTIN CHAL	36.0	PHILLIPS PETROLEU
8220784	F-03-046489	4214930987		102-2		DOMS-COGDILL #1 (RRC ID #14373)	GIDDINGS (AUSTIN CHAL	0.8	PHILLIPS PETROLEU
8220732	F-03-045947	4228730944		102-2		MARY BLACKBURN HARRELL #2	GIDDINGS (AUSTIN CHAL	1620.0	PHILLIPS PETROLEU
8220700	F-03-045499	4214930801		102-2		PIETSCH-SCHULTZ UT #1 RRC 12426	GIDDINGS (AUSTIN CHAL	12.0	PHILLIPS PETROLEU
8220679	F-03-045319	4205130871		102-2		STEGMUELLER #7 (RRC I D #13204)	GIDDINGS (AUSTIN CHAL	240.0	CLAJON GAS CO
8220791	F-03-046523	4214930747		102-2		WM B REITZ #1 (RRC ID #14187)	GIDDINGS (AUSTIN CHAL	1.6	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/25/82	JA: TX			
8220578	F-03-028093	4205130732		102-2	103	ALBERT J SUROVIK #1	GIDDINGS (AUSTIN CHAL	2.0	FERGUSON CROSSING
8220588	F-04-037255	4235531764		103		CHAPMAN RANCH #2-115	CHAPMAN RANCH (L-20-2	67.5	TEXAS EASTERN TRA
8220595	F-03-040545	4205131709		102-2	103	LEROY KOEHLER "A" #1	GIDDINGS (AUSTIN CHAL	215.0	FERGUSON CROSSING
8220636	F-04-043705	4205100000		102-2	103	LOUIS KNESEK #2	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8220611	F-02-042388	4246900000		108		R H MORROW #1	MCFADDIN (2200)	19.0	TENNESSEE GAS PIP
8220635	F-04-043702	4235500000		108		UNION CENTRAL LIFE INS CO #7	STRATTON (SELLERS)	1.0	TENNESSEE GAS PIP
-CHARLES L WALKER				RECEIVED:	02/25/82	JA: TX			
8220741	F-08-045972	4200332999		103		DOW-HALL #1	SHAFTER LAKE (SAN AND	15.4	PHILLIPS PETROLEU
8220730	F-08-045913	4200332900		103		FISHER "12" #1	SHAFTER LAKE (SAN AND	20.9	PHILLIPS PETROLEU
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	02/25/82	JA: TX			
8220795	F-09-046543	4223700000		103		EDNA C COX (LEASE NO 18634)	HANLON (CADDO)	0.0	SOUTHWESTERN GAS
8220794	F-09-046542	4223733478		103		LOYD CLAY #1 (LEASE NO 21298)	JACK COUNTY REGULAR	0.0	CITIES SERVICE CO
8220652	F-09-044374	4223733781		102-4		MORTON #1 (ID NO)	HUNTER (CONGLOMERATE)	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED:	02/25/82	JA: TX			
8220833	F-03-046674	4204130619		102-2		DANSBY "A" #1 (96020)	BRYAN (GEORGETOWN)	334.0	PRODUCER'S GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220763	F-03-046071	4204130593		102-2		DAVIS "F" #1 (#94899)	BRYAN (AUSTIN CHALK)	665.0	PRODUCER'S GAS CO
8220827	F-10-046638	4206530936		103		DEAHL B #20	PANHANDLE	66.0	CITIES SERVICE GA
8220828	F-10-046640	4206530933		103		DEAHL- B #18	PANHANDLE	19.8	CITIES SERVICE GA
8220764	F-03-046073	4204130567		102-2		PORTER WOOD "A" #1 (93241)	BRYAN (AUSTIN CHALK-3	0.0	PRODUCER'S GAS CO
-CLARION RESOURCES INC				RECEIVED:		02/25/82 JA: TX			
8220579	F-7B-028532	4222100000		102-4	103	SOSEBEE "B" 88432	LIPAN (BIG SALINE)	10.0	NORTHERN GAS PROD
8220579	F-7B-028532	4222100000		108		SOSEBEE "B" 88432	LIPAN (BIG SALINE)	10.0	NORTHERN GAS PROD
8220640	F-7B-043957	4214500000		102-4	103	SOSEBEE C-1	WORLEY (STRAWN)	0.0	NORTHERN GAS PROD
-COMINCO AMERICAN INC				RECEIVED:		02/25/82 JA: TX			
8220678	F-10-045286	4248300000		102-4		KELTON #1	MILLS RANCH (GRANITE	0.0	MISSISSIPPI RIVER
-COMMAND ENERGY CORP				RECEIVED:		02/25/82 JA: TX			
8220726	F-7B-045890	4213300000		102-4		ALLISON #1 R R C I D #	SHOAF-MERGNER (MISSIS	30.0	NORTHERN GAS PROD
8220759	F-7B-046041	4213300000		102-4		ALLISON #2 RRC ID #	SHOAF-MERGNER (MISSIS	28.0	NORTHERN GAS PROD
8220738	F-7B-045963	4213300000		102-4		CECIL SELF #3 R R C I D #	SHOAF-MERGNER (MISSIS	26.0	NORTHERN GAS PROD
8220739	F-7B-045964	4213300000		102-4		CECIL SELF #4 R R C I D #	SHOAF-MERGNER (MISSIS	33.0	NORTHERN GAS PROD
8220753	F-7B-046035	4213300000		102-4		GILBERT #1 RRC ID #17726	SHOAF-MERGNER (MISSIS	12.0	NORTHERN GAS PROD
8220752	F-7B-046034	4213300000		102-4		GILBERT #2 RRC ID #17726	SHOAF-MERGNER (MISSIS	30.0	NORTHERN GAS PROD
8220725	F-7B-045889	4213300000		102-4		J M BARNETT #1 R R C I D #17611	SHOAF-MERGNER (MISSIS	6.0	NORTHERN GAS PROD
8220756	F-7B-046038	4213300000		102-4		J M BARNETT #3 RRC ID #17611	SHOAF-MERGNER (MISSIS	7.0	NORTHERN GAS PROD
8220757	F-7B-046039	4213300000		102-4		J M BARNETT #4 RRC ID #17611	SHOAF-MERGNER (MISSIS	2.0	NORTHERN GAS PROD
8220758	F-7B-046040	4213300000		102-4		MICHAEL JONES #1 RRC #	MERGNER (MARBLE FALLS	36.0	NORTHERN GAS PROD
8220755	F-7B-046037	4213300000		102-4		NELSON #3 RRC ID #	SHOAF-MERGNER (MISSIS	39.0	NORTHERN GAS PROD
8220754	F-7B-046036	4213300000		102-4		REDFEARN #1 RRC ID #17632	SHOAF-MERGNER (MISSIS	36.0	NORTHERN GAS PROD
8220737	F-7B-045960	4213300000		102-4		VIRGIL SIMPSON #1 RRC #17579	SHOAF-MERGNER (MISSIS	4.0	NORTHERN GAS PROD
8220736	F-7B-045959	4213300000		102-4		VIRGIL SIMPSON #2 RRC #17579	SHOAF-MERGNER (MISSIS	2.0	NORTHERN GAS PROD
8220735	F-7B-045958	4213300000		102-4		VIRGIL SIMPSON #3 RRC #17579	SHOAF-MERGNER (MISSIS	36.0	NORTHERN GAS PROD
8220734	F-7B-045957	4213300000		102-4		VIRGIL SIMPSON #4 RRC #17579	SHOAF-MERGNER (MISSIS	33.0	NORTHERN GAS PROD
-CONOCO INC				RECEIVED:		02/25/82 JA: TX			
8220797	F-8A-046555	4211531623		103		EAST ACKERLY DEAN UT #68 ID #60687	ACKERLY (DEAN SAND)	11.7	TEXACO
8220857	F-08-046770	4213500000		108		MB L E WIGHT-4-#23 ID #23778	COUDEN N	8.5	AMOCO PRODUCTION
8220855	F-08-046768	4200300000		108		MUNGER NIX #27 ID #10694	FUHRMAN MASCHO	1.5	PHILLIPS PET CO
8220839	F-01-046688	4232331786		103		N J CHITTIM #E-5	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220837	F-01-046682	4232331820		103		N J CHITTIM #3660	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220840	F-01-046701	4232331787		103		N J CHITTIM #617	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220838	F-01-046684	4232331788		103		N J CHITTIM #6412	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220836	F-01-046681	4232331789		103		N J CHITTIM #6413	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220835	F-01-046680	4232331779		103		N J CHITTIM #8902	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220834	F-01-046679	4232331781		103		N J CHITTIM #8903	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8220858	F-7C-046771	4210500000		108		RANCH STRAWN UT #3 ID #03211	RANCH	3.1	DELHI GAS P L COR
8220817	F-04-046613	4213100000		108		ROBERT DRISCOLL #18	CONOCO-DRISCOLL (UPPE	15.6	TRANSCONTINENTAL
8220606	F-04-042288	4247933089		102-2	107-TF	ROSA V BENAVIDES "E" #7	CAPRICE (LOBO)	700.0	E I DUPONT DE NEM
8220856	F-08-046769	4210300000		108		UNIVERSITY-C-#4 ID #11210	DUNE	0.4	PHILLIPS PETROLEU
8220604	F-08-042066	4213500000		108		WIGHT UNIT #145 I D 20661	COWDEN N	1.4	AMOCO PRODUCTION
-CORDOVA RESOURCES INC				RECEIVED:		02/25/82 JA: TX			
8220644	F-7B-044025	4213300000		103		JONES #1	EASTLAND COUNTY REGUL	9.6	SOUTHWESTERN GAS
8220619	F-7B-042929	4213300000		103	108	SHEPPARD #4	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
8220621	F-7B-042951	4213300000		103	108	SHEPPARD #5	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
8220620	F-7B-042931	4213332292		103	108	SHEPPARD #6	EASTLAND COUNTY REGUL	4.0	ODESSA NATURAL CO
8220645	F-7B-044028	4213300000		103	108	WINFREY #1	EASTLAND COUNTY REGUL	0.4	SOUTHWESTERN GAS
-COSTA RESOURCES INC				RECEIVED:		02/25/82 JA: TX			
8220826	F-08-046635	4210332659		103		REYNOLDS #4	COSTA (TUBB)	29.2	PERRY GAS PROCESS
-COTTON PETROLEUM CORPORATION				RECEIVED:		02/25/82 JA: TX			
8220724	F-10-045888	4229530780		103		KING #1-641	BRADFORD (TONKAWA)	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:	02/25/82	JA: TX			
8220717	F-10-045818	4219500000		108		GROVE SEBRING #1-021	HANSFORD (LOWER MORRO	5.0	TRANSWESTERN PIPE
-DALLAS SUNBELT OIL & GAS INC				RECEIVED:	02/25/82	JA: TX			
8220712	F-7B-045735	4213333260		102-4		KIRK A #3	RANGER NW (MARBLE FAL	80.0	LONE STAR GAS CO
-DAMSON OIL CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220612	F-02-042430	4202531395		102-4		RIGGLE-WENTLAND #1	WILDCAT	55.0	VALERO TRANSMISSI
-DAN J III & BRUCE F HARRISON				RECEIVED:	02/25/82	JA: TX			
8220657	F-03-044601	4215731225		102-4	103	DAN J III & BRUCE F HARRISON FEE #1	MCCRARY (2ND YEGUA)	49.0	HOUSTON PIPELINE
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220714	F-10-045771	4229530936		103		ANITA B ANTHONY #2	LIPSCOMB SW	568.0	
-DIVERSE ENERGY INC				RECEIVED:	02/25/82	JA: TX			
8220671	F-7B-045256	4236732152		102-4		BENNETT #1	DIVERSE-BENNETT (GRAN	108.0	EMPIRE PIPELINE C
8220676	F-7B-045271	4236300000		102-4		EUBANKS #1	EUBANK (STRAWN UPPER)	90.0	SOUTHWESTERN GAS
8220673	F-7B-045259	4236300000		102-4		EUBANKS "A" #1	WATSON (CADDO)	432.0	SOUTHWESTERN GAS
8220674	F-7B-045268	4236332451		102-4		TOMERLIN #1	WATSON (STRAWN LOWER)	100.0	SOUTHWESTERN GAS
8220672	F-7B-045257	4236732141		102-4		WOLFENBERGER #1	HOLBERT (BEND CONGL)	100.0	EMPIRE PIPELINE C
-DOUBLE EAGLE DRILLING CO				RECEIVED:	02/25/82	JA: TX			
8220654	F-09-044397	4207732139		103		W B FULGHAM #1-C (RR #21175)	LAZY B (CADDO)	0.0	FAGADAU ENERGY CO
-EDWIN L COX & BERRY R COX				RECEIVED:	02/25/82	JA: TX			
8220680	F-02-045327	4212331109		102-4		COX-HIX-GREEN #1	SOUTH CHRISTMAS	365.0	TRUNKLINE GAS CO
8220659	F-04-044645	4242731571		102-4		COX-NICEFORO PENA JR #1	EAST SUN (PENA)	365.0	VALERO INTERSTATE
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/25/82	JA: TX			
8220615	F-7C-042711	4243530446		108		BARTON #2	SONORA CANYON UPPER	21.0	EL PASO NATURAL G
8220798	F-02-046564	4229730986		103		EL PASO NATURAL GAS #1	CLEGG (WILCOX B)	145.0	EL PASO NATURAL G
-ENERGY DEVELOPMENT CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220740	F-02-045965	4205731089		102-4		POWDERHORN RANCH #4	POWDERHORN SW (FRIO 1	292.0	DOW CHEMICAL CO
-EXXON CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220692	F-05-045400	4216100000		108		BURLESON HILL GAS UNIT #1	BURLESON HILL (PETTIT	0.0	LONE STAR GAS CO
*8220851	F-06-046757	4234730529		103		DOUGLASS GAS UNIT 3-2	DOUGLASS W (TRAVIS PE	320.0	ARMCO STEEL CORP
8220831	F-08-046658	4237133626		103		FORT STOCKTON UNIT #222	FT STOCKTON	1.0	NUECES CO
8220720	F-08-045874	4200332827		103		FULLERTON CLEARFORK UNIT #1219	FULLERTON	15.0	PHILLIPS PETROLEU
8220751	F-08-046020	4200332939		103		FULLERTON CLEARFORK UNIT #2333	FULLERTON	15.0	PHILLIPS PETROLEU
8220721	F-08-045876	4200332876		103		FULLERTON CLEARFORK UNIT #433	FULLERTON	15.0	PHILLIPS PETROLEU
8220705	F-08-045600	4210332650		103		J B TUBB A/C #1 257 L	SAND HILLS (TUBB)	92.0	EL PASO NATURAL G
8220639	F-08-043885	4210332674		103		J B TUBB A/C 1 #248L	SAND HILLS (TUBB)	11.0	EL PASO NATURAL G
8220706	F-08-045601	4210332650		103		J B TUBB A/C 1 #257U	SAND HILLS (SAN ANGEL	36.0	EL PASO NATURAL G
8220693	F-06-045401	4236500000		108		J S GHOLSTON #1	CARTHAGE (GLEN ROSE 3	0.0	TEXAS EASTERN TRA
8220598	F-08-041358	4200332702		103		J S MEANS A/C 4 #324	MEANS SOUTH (WOLFCAMP	15.0	PHILLIPS PETROLEU
*8220859	F-04-046786	4227331576		102-4		K R BORREGOS M-30-B (96543)	STRATTON (N-26 SW SEG	913.0	ARMCO STEEL CORP
*8220823	F-04-046622	4204730955		102-4		K R LAGUNA LARGA 27 (95755)	FLOWELLA (VICKSBURG 9	219.0	ARMCO STEEL CORP
8220617	F-04-042861	4226130638		102-4		SARITA GAS UNIT #7 3-F (95936)	SARITA (3-G SW)	548.0	NATURAL GAS PIPEL
-FARGO EXPLORATION CO				RECEIVED:	02/25/82	JA: TX			
8220743	F-7C-045984	4239932095		102-4		FOY & JOE ALLCORN #1-A	ALLCORN (FRY LO)	95.0	UNION TEXAS PETRO
-FISHER-WEBB INC				RECEIVED:	02/25/82	JA: TX			
8220854	F-7B-046766	4244132000		103		EARNEST #1	TAYLOR COUNTY REGULAR	10.0	UNION TEXAS PETRO
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	02/25/82	JA: TX			
8220583	F-03-033175	4208931029		102-4	103	R W MONAHAN #1	WILDCAT	0.0	ESPERANZA TRANSMI
-FRANK CASS				RECEIVED:	02/25/82	JA: TX			
8220744	F-7C-045989	4238332007		103		HUGHES 23 #1 RRC NO 09214	SPRAYBERRY (TREND ARE	48.0	EL PASO NATURAL G
-GAS DEVELOPMENT CORP				RECEIVED:	02/25/82	JA: TX			
8220684	F-7C-045349	4246530067		108		MILDRED CAUTHORN "16" #2	JO NELL (CANYON "D")	14.6	NORTHERN NATURAL
-GENESIS PETROLEUM CORP				RECEIVED:	02/25/82	JA: TX			
8220641	F-04-043963	4213116100		102-4		WATSON-RAMEY #1 (ID UNASSIGNED)	CANO-MEXICO (8550')	547.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GETTY OIL COMPANY				RECEIVED:	02/25/82	JA: TX			
8220813	F-10-046600	4223331158		103		HERRING "A" TRACT II #116	PANHANDLE-HUTCHINSON	5.5	PANHANDLE EASTERN
8220812	F-10-046599	4223331136		103		YAKE "B" #7	PANHANDLE-HUTCHINSON	0.4	PANHANDLE EASTERN
8220811	F-10-046598	4223331190		103		YAKE "B" 8A	PANHANDLE HUTCHINSON	219.0	PANHANDLE EASTERN
-GILLRING OIL CO				RECEIVED:	02/25/82	JA: TX			
8220586	F-04-035389	4235500000		108		OLLIE PURL #2 (RRC #44346)	AQUA DULCE (6250)	20.0	TENNESSEE GAS PIP
-GOLDKING PRODUCTION COMPANY				RECEIVED:	02/25/82	JA: TX			
8220702	F-03-045558	4248100000		102-4		MARSDEN J DUPY #1-T	LANE CITY TOWNSITE (6	475.0	UNITED GAS PIPELI
-GREAT WESTERN DRILLING COMPANY				RECEIVED:	02/25/82	JA: TX			
8220819	F-8A-046616	4244530961		103		GLIMP UNIT #8-14 RRC #18891	SLAUGHTER	8.4	AMOCO PRODUCTION
8220820	F-8A-046617	4244530969		103		GLIMP UNIT #8-15 RRC #18891	SLAUGHTER	6.9	AMOCO PRODUCTION
8220821	F-8A-046618	4244530967		103		GLIMP UNIT #8-16 RRC #18891	SLAUGHTER	4.7	AMOCO PRODUCTION
8220822	F-8A-046619	4221933242		103		GLIMP UNIT #8-17 RRC #18891	SLAUGHTER	3.7	AMOCO PRODUCTION
-GULF OIL CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220719	F-08-045852	4247532391		103		ESTES E W #250	ESTES BLOCK 34 (PENN)	0.0	CABOT CORP
8220663	F-08-044944	4230130312		103		MARY BAGWELL #3	WHEAT	0.0	PHILLIPS PETROLEU
-HAMILTON BROTHERS OIL CO				RECEIVED:	02/25/82	JA: TX			
8220703	F-01-045576	4217731050		102-2		TODD #1	COST (AUSTIN CHALK)	19.0	VALERO TRANSMISSI
-HARKINS & COMPANY				RECEIVED:	02/25/82	JA: TX			
8220792	F-04-046534	4213135173		102-4	103	GARZA-CUELLAR #A-1	LOS REYES	950.0	VALERO TRANSMISSI
-HARRISON INTERESTS LTD				RECEIVED:	02/25/82	JA: TX			
8220643	F-7C-044013	4210533655		103	107-TF	JOHN W HENDERSON III "I" #20	OZONA (CANYON SAND)	375.0	INTRATEX GAS CO
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	02/25/82	JA: TX			
8220651	F-06-044336	4240131270		102-2	107-TF	GRAY ESTATE #1	OAK HILL NW COTTON VA	375.0	DELHI GAS PIPELIN
-HIGHLAND RESOURCES INC				RECEIVED:	02/25/82	JA: TX			
8220710	F-05-045724	4216130650		103	107-TF	ATHEL IVY UNIT #2	TEAGUE TOWNSITE (COTT	730.0	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED:	02/25/82	JA: TX			
8220629	F-04-043556	4247932981		103	107-TF	HIRSCH ESTATE 2096 #2	BIG COWBOY (LOBO)	203.0	HOUSTON PIPE LINE
8220630	F-04-043558	4247932997		103	107-TF	HIRSCH ESTATE 537 #1	BIG COWBOY (LOBO)	327.0	HOUSTON PIPE LINE
8220634	F-04-043702	4250531301		103	107-TF	VELA SERAPIO HEIRS #3	ROLETA (8150)	67.2	HOUSTON PIPE LINE
-HOOVER B L JR				RECEIVED:	02/25/82	JA: TX			
8220815	F-10-046605	4217931006		103		J B BOWERS "B" #2 (ID #04936)	PANHANDLE GRAY	153.0	CABOT CORP
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED:	02/25/82	JA: TX			
8220698	F-10-045491	4219530801		103		MC CLELLAN #3-12 RRC #04597	GRUVER NW (MORROW UPP	11.0	PHILLIPS PETROLEU
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220691	F-03-045390	4228700000		103		BEN OLTMAN #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220685	F-03-045377	4228730107		103		E H BOESSLING #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220670	F-03-045249	4228730211		103		EDWIN W GRIMM #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220669	F-03-045248	4228730296		103		EDWIN W GRIMM #2	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220668	F-03-045246	4228730314		103		ELMO M WALTHER #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220681	F-03-045333	4228700000		103		GIDDINGS INDUSTRIAL FOUNDATION #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220688	F-03-045380	4228700000		103		GIDDINGS/LEE COUNTY AIRPORT #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220687	F-03-045379	4228730502		103		IRMA SCHULTZ #4	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220686	F-03-045378	4228730501		103		J B FOX UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220682	F-03-045334	4228700000		103		L A FISCHER #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220690	F-03-045382	4228730281		103		LEONARD KAPPLER #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220677	F-03-045276	4228730483		103		MONROE A SCHATTE #2	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220689	F-03-045381	4228730232		103		PAUL MEDACK #2	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-HOWELL DRILLING INC				RECEIVED:	02/25/82	JA: TX			
8220642	F-02-043980	4228500000		103	107-TF	GOLSCH-EDWARDS GAS UNIT #2	WORD N	0.0	VALERO TRANSMISSI
-HUGHES & HUGHES				RECEIVED:	02/25/82	JA: TX			
8220768	F-04-046253	4235531724		103		BESSIE MARIE WARE UNIT #1-C	CALALLEN WEST (3260)	100.0	HOUSTON PIPE LINE
8220623	F-04-043024	4247933049		102-4	107-TF	OLMITOS RANCH INC -C- #2	LINCOLN (LOBO VI 7950	110.0	HOUSTON PIPE LINE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-INTREPID OIL & GAS CO				RECEIVED:	02/25/82	JA: TX			
8220627	F-7B-043397	4205933063		102-4		MCKINNEY #1	JULIE ANN (CADDO 3240	265.0	LONE STAR GAS CO
-J A LEONARD				RECEIVED:	02/25/82	JA: TX			
8220793	F-03-046539	4205100000		102-4		COFFIELD-SHAW #2	INEZ JAMESON (NAVARRO	35.0	FERGUSON CROSSING
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	02/25/82	JA: TX			
8220633	F-7C-043692	4210533395		102-4		UNIVERSITY 10-1	UNIVERSITY 31 (STRAWN	295.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220711	F-10-045732	4223331056		103		WHITEHALL BURNETT "D" 26	PANHANDLE	48.0	COLORADO INTERSTA
-JAMES E RUSSELL PETROLEUM INC				RECEIVED:	02/25/82	JA: TX			
8220772	F-7B-046390	4213332941		102-4		C V BROWN #1 (94439)	PIPPEN (CADDO)	261.0	CORONADO TRANSMIS
8220773	F-7B-046391	4213332494		102-4		CLIFFORD PIPPEN #1 (16583)	PIPPEN (CADDO)	56.0	CORONADO TRANSMIS
8220774	F-7B-046392	4213332784		102-4		R L CARROLL #2 (14347)	EASTLAND NORTH (CONGL	48.0	WEST CEN-TEX GAS
8220775	F-7B-046393	4213331878		102-4		R L CARROLL "B" #1 (15118)	EASTLAND NORTH (CONG)	95.0	WEST CEN-TEX GAS
-JAMES K ANDERSON INC				RECEIVED:	02/25/82	JA: TX			
8220830	F-7C-046653	4239932061		103		MCWILLIAMS #1	RED FLAT (GARDNER)	36.0	UNION TEXAS PETRO
-JOSEPH I ONEILL JR				RECEIVED:	02/25/82	JA: TX			
8220574	F-7C-016761	4241300000		108-ER		ANNIE MAE MURPHY #1 55084	CODY BELL (CANYON)	13.2	NORTHERN NATURAL
-KODIAK ENERGY GROUP				RECEIVED:	02/25/82	JA: TX			
8220667	F-06-045226	4240131274		103	107-TF	MERRITT #1	DIRGIN (COTTON VALLEY	365.0	DELHI GAS PIPELIN
-L & B OIL CO INC				RECEIVED:	02/25/82	JA: TX			
8220607	F-03-042316	4240730417		102-4		SUN OIL FEE #1-ST-T	SHEPHERD S	400.0	TENNESSEE GAS PIP
-LOSURE PETROLEUM CO				RECEIVED:	02/25/82	JA: TX			
8220814	F-10-046604	4206530897		103		BURNETT ESTATE #6 (ID #01862)	PANHANDLE CARSON	25.5	PHILLIPS PETROLEU
-LULING OIL AND GAS CO INC				RECEIVED:	02/25/82	JA: TX			
8220708	F-02-045670	4202500000		103		BROWN #1	CAESAR	0.0	
8220707	F-7B-045669	4208300000		103		STEVENS #3	GLEN COVE S	0.0	UNION TEXAS PETRO
-LYN-SAN CO				RECEIVED:	02/25/82	JA: TX			
8220716	F-08-045816	4210332435		103		GULF-TUBB #3	SAND HILLS (MCKNIGHT)	0.0	WARREN PETROLEUM
-MAGUIRE OIL COMPANY				RECEIVED:	02/25/82	JA: TX			
8220626	F-8A-043360	4231732382		103		LANGHAM "B" #1	ACKERLY	0.2	GETTY OIL CO
-MARIANAS OPERATING CO INC				RECEIVED:	02/25/82	JA: TX			
8220785	F-7B-046495	4208332692		102-4		HUCKABEE #6 (15321)	LITTLE LONGHORN (MORR	0.0	ODESSA NATURAL CO
8220787	F-7B-046497	4208332485		102-4		WEBB #1 (17055)	TRIPLE H (JENNINGS)	5.0	ODESSA NATURAL CO
8220786	F-7B-046496	4208332684		102-4		WEBB #3 (17777)	TRIPLE H (FRY)	45.0	ODESSA NATURAL CO
-MEWBOURNE OIL COMPANY				RECEIVED:	02/25/82	JA: TX			
8220829	F-10-046650	4229531046		102-4		SPERRY #2	SPERRY (TONKAWA)	5.0	NORTHERN NATURAL
-MGF OIL CORP				RECEIVED:	02/25/82	JA: TX			
8220601	F-7C-041826	4238300000		103		UNIVERSITY "17-A" #1	SPRABERRY (TREND AREA	0.0	J L DAVIS
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220577	F-09-025694	4249700000		108-ER		AGGIE THOMPSON #1 28840	BOONESVILLE (BEND CON	13.0	NATURAL GAS PIPEL
8220596	F-7B-041265	4236732065		103		ELSIE SIMS HILL #1	LAKE MINERAL WELLS (4	43.0	NATURAL GAS PIPEL
8220780	F-09-046443	4249700000		108		G P MOUNT #4 52058	BOONSVILLE (BEND CONG	10.2	NATURAL GAS PIPEL
8220662	F-03-044095	4228730648		102-2		GERSCH UNIT B #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8220603	F-09-041915	4223733380		103		J W LOVING ESTATE #5	JERMYN WEST (CADDO)	0.0	SOUTHWESTERN GAS
8220683	F-7B-045335	4236732131		103		MARK LOWERY #1	RENO (CONGLOMERATE)	56.0	
8220580	F-09-030534	4249700000		108-ER		ORAN SPEER #5 (50990)	ALVORD SOUTH (CADDO L	11.0	NATURAL GAS PIPEL
8220749	F-03-046008	4204130673		103		PATTERSON #1	KURTEN (WOODBINE)	19.0	FERGUSON CROSSING
8220593	F-09-039980	4223733562		103		R R GILLEY #5	DUNE (CONGLOMERATE GA	125.0	NATURAL GAS PIPEL
8220573	F-09-015708	4249700000		108-ER		SAM KIKER #1 28713	BOONSVILLE (BEND CONG	10.0	NATURAL GAS PIPEL
8220646	F-09-044083	4249732194		103		T C W B #31	BOONSVILLE (BEND CONG	117.0	NATURAL GAS PIPEL
8220781	F-04-046445	4249700000		108		TRUITTE ELAM #3 87795	BOONSVILLE (BEND CONG	3.4	NATURAL GAS PIPEL
8220628	F-09-043427	4223733625		103		VERA HENDERSON #2	HENDERSON RANCH (ELLE	4.0	
8220592	F-7B-039741	4236332621		103		WILBURN E SMITH #1	MINERAL WELLS NORTH (	11.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	02/25/82	JA: TX			
8220675	F-8A-045269	4207931420		103		NORTH CENTRAL LEVELLAND UNIT #351	LEVELLAND	0.7	AMOCO PRODUCTION
8220723	F-7C-045881	4246131806		103		PEGASUS SPRABERRY UNIT #2408	PEGASUS (SPRABERRY)	0.7	EL PASO NATURAL G
8220713	F-8A-045750	4216532233		103		RUSSELL (7000 CLEARFORK) UNIT #86A	RUSSELL (CLEARFORK 70	2.2	PIONEER NATURAL G
-MONSANTO COMPANY				RECEIVED:	02/25/82	JA: TX			
8220729	F-08-045911	4249531370		103		FLOSSIE #1	MONAHANS NE (PENN DET	15.0	EL PASO NATURAL G
-MORMAC ENERGY CORP				RECEIVED:	02/25/82	JA: TX			
8220618	F-04-042880	4235531798		102-4		HENRY CABLA #1-T	FARENTHOLD N (VICKSBU	183.0	NUE-WELLS PIPELIN
-NEUMIN PRODUCTION CO				RECEIVED:	02/25/82	JA: TX			
8220572	F-02-013799	4228531385		102-4		EDNA SMITH #1	SPEAKS	91.0	ALUMINUM CO OF AM
-PARKER & PARSLEY INC				RECEIVED:	02/25/82	JA: TX			
8220810	F-08-046594	4232931016		103		BULSTERBAUM #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8220809	F-08-046593	4232931026		103		GARRETT #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8220808	F-08-046589	4231732415		103		SAWYER #1	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8220807	F-08-046587	4231732431		103		STIMSON-BURLEY #1	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8220806	F-08-046586	4231732432		103		STIMSON-BURLEY #2	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8220805	F-08-046585	4217331224		103		WEYMAN #1	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
-PENNZOIL PRODUCING COMPANY				RECEIVED:	02/25/82	JA: TX			
8220660	F-04-044779	4235531741		103		J C INGRAM #C-5	AGUA DULCE (6,020')	58.0	UNITED GAS PIPE L
-PENROC ENERGY				RECEIVED:	02/25/82	JA: TX			
8220804	F-7B-046581	4215131129		103		HUMPHRIES #1 (16661)	SYLVESTER EAST (STRAW	29.0	TEXAS UTILITIES F
-PETRO-LEWIS CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220790	F-7C-046521	4210500000		103		UNIVERSITY C #7	FARMERS	10.0	J L DAVIS CORP
-PETROLERO EXPLORATIONS INC				RECEIVED:	02/25/82	JA: TX			
8220765	F-7B-046077	4208332448		103		HALLMARK-KEEL #1 ID17550	COLEMAN COUNTY REGULA	87.6	LONE STAR GAS CO
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	02/25/82	JA: TX			
8220766	F-7B-046106	4242932758		103		W H TULLOS #23	TULLOS (DUFFER 4060)	82.1	PETROLEUM CORP OF
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/25/82	JA: TX			
8220799	F-10-046568	4223300000		108		BARNES B #4	MORSE S W BROWN DOLOM	0.0	EL PASO NATURAL G
8220624	F-06-043061	4236531192		102-2	107-TF	CALLOW 2 #3	CARTHAGE COTTON VALLE	365.0	UNITED GAS PIPELI
8220599	F-7C-041398	4246131678		103		DON HUDGENS #5 (N/A)	BENEDUM (FUSSELMAN)	308.1	
8220585	F-08-035294	4200304523		108		EMBAR-B #25 (08769)	GOLDSMITH (5600)	0.0	EL PASO NATURAL G
8220602	F-08-041896	4213502713		108		GOLDSMITH ANDECTOR UT - V13 21193	GOLDSMITH (CLEARFORK)	16.3	EL PASO NATURAL G
8220779	F-10-046438	4221100000		108		JONES V #1	FELDMAN SE TONKAWA	0.0	PANHANDLE EASTERN
8220778	F-10-046436	4217900000		108		MELTON #1	WEST PANHANDLE	0.0	
8220825	F-08-046630	4249531358		103		WALTON B#8 26408	KEYSTONE (COLBY)	15.0	SID RICHARDSON GA
8220824	F-08-046629	4249531371		103		WALTON B#9 26408	KEYSTONE (COLBY)	19.0	SID RICHARDSON GA
-PIONEER PRODUCTION CORPORATION				RECEIVED:	02/25/82	JA: TX			
8220614	F-10-042598	4229531052		103		SCHULTZ "A" #2-976	MAMMOTH CREEK NORTH (	0.0	TRANSWESTERN PIPE
8220600	F-10-041441	4229531029		103		SCHULTZ "D" #2-889	MAMMOTH CREEK NORTH (	0.0	TRANSWESTERN PIPE
8220625	F-10-043292	4229531031		103		SCHULTZ "E" #2-870	MAMMOTH CREEK NORTH (	0.0	TRANSWESTERN PIPE
-PMI CRUDE GATHERINE CO				RECEIVED:	02/25/82	JA: TX			
8220610	F-04-042384	4224931454		103		J E SAIN #3	CAPTAIN LUCEY (4700')	180.0	NUE-WELLS PIPE LI
-QUINTEX PETROLEUM CORP				RECEIVED:	02/25/82	JA: TX			
8220699	F-02-045492	4228531549		102-4		DEE MCELROY #1	HARDY CREEK (3180')	369.0	VALERO TRANSMISSI
-R H ENGELKE				RECEIVED:	02/25/82	JA: TX			
8220597	F-02-041310	4246931422		102-4	103	A F SCHIFFBAUER #1-A	NORTH VICTORIA (1530'	0.0	TENNESSEE GAS PIP
-R L BURNS CORP				RECEIVED:	02/25/82	JA: TX			
8220789	F-01-046519	4217731048		102-2		A E SCHIEBERLE #2	CHRISTIAN (6800)	0.0	VALERO TRANSMISSI
8220788	F-01-046518	4217731063		103		L F BURCHARD UNIT #2	CHRISTIAN (6800)	0.0	VALERO TRANSMISSI
-REALITOS ENERGY CORP				RECEIVED:	02/25/82	JA: TX			
8220609	F-02-042371	4202531578		102-4		T C COLE #1	WILDCAT-PROPOSED BERC	100.0	HOUSTON PIPELINE
-RIO BRAVO OIL CO INC				RECEIVED:	02/25/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8220761	F-02-046051	4225530788		102-4		W C KENDALL #1
-S R G OIL CORP				RECEIVED:	02/25/82	JA: TX
8220722	F-7B-045879	4209330880		103		H J HUDDLESTON #1
-SAGE ENERGY CO				RECEIVED:	02/25/82	JA: TX
8220655	F-01-044473	4217730829		102-2		AUTREY UNIT #1 RRC #06969
-SAMEDAN OIL CORPORATION				RECEIVED:	02/25/82	JA: TX
8220587	F-04-037236	4227300000		102-2		STATE TRACT 818-L #B-4
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	02/25/82	JA: TX
8220631	F-04-043613	4213135125		102-4		J F WELDER HEIRS #1-70
-SAXON OIL COMPANY				RECEIVED:	02/25/82	JA: TX
8220731	F-8A-045919	4231732402		103		D RADLIFF "A" #1
8220697	F-8A-045489	4231732419		103		KOGER #1
-SEATEX ENERGY CORP				RECEIVED:	02/25/82	JA: TX
8220762	F-7B-046053	4236300000		108		D L HART #2
8220664	F-7B-044958	4236332671		103		D L HART #3
-SHOW PETROLEUM INC				RECEIVED:	02/25/82	JA: TX
8220591	F-7B-039466	4213332872		102-4		AGNEW "A" #1
-SOUTHLAND ROYALTY CO				RECEIVED:	02/25/82	JA: TX
8220616	F-03-042834	4233930484		102-4		GEORGE MITCHELL #1
8220704	F-7C-045594	4243532530		103	107-TF	J W WARD #3-118
-SOUTHWESTERN GAS EXPLORATION CORP				RECEIVED:	02/25/82	JA: TX
8220575	F-7B-023233	4236730529		103		D G TALBOT #2
-STALLWORTH OIL & GAS INC				RECEIVED:	02/25/82	JA: TX
8220582	F-7B-032823	4236731824		102-4	103	DIAMOND "M" #1 - #91752
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	02/25/82	JA: TX
8220769	F-6E-046295	4218300000		108		C BROWN #16
8220715	F-03-045780	4207131235		103		JOSEPHINE CONNERLY #1
-TDC ENGINEERING INC				RECEIVED:	02/25/82	JA: TX
8220760	F-01-046050	4217730925		102-4		HERBERT CAMPION #1
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	02/25/82	JA: TX
8220650	F-08-044297	4233531940		103		EDWIN PARKS #22
8220816	F-03-046607	4205131933		102-2		LODEN #2
-TEXAS OIL & GAS CORP				RECEIVED:	02/25/82	JA: TX
8220696	F-06-045468	4245930504		103	107-TF	MARTIN "L" #1
8220653	F-06-044382	4240131241		103	107-TF	RAINWATER #1
8220622	F-05-042989	4216130618		103	107-TF	WILLIFORD "B" #1
-TRAVELERS OIL CO				RECEIVED:	02/25/82	JA: TX
8220656	F-10-044587	4217930615		108		CARPENTER #1 04337
-TSPI INC				RECEIVED:	02/25/82	JA: TX
8220718	F-1[illegible]-045828	42[illegible]530000		103		JON ANN 8
-TWIN ENERGY INC				RECEIVED:	02/25/82	JA: TX
8220649	F-02-044154	4229732753		102-4	103	NORTHERN ROYALTY GAS UNIT #1
-TXO PRODUCTION CORP				RECEIVED:	02/25/82	JA: TX
8220581	F-09-030594	4208911167		102-4		MCCLANAHAN #1 RRC ID #91250
-U S OPERATING INC				RECEIVED:	02/25/82	JA: TX
8220613	F-03-042577	4228731013		102-2		DIANE #1 RRC ID N/A
-VENUS OIL COMPANY				RECEIVED:	02/25/82	JA: TX
8220638	F-03-043855	4248100000		102-4		MOLLNAR
-WAGNER & BROWN				RECEIVED:	02/25/82	JA: TX
8220701	F-08-045536	4243130754		103		WESTBROOK 3-8
-WALSH AND WATTS INC				RECEIVED:	02/25/82	JA: TX
8220771	F-7B-046363	4215131328		103		WITT "B" #1 (LEASE NO 17581) #1
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/25/82	JA: TX

FIELD NAME	PROD	PURCHASER
CHOATE S (WILCOX 8500	400.0	UNTIED TEXAS TRAN
COMANCHE COUNTY REGUL	127.0	LONE STAR GAS CO
GIDDINGS (AUSTIN CHAL	5.0	PHILLIPS PETROLEU
SAMEDAN FRIO	1800.0	EL PASO NATURAL G
LOMA NOVIA NE (WILCOX	500.0	TENNESSEE GAS PIP
ACKERLY (DEAN SAND)	22.6	ADOBE OIL & GAS C
ACKERLY (DEAN SAND)	29.2	ADOBE OIL & GAS C
PALO PINTO COUNTY REG	4.1	SOUTHWESTERN GAS
GRAFORD S CONGL	19.0	SOUTHWESTERN GAS
PIPPEN (CADDO)	30.0	CORONADO TRANSMIS
DEAN LAKE 12950	114.0	SOUTHWESTERN GAS
SONORA	72.0	EL PASO NATURAL G
BUCK RANCH (STRAWN)	171.3	SOUTHWESTERN GAS
BUCKNER (STRAWN)	0.0	SOUTHWESTERN GAS
EAST TEXAS	0.5	MOBIL OIL CORP
WILLOW SLOUGH N	40.0	UNITED TEXAS TRAN
PEACH CREEK (AUSTIN C	24.0	VALERO TRANSMISSI
DIXON (STRAWN)	9.0	SUN GAS CO
GIDDINGS (AUSTIN CHAL	365.0	CLAJON GAS CO
MINGS CHAPEL (COTTON	0.0	
OAK HILL (COTTON VALL	0.0	
BEST (BOSSIER SAND)	0.0	
PANHANDLE GRAY COUNTY	15.0	TRANSWESTERN PIPE
PANHANDLE CARSON	50.0	PANHANDLE EASTERN
MIKESKA S (YEGUA 4640	100.0	
WYLIE	0.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
HUTCHINS SOUTHWEST	0.0	DOW CHEMICAL CO
CONGER (PENN)	84.0	VALERO TRANSMISSI
JUDY GAIL (CANYON SAN	21.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8220770	F-08-046358	4210332678		103		STATE "EG" #18	DUNE	11.3	EL PASO NATURAL G
-WCS PETROLEUM INC				RECEIVED:	02/25/82	JA: TX			
8220637	F-03-043776	4205131837		102-2		ELIZABETH #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-WILLIAM PERLMAN				RECEIVED:	02/25/82	JA: TX			
8220571	F-7C-000672	4243500000		103		BROCKMAN 37-1	SAWYER (CANYON)	0.0	EL PASO GAS TRANS
-WINDSOR PRODUCING CO				RECEIVED:	02/25/82	JA: TX			
8220745	F-03-045993	4228731051		102-2	103 -2	CARL MERTINK #1	GIDDINGS (AUSTIN CHAL	36.5	PERRY PIPELINE CO

OTHER PURCHASERS

8220823	E I DUPONT DE*NEMOURS & CO INC
8220851	E I DUPONT DE*NEMOURS & CO INC
8220859	E I DUPONT DE*NEMOURS & CO INC

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C: Correction to prior Fed. Register notice
82-13375US(NM)		El Paso Natural Gas Co	San Juan 27-4 Unit #47	586	2-04-82	C: 108-PB approved
82-14432	PA	Cardinal Oil Co	Patrick Chamberlain #80-37	590	2-05-82	C: 107-TF approved
82-14639US(NM)		Dugan Production Corp	George Washington #2	591	2-11-82	C: 108 approved; not 108-PB
82-14644	SD	Jerry A. McCutchin Jr	1-28 Heikkils	591	2-11-82	C: Well name
82-15267	OK	St Joe Petroleum(US)Corp	Lavington #2	593	2-17-82	C: Well name
82-15331US(CO)		CIG Exploration Inc	CIGE 63 D-29-9-22P	593	2-17-82	C: 103 & 107-TF approved
82-15332US(CO)		CIG Exploration Inc	CIGE 74D-6-10-22P	593	2-17-82	C: 103 & 107-TF approved
82-15333US(CO)		CIG Exploration Inc	CIGE 37D-21-9-21	593	2-17-82	C: 103 & 107-TF approved
82-15862	OH	MB Operating Co Inc	Fisher Unit #1	594	2-17-82	C: 103 approved; 107-TF Denied
82-16156	NM	El Paso Natural Gas Co	San Juan 30-6 Unit #41	596	2-24-82	C: Well name
82-16211	NM	Mesa Petroleum Co	Acme Com #4	596	2-24-82	C: 102-2&107-TF approved
82-16213	NM	Ike Lovelady Inc	Pennzoil "A" State #1	596	2-24-82	C: 103 & 107-TF approved
82-16249	NM	H.W. Pace	Deb State #1 #1-4705	596	2-24-82	C: 103&107-TF approved
82-16437	KS	McCoy Petroleum Corp	Halbower "B" #1	597	2-24-82	C: 107-PE approved; not 107-TF
82-16438	KS	McCoy Petroleum Corp	Halbower "A" #1	597	2-24-82	C: 107-PE approved; not 107-TF
82-16439	KS	McCoy Petroleum Corp	Lewis "B" #1	597	2-24-82	C: 107-PE approved; not 107-TF
82-16833	TX	Gulf Oil Corp	Lou Worthington #1	599	3-01-82	C: 108 & 108-ER approved
82-18149	AL	Enhanced Energy Resou.	US Pipe &Foundry 11-10No.6	603	3-05-82	C: 107-CS approved; not 107-TF
82-18150	AL	Enhanced Energy Resou.	US Pipe &Foundry 10-6 No.4	603	3-05-82	C: 107-CS approved; not 107-TF
82-18151	AL	Enhanced Energy Resou.	US Pipe &Foundry 11-6No.13	603	3-05-82	C: 107-CS approved; not 107-TF
82-18209	OK	P-T LTD 81	Fuksa Stutz 1-1 well	603	3-05-82	C: Well name
82-18216	OK	Chase Exploration Corp	Brazleton #3-29	603	3-05-82	C: Well name
82-18249US(CO)		Tenneco Oil Company	Wilson USA #33-2	603	3-05-82	C: 103 & 107-TF approved

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The aplications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18, CFR 275.203 and 275.204, file a protest with the Commission on or before April 16, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8799 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4167-001]

Energenics Systems, Inc.; Application For License (Less Than 5 MW)

March 30, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 26, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as St. Vrain Canal Project No. 4167. The project would be located on the St. Vrain Canal in Boulder County, Colorado. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Energenics Systems, Inc., 1717 K Street, N.W., Suite 706, Washington, D.C. 20006. This application was filed during the term of Applicant's preliminary permit for Project No. 4167.

Project Description—The proposed project would utilize the Bureau of Reclamation's St. Vrain Canal and would consist of: (1) a new intake structure; (2) a new 4-foot diameter and 200-foot long penstock; (3) a new powerhouse with an installed capacity of 1,650 kW; (4) a new tailrace; (5) a new transmission line about 250 feet long; and (6) other appurtenances. Applicant estimates an annual average generation of 3,750,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of Colorado.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 7, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8790 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6075-000]

Energenics Systems Inc.; Application for Preliminary Permit

March 30, 1982.

Take notice that Energenics Systems Inc. (Applicant) filed on March 11, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§791(a) 825(r)) for Project No. 6075 to be known as the Alum Creek Project located on Alum Creek in Delaware County, Ohio. The application is on file with the Commission and is available for plublic inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Energenics Systems Inc., 1717 K Street N.W. Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing Corps of Engineers' Alum Creek Dam and Reservoir and would consist of: (1) a new penstock 5 feet in diameter and 15 feet long; (2) a new powerhouse built directly below the dam; (3) a new turbine/generator unit rated at 900 kW at a head of 39 feet; (4) a new 138-kV transmission line 1.5 miles long and (5) appurtenant facilities. The average annual generation of 1.5 million kWh would be sold to the Columbus and Southern Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $30,000.

Competing Application—Anyone desiring to file a competing application for preliminary permit must submit to

the Commission, on or before July 12, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 11, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR Doc. 82-8791 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6036-000]

Energenics Systems, Inc.; Application for Preliminary Permit

March 30, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 2, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6036 to be known as the Nimrod Dam Project located on the Fourche Lafave River in Perry County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street N.W., Suite 706, Washington, D.C. 20006

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Nimrod Lake and Dam, and the existing dam conduits and would consist of: (1) A new 12-foot diameter and 65 feet long penstock; (2) a new powerhouse with an installed capacity of 7,300 kW; (3) a new tailrace; (4) a new transmission line about 12 miles long; and (5) other appurtenances. Applicant estimates an annual generation of 17,600,000 kWh. Project energy would be sold to Arkansas Power and Light.

Purposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 3 years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 6, 1982, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 4, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have not comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8792 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-372-000]

Gulf States Utilities Co.;

March 29, 1982.

The filing Company submits the following:

Take notice that Gulf States Utilities Company (Gulf States) on March 9, 1982, tendered for filing two Letters of Agreement between Gulf States and the City of Plaquemine. The first Letter of Agreement provides for Gulf States to provide full requirements of wholesale electric service to Plaquemine under Gulf States' standard rate for such service. The second Letter of Agreement provides for Gulf States to provide auxiliary-standby service to Plaquemine under Gulf States' standby service to Plaquemine under Gulf States' standard rate for such service.

Gulf States proposes that the effective date for the first Letter of Agreement be January 1, 1981, and the effective date for the second Letter of Agreement be June 1, 1981. Gulf States therefore requests waiver of the Commission's notice requirements.

According to Gulf States a copy of the filing was served upon Plaquemine, the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8793 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-376-000]

Montana Power Co.; Filing

March 26, 1982.

The filing Company submits the following:

Take notice that on March 10, 1982, the Montana Power Company (Montana) tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during January, 1982, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8794 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-392-000]

Montaup Electric Co.; Filing

March 29, 1982.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on March 19, 1982, tendered for filing a transmission service agreement between Montaup and the North Attelborough (Massachusetts) Electric Department ("North Attelborough"). Under the agreement, Montaup transmits to North Attleborough up to 6,000 kW a month of electric power from Taunton Municipal Lighting Plant's Cleary Unit No. 9. The transmission service provided by Montaup facilitates an equal power exchange between Taunton and North Attleborough. The agreement is to take effect on March 1, 1982 and remain in effect until cancelled upon thirty days advance written notice by either party.

Montaup requests waiver of the Commission's sixty (60) day notice requirement in order to allow an effective date of March 1, 1982.

Copies of this filing have been served on North Attleborough and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8795 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC82-11-000]

Mississippi River Transmission Corp.; Tariff Filing

March 26, 1982.

Take notice that on March 15, 1982, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. TC82-11-000 the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, to be effective April 15, 1982:

Fifth Revised Sheet No. 35
Sixth Revised Sheet No. 36
Fifth Revised Sheet No. 38
Sixth Revised Sheet No. 39

These sheets are on file with the Commission and open to public inspection.

Mississippi states that the revised sheets are filed to reflect changes in the index of protected essential agricultural use (step 10) entitlements and in the index of high priority (step 11) entitlements to be effective from April 15 through October 31, 1982, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8803 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-86-003]

Natural Gas Pipeline Company of America; Amendment

March 29, 1982

Take notice that on March 5, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP80-86-003 an amendment to its petition to amend filed on September 29, 1980, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to exclude from consideration 7 projects proposed in the aforesaid petition to amend, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is asserted that by order issued February 6, 1980, Petitioner was authorized to construct and operate budget-type natural gas supply facilities pursuant to § 157.7(b) of the Commission's Regulations.

Petitioner states that on September 29, 1980, it filed a petition to amend its budget-type authorization in which it sought authority to construct and operate ten specifically identified projects. Such authority was requested, it is asserted, because at the time it appeared that additional Commission authority beyond Petitioner's calendar year 1980 budget authorization could be required for the ten projects. Petitioner states that of the 10 projects five projects were placed in service in calendar year 1981. These projects, it is submitted, have been included in Petitioner's 1981 budget report. Petitioner, therefore, proposes to exclude them from consideration. The projects Petitioner proposes to exclude are South Pass Block 78, East Cameron Block 58, Eugene Island Block 321, West Cameron Blocks 115/116, and South Marsh Island Block 143B, all offshore Louisiana.

Petitioner further proposes to exclude the project located in West Cameron Block 546 "CA", offshore Louisiana, which project Petitioner expects to be in service during calendar year 1982. Petitioner also proposes to exclude from the petition to amend the project located in Terrell County, Texas, which was placed in service in 1980.

Petitioner submits that the effect of the proposed amendment would be to leave for consideration under the petition to amend the following 3 projects: Sabine Pass, Jefferson County, Texas, East Cameron Block 38, offshore Louisiana, and State Tract 172, Laguna Madre Area, Texas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8804 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-243-000]

Northern Border Pipeline Co.; Application

March 29, 1982.

Take notice that on March 19, 1982, Northern Border Pipeline Company (Applicant), 224 South 108th Avenue, Omaha, Nebraska 68154, filed in Docket No. CP82-243-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of interconnection facilities to accommodate the future receipt by and the delivery of natural gas from Applicant's pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install a tee, side valve and blind flange to accommodate each request described below. Applicant further proposes to install up to a total of $1,000,000 of prospective interconnect facilities prior to in-service of its pipeline to meet the needs of other parties which may subsequently request a receipt point or delivery point. Applicant is not requesting authorization herein to operate the proposed facilities but would request appropriate authority for such as required.

Applicant requests authorization for the following specific proposals:

Montana-Dakota Utilities Co.—Emmons County, North Dakota

Northern Natural Gas Company, Division of InterNorth, Inc.—Murray County, Minnesota; Hamlin County, South Dakota; Brown County, South Dakota; Lyon County, Minnesota

Great Plains Coal Gasification Association (Great Plains)—Morton County, North Dakota; Dunn County, North Dakota

Northern—Williams County, North Dakota

Natural Gas Pipeline Company of America—McKenzie County, North Dakota

United Gas Pipe Line Company—Dunn County, North Dakota

It is asserted that although three points of interconnection are shown for Great Plains only one would be installed. The decision as to which point of interconnection would be used has not been made at this time.

Applicant states that the estimated cost of the facilities proposed herein is $2,003,200 and that each pipeline has agreed to reimburse Applicant for the total actual cost of construction of the facilities required to accommodate their request for service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8805 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-395-000]

Ohio Power Co.; Filing

March 29, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 22, 1982, tendered for filing on behalf of its affiliate Ohio Power Company (OPCO) Modification No. 5 dated March 1, 1982 to the Operating Agreement dated December 1, 1965 between The Toledo Edison Company and OPCO, OPCO's Rate Schedule FERC No. 35.

Section 1 of this agreement adds a Fuel Conservation Energy Service Schedule to the Operating Agreement and Section 2 modernizes the Billings and Payments Article of the Operating Agreement. Sections 3 through 6 of this Agreement update the Emergency Energy, Interchange Power, Short Term Power, and Limited Term Power Service Schedules. The changes made in this Agreement are to comply with the Commission's Order 84 and to standardize the language of these Service Schedules with Service Schedules previously filed by American Electric Power Service Corporation and accepted by the Commission. This Agreement is proposed to become effective March 15, 1982. The terms and conditions of these proposed Service Schedules are substantially the same as other Service Schedules presently on file and accepted by the Commission.

AEP requests an effective date of March 15, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon The Toledo Edison Company and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8796 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-38-000]

Tennessee Gas Pipeline Co.; Shortening Comment Period

March 26, 1982.

On March 23, 1982, Tennessee Gas Pipeline Company (Tennessee) filed a request for a shortening of the period for submitting comments on its proposed settlement agreement filed March 23, 1982, in the above-docketed proceeding. Tennessee requests that the comment period be shortened in order to allow for the prompt commencement of service under its new rate schedules. The motion further states that all parties to this proceeding support this request.

Upon consideration, notice is hereby given that the period for filing comments is shortened to and including March 30, 1982. Reply comments shall be filed on or before April 5, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8806 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF79-4011-000]

Secretary of Energy, Southwestern Power Administration; Order Granting Rehearing for the Limited Purpose of Further Consideration

Issued: March 26, 1982.

On February 24, 1982, the Cities of Fulton, Lamar, and Thayer, Missouri, and Piggott, Arkansas (Cities) filed a petition for rehearing and reconsideration of the Commission's Order on Reconsideration issued in this docket on January 25, 1982. The Commission, in that order, confirmed and approved on a final basis rates and charges for the sale of power by the Southwestern Power Administration (SWPA) for the period April 1, 1979, through September 30, 1982. The petitioners state that they are four small municipalities that have entered into contracts with SWPA for the purchase of power and energy. Cities challenge portions of the Commission's January 25, 1982 order which are alleged to affect the rates and terms and conditions of service contractually established between Cities and SWPA. Cities also contend that the Commission's January 25, 1982 order confirming and approving SWPA's rates effective April 1, 1979, amounts to retroactive ratemaking.

On February 25, 1982, Tex-La Electric Cooperative, Inc. (Tex-La) filed a request for a hearing and for reconsideration of the Commission's Order on Reconsideration. Tex-La, which purchases power from SWPA on behalf of its member cooperatives and municipalities, asserts that the Commission's actions in conforming and approving SWPA's rates are illegal under the Flood Control Act of 1944 and also violate the terms of SWPA power sales under Tex-La's contracts with SWPA.

In order to afford additional time for consideration of the issues raised in the applications for rehearing, we shall grant rehearing of the Commission's January 25, 1982 order for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the Commission's January 25, 1982 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing on any substantive issues.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8807 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-93-000]

Wehran Energy Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 29, 1982.

On March 15, 1982, Wehran Energy Corp., 666 East Main St., Middletown, New York 10940, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a small power production facility located in Dover Township, New Jersey. The primary energy source of the facility will be biomass in the form of methane gas obtained from a sanitary landfill. The capacity of the facility will be 420 kilowatts. There is no planned usage of natural gas, oil or coal in the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8797 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-231-000]

Western Gas Interstate Co.; Application

March 29, 1982.

Take notice that on March 9, 1982, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP82-231-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the increase of gas sales to Southern Union Company's (Southern Union) two gas distribution divisions, Southern Union Gas Company (Southern Union Gas) and Gas Company of New Mexico (GCNM), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3,350 feet of 6-inch diameter pipeline which would replace a 2-inch diameter pipeline currently owned and operated by El Paso Natural Gas Company (El Paso), near Canutillo, Texas. Applicant further proposes the upgrading of 6,700 feet of existing 4-inch pipeline located east of Canutillo, Texas. It is stated that the upgraded line would interconnect with Applicant's proposed 6-inch pipeline and Applicant's existing 3-inch and 4-inch pipeline segments which extend from a point east of Canutillo, Texas, westward to the Texas/New Mexico state line where the line terminates at a delivery point with GCNM's facilities. Applicant also proposes the construction of a new regulator station 700 feet east of the existing measuring and regulator station located east of Canutillo, Texas, and a new regulator station west of Canutillo, Texas, the upgrading of 3 existing measuring stations west of said city, and the construction of new service tap facilities to replace taps used to serve 22 existing customer meters.

Applicant asserts that the need for the proposed facilities and the upgrading of others is primarily due to changes made by El Paso to its facilities used to sell and deliver gas to Applicant's facilities that serve the Canutillo, Texas, area.

It is stated that El Paso has advised Applicant that because of certain operational changes to its system El Paso may only be able to make deliveries from its main line at 265 psig rather than the current pressure of 450 psig. It is asserted that under such conditions Applicant's current facilities would only be able to receive deliveries at a rate of 80 Mcf per hour. Such deliveries, it is submitted, would be insufficient to meet Applicant's current and projected hourly peak period requirements. The proposed changes would, it is asserted, permit Applicant to continue service to existing and future customers.

Applicant states that it has been advised by Southern Union Gas and GCNM that they anticipate increased high-priority requirements during the next 4 years. Hence, the proposed facilities would also be needed to provide the service to meet the increased requirements of such companies. Applicant explains that the additional volumes for Southern Union Gas' and GCNM's increased requirements would be supplied through increased sales from El Paso. Applicant anticipates annual and peak day requirements for the Canutillo Line as follows:

	Annual (1,000 cubic ft)	Peak day (1,000 cubic ft)
1982	333,399	2,943
1983	381,952	3,371
1984	409,466	3,614

Applicant seeks authorization herein to increase its contract demand sales to Southern Union Gas and GCNM to meet current and future requirements.

Applicant estimates the cost of all the proposed facilities and upgrading to be $80,378 which cost would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly give.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8806 Filed 3-31-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 5 Through March 12, 1982

During the week of March 5 through March 12, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were 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 these cases may file written comments on the application 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.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 24, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 5 through Mar. 12, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 5, 1982	Laketon Asphalt Refining Company, Washington, D.C.	HYR-0023	Request for modification/rescission. If Granted: The February 5, 1982 Decision and Order (Case No. BYX-0228) issued to Laketon Asphalt Refining Company by the Office of Hearings and Appeals would be modified regarding the firm's entitlements purchase obligation.
Mar. 5, 1982	Office of Special Counsel/Texaco, Inc., Washington, D.C.	HRD-0037	Motion for discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc.
Mar. 8, 1982	Marathon Oil Company, Findlay, Ohio	HRX-0016	Supplemental order. If granted Those portions of the Proposed Remedial Order issued to Marathon Oil Company (Case No. BRO-1295) that alleged that Marathon overstated its costs as a result of treating its interaffiliate transfers of natural gas as first sales would be dismissed.
Mar. 8, 1982	Marathon Oil Company, Washington, D.C	HRD-0035	Motion for discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the October 27, 1981 Proposed Remedial Order (Case No. HRO-0025) issued to Marathon Oil Company by the Economic Regulatory Administration.
Mar. 9, 1982	Gromark, Inc., Washington, D.C.	HRD-0036	Motion for discovery. If granted: Discovery would be granted to Gromark, Inc. in connection with the Statement of Objections submitted in response to the October 27, 1981 Proposed Remedial Order (Case No. HRO-0025) issued to Marathon Oil Company by the Economic Regulatory Administration.
Mar. 9, 1982	National Wildlife Federation, Eugene, Oregon	HFA-0043	Appeal of an information request denial. If granted: The February 3, 1982 Information Request Determination issued by the Bonneville Power Administration's Freedom of Information Act officer would be modified and the National Wildlife Federation would receive a waiver of fees.
Mar. 9, 1982	Texaco, Inc., Washington, D.C.	HRZ-0027	Interlocutory order. If granted: The Office of Special Counsel would be deemed to have admitted specified matters set forth in Texaco Inc.'s Statement of Factual Objections.
Mar. 10, 1982	Gulf Oil Corporation/Southland, Royalty Company, Washington, D.C.	HRJ-0008	Motion for protective order. If granted: Gulf Oil Corporation would enter into a Protective Order with Southland Royalty Company regarding the release of proprietary information to Southland Royalty Company in connection with the Gulf Oil Corporation Proposed Remedial Order (Case No. DRO-0194.
Mar. 11, 1982	A. O. Smith Corporation, Milwaukee, Wisconsin	HXE-0018	Exception from the energy conservation program for consumer products. If granted: A. O. Smith Corporation would not be required to perform energy efficiency tests of its FCT boilers as required under 10 CFR Part 430.

NOTICES OF OBJECTION RECEIVED

[Week of Mar. 5, 1982 to Mar. 12, 1982]

Date	Name and location of applicant	Case No.
Mar. 8, 1982	Johnson Oil Company, Salt Lake City, Utah	DEE-3706.
Mar. 9, 1982	Champlin Petroleum Company, Washington, D.C.	BEE-1677.

[FR Doc. 82-8751 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of March 8 Through March 12, 1982

During the week of March 8 through March 12, 1982, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to

contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 24, 1982.

Mt. Lake Co-Op Oil Association, Mt. Lake, Minnesota, HEE-0006

Mt. Lake Co-Op Oil Association (Mt. Lake) filed an Application for Exception from the provisions of EIA Reporting Requirements. The exception request, if granted, would permit Mt. Lake to be relieved of the obligation to file Form EIA-9A for the three month period January 1982 through March 1982. On March 8, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

West Coast Oil Company, Los Angeles, California, BEE-1587 entitlements

West Coast Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought authorization to be issued additional entitlements in February and March 1981 equal in value to the difference between the firm's actual entitlements sales obligations in November and December 1980 and the sales obligations which the firm assumes it would have had during those months if the October 1980 entitlements price and entitlements program ratios had continued in effect. West Coast would repay these additional entitlements on the clean-up entitlements notice. On March 11, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 82-8752 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Week of February 22 Through February 26, 1982

During the week of February 22 through February 26, 1982, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

March 25, 1982.

Jay Petroleum, Inc., Oklahoma City, Oklahoma, HRO-0031 crude oil

On February 23, 1982, Jay Petroleum, Inc., 1000 City Center Building, Main at Broadway, Oklahoma City, Oklahoma 73102, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Kansas City District Office of Enforcement issued to the firm on January 25, 1982. In the PRO, the Kansas City District found that from September 1, 1973 to January 28, 1981, the firm had charged prices for crude oil which exceeded the prices permitted by 10 CFR Part 212, Subpart D. According to the PRO, the Jay Petroleum violation resulted in $376,700.75 of overcharges.

[FR Doc. 82-8753 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from funds obtained from OKC Corp. in settlement of enforcement proceedings brought by the DOE's Office of Enforcement, now the Office of Special Counsel.

DATE AND ADDRESS: Applications for refund must be postmarked on or before June 30, 1982, and should be addressed to OKC Corp. Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 12th St. and Pennsylvania Ave., N.W., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the decision and order set out below. The decision and order relates to a consent order between OKC Corp., a producer and refiner of crude oil, and the Office of Enforcement, now the Office of Special Counsel, of the DOE's Economic Regulatory Administration. *See* 46 FR 36927 (1981). The consent order settles all disputes between the DOE and the firm with regard to OKC's compliance with the DOE price and allocation regulations, excepting the allocation regulations governing the Domestic Crude Oil Entitlements program. Under the terms of the consent order, OKC has deposited $4,750,000 into an escrow account. It is stipulated in the consent order that the refund amount is in settlement of possible enforcement actions based upon allegations that OKC violated the DOE regulations during the period August 1, 1973, through July 17, 1980.

The Office of Hearings and Appeals previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order fund. The proposed decision and order discussing the distribution of funds obtained through the OKC consent order was issued on December 23, 1981. 46 FR 63100 (1981).

The final decision and order, published concurrently with this Notice, reflects our analysis of comments received from interested parties. As we indicate in the decision, applications for refund from the escrow fund may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after the publication of this decision and order in the **Federal Register**. *See* 10 CFR 205.283. We will accept applications from all persons who claim that they have been injured by OKC's alleged regulatory violations during the period covered by the consent order. In order to establish entitlement to a portion of the consent order fund, a purchaser must establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. A party that wishes to file an application for refund based on

an alleged allocation violation must have previously complained about the alleged violation and must furnish information to support its claim of injury. The specific information required in an application for refund is set forth in the decision and order.

The decision does not establish mechanical standards for the proper allocation of funds among successful claimants, such as the *pro rata* volumetric distribution used in a number of previous refund cases. Instead, the decision discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The decision and order also reserves the question of the proper disposition of any remaining consent order funds during the second stage of the refund process until completion of the first-stage claims procedure.

Dated: March 25, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

March 25, 1982.

Name of Petitioner: Office of Enforcement: In the Matter of OKC Corp.
Date of Filing: February 5, 1981.
Case No.: BEF-0032.

Under Subpart V of the Department of Energy's procedural regulations, the Economic Regulatory Administration's Office of Enforcement, now the Office of Special Counsel (OSC), may petition the OFFICE OF Hearings and Appeals (OHA) for implementation of special refund procedures in situations where the DOE is unable to readily identify persons entitled to refunds as a result of alleged violations of DOE regulations. 10 CFR Part 205, Subpart V. The OSC filed such a petition on February 5, 1981, requesting that OHA establish special refund procedures for moneys received pursuant to a consent order with OKC Corp. (OKC). Under the terms of the consent order agreed to on July 17, 1980, OKC has remitted $4,750,000 to the DOE in settlement of enforcement actions alleging violation of DOE price and allocations regulations, excluding those allocation regulations governing the Domestic Crude Oil Entitlements Program, 10 CFR 211.67. This money is now being held in an excrow account in the United States Treasury pending instruction from the OHA regarding its final distribution.

OKC is both a "producer" of crude oil and a "refiner" as those terms were defined in 10 CFR 212.31. During the relevant time period OKC was therefore subject to the Mandatory Petroleum Price Regulations contained in 10 CFR Part 212, and the Mandatory Petroleum Allocation Regulations contained in 10 CFR Part 211. The consent order in this proceeding resulted from an audit by DOE's predecessor agency, the FEA, into OKC's pricing and allocation practices which focused on the firm's determination of its crude oil costs during the period from August 1973 through April 1975 pursuant to 10 CFR.

212.82–.83. In settlement of possible enforcement actions based upon these regulations, OKC entered into a consent order with DOE on July 17, 1980, in which it agreed to pay $4,750,000 to the DOE. The consent order settled all claims which the DOE could have pursued under the price or allocation regulations relating to transactions by OKC involving crude oil, residual fuel oil, or refined petroleum products for the period from August 1973 to the settlement date, except transactions in violation of the entitlements program, 10 CFR 211.67. The consent order also established procedures to audit OKC's compliance with the regulations governing the entitlements program.

Notice of the consent order was published in the **Federal Register** for public comment on July 31, 1980, and a press release was issued. 45 FR 50865. Interested parties were invited to submit written notice to DOE of potential claims against the settlement fund. Notice of claims were filed by 24 persons, two of whom commented on the consent order. A Notice responding to the comments was published in the **Federal Register** on February 12, 1981. 46 FR 12051.

On December 23, 1981, we issued a Proposed Decision and Order in this proceeding which tentatively established a two-stage special refund procedure to be used in adjudicating claims to the OKC settlement funds. *See* 46 FR 63100 (1981). In the proposed first stage, those firms who claim that they have been adversely affected by OKC's alleged violation of the DOE regulations would be permitted to file Applications for Refund. We specifically stated that in order to establish entitlement to a refund, a person must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of crude oil, residual fuel oil, or refined petroleum products sold by OKC. If the purchaser was not an ultimate consumer, it was required to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. We suggested, however, that a threshold level of purchases be established below which an applicant would not be required to make a detailed showing of actual injury. We also proposed that refunds to persons who establish an entitlement to a refund be made on a volumetric basis—*i.e.*, in the same proportion as the volume of their purchases of OKC covered products corresponded to the total volume of OKC sales during the relevant period. Other specific proposals contained in the December 23, 1981 determination are discussed at length below.

As a second stage of the refund process we set forth several alternative distribution schemes and solicited comments on these plans. One proposal was that funds remaining after distribution to successful claimants be distributed through plans devised by OKC's first purchasers who were well situated to effectively assist the DOE in channeling funds to injured parties. However we recognized that such a plan might not be cost efficient if the funds to be distributed by a particular firm were relatively small, and suggested as an alternative that refunds be made through entities such as rate-regulated public utilities or state governments in ways designed to result in lowered energy or energy related costs in areas where the products associated with the alleged overcharges by OKC were marketed. Finally, we suggested that in the event that distribution schemes for the second stage prove to be inappropriate because of administrative costs or lack of accurate information, the portion of the settlement fund which would go undistributed after the payment of claims be deposited in the United States Treasury.

Notice of the Proposed Decision and Order was published in the **Federal Register** on December 30, 1981, and comments were due to be submitted within 30 days of publication. A copy of the determination was also sent to all parties on the service list for this case. Comments were received from 21 parties, including OKC, Town & Country Markets, Inc., the States of Maine, Oregon and California, and numerous resellers.

The purpose of this Decision and Order is to establish the mechanism by which firms wishing to make a claim against the OKC consent order fund may file applications for refund. We shall first discuss the comments which we received concerning the first-stage refund procedures which we previously proposed in this case. Then we shall discuss in detail the application for refund procedures that we have decided to adopt. We will not, however, discuss the second stage of the refund process in this decision. Our determination concerning the final disposition of any residual funds will depend on the size of the fund. *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). It is therefore premature for us to reach the issues raised by commenters concerning the proposed disposition of funds remaining after all meritorious claims have been paid.(*1*)

Jurisdiction and Authority to Fashion Refund Procedures

In our December 23 proposed determination and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See* 46 FR at 63101; *Coline; Office of Enforcement*, 9 DOE ¶ 82,521 (1982) (hereinafter cited as *Alkek*). We tentatively decided in the proposed decision to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petition for Implementation of Special Refund Procedures in this case. We rejected contentions by Town and Country that jurisdiction was inappropriate because the relevant prerequisites had not been satisfied. No further comments have been received challenging our jurisdiction to fashion refund procedures in this case.

In the comments we received on the Proposed Decision and Order, however, several parties questioned our authority to order refunds to other than identifiable first purchasers of OKC products. Their arguments are similar to those made by Town and

Country in its comments prior to the proposed decision. Specifically they contend that the only legitimate beneficiaries of Subpart V proceedings are those persons with standing to bring a section 210 action under the Economic Stabilization Act. Citing the antitrust cases of *Illinois Brick v. Illinois*, 431 U.S. 720 (1977) and *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 431 (1968), they argue that indirect purchasers who lack standing to bring a section 210 action are not entitled to refunds in this proceeding. Mobil Oil Corporation, however, concedes that OHA may have authority to distribute funds to indirect purchasers but argues that we should do so only if direct purchasers fail to demonstrate injury.

These arguments were generally addressed in our December 23 proposed decision, and were discussed at greater length in our recent *Coline* decision. In that case we concluded that "nothing in the governing statutes nor in judicial interpretation of those statutes prohibits the DOE from ordering restitution to indirect purchasers." Because indirect purchasers are frequently injured by alleged violations, refunding money to direct purchasers alone would not serve Subpart V's objective of compensating injured parties. We therefore hold that the OHA has the authority to fashion the special refund procedures as tentatively outlined in the proposed decision, and we hereby accept jurisdiction over distribution of the OKC consent order funds.

Comments Concerning Eligible Claimants

Several commenters objected to our proposed exclusion of certain groups or types of claimants from participation in the first stage refund procedure. Other commenters suggested that the Proposed Decision and Order fails entirely to provide redress for certain violations covered by the consent order, specifically violations involving the allocation regulations and the entitlements program. We will deal with these latter concerns first.

Town and Country has pointed out in its comments that although the consent order settles OKC's liability under both pricing and allocation regulations, the Proposed Decision and Order fails to acknowledge the settlement of alleged allocation violations. The firm therefore argues that we must establish a mechanism for compensating claimants who suffered injury as a result of OKC's alleged violation of allocation regulations. Town and Country takes the position that restitution for alleged allocation violations cannot be made on a volumetric basis and therefore asserts that allocation claimants should be compensated on the basis of the extent of the injury which they actually suffered. Three refiners have also argued that with respect to claims based on crude oil sales made by OKC during the period when the Entitlements Program was in effect, refunds should be made through that program. They point out that alleged violations of the price regulations relating to crude oil may have impacted on each refiner participating in the entitlements program if the National Domestic Crude Oil Supply Ratio (DOSR) was reduced as a result.

Although the Proposed Decision failed to explicitly provide for refunds to allocations claimants, our intention in adopting the final procedures for the first stage is that *all* parties, with only limited exceptions discussed below, who wish to file any claim for a portion of the OKC consent order fund should file an Application for Refund within 90 days of the date of publication of this Decision in the **Federal Register**. All applications will be examined on their own merits prior to any determination as to the disposition of any of the funds, and no party will have a priority claim on the fund. However we have also determined that it is advisable to presume that any party claiming injury due to alleged allocation violations who had not previously notified the Department of Energy or otherwise sought redress was not injured by the allocation violation. In *Office of Special Counsel*, 9 DOE ¶ ——, No. BEF–0073 (February 18, 1982) (hereinafter cited as *Tenneco*), and *Office of Special Counsel*, 9 DOE ¶ ——, No. BEF–0072 (March 10, 1982) (hereinafter cited as *Pennzoil*) we reasoned that a firm injured by an allocation violation would have been more immediately aware of its injury than a frim whose purported injury was due to overcharges whose effect could be marginal, and could therefore be expected to immediately seek redress by notifying the appropriate agency officials, *see* 10 CFR 205.201(a)(d), or by filing a private lawsuit under § 210 of the Economic Stabilization Act. Thus, by generally limiting allocation claims to parties who had made contemporaneous complaints, we would prevent spurious claims and promote speed and efficiency in processing applications for refund. This presumption would also present no danger to parties who were injured by OKC's alleged allocation violations. Accordingly, as in *Tenneco* and *Pennzoil*, we will presume that a party who had not complained of alleged allocation violations by OKC prior to the date of the consent order does not have a meritorious claim. *Ssee* 10 CFR 205.282(e).

Alleged violations involving the entitlements program raise more complicated problems. While the consent order explicitly excludes violations of the entitlements regulations from its ambit, several commenters have correctly noted that alleged violations of the crude oil pricing regulations may have impacted on the entitlements program. They have therefore argued that OHA must allow for claims by participants in the program, or establish a distribution mechanism based on claims upon entitlements program funds. *See* comments of Mobil Oil Corporation, Commonwealth Oil Refining Co., Inc. (CORCO), and Energy Cooperative, Inc. We have already addressed this issue at some length in our recent decision on *Alkek*. In that Decision we stated that it was difficult to anticipate how any individual participant in the entitlements program could demonstrate a particularized injury to itself in order to claim a part of the consent order funds involved. We noted that any injury to refiners as a result of the alleged tier miscertification of crude oil would be borne in equal proportion by all participants in the entitlements program. We also noted that to some extent, all refiners probably passed on their increased costs by raising their prices for all refined products to subsequent purchasers. To the extent these costs were not passed on, however, we stated that because of such factors as the accumulation of refiners banks of increased costs, changes in supplier/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the relatively lengthy period covered by the *Alkek* group of consent orders, it would be extremely burdensome to compute with precision the degree to which each refiner absorbed any increases in costs engendered by crude oil tier miscertifications. Notwithstanding the difficulties of proof noted above, we will accept Applications for Refund from parties claiming injury through the operation of the entitlements program.

We now turn to a consideration of those comments addressed to our exclusion of certain groups from participation in the first stage refund procedure. In our December 23 decision we tentatively determined that those customers who made only spot purchases of OKC crude oil, residual fuel oil or refined petroleum products during the audit period be excluded from the first stage refund process. We stated our rationale for this exclusion as follows:

> We believe that those customers [spot purchasers] tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of OKC products at increased prices unless they were able to pass through the full amount of OKC's quoted selling price at the time of purchase to their own customers. Thus, these spot market purchasers as a group would not have incurred injury as a result of the OKC alleged regulatory violations, and should not be permitted to benefit from the consent order.

47 FR at 63104.

We have received comments from several firms objecting to this exclusion. A number of firms argued that our underlying assumption stated above is erroneous. For example, E–Z Serve, Inc., a motor gasoline retail marketer and reseller, stated that it occasionally bought OKC products even when it could not pass through the entire amount of additional costs incurred simply to minimize its losses. Zarda Brothers Dairy, Inc. and other resellers stated that OKC's prices were so high that its base period purchasers were not buying their full allocations and that OKC therefore often had underlifted ("surplus") product to sell on the spot market. These firms claim that they too were forced to buy OKC products on the spot market at a loss in order to keep their operations going.

We continue to believe that in most circumstances the presumptions stated in the proposed decision are accurate; however upon consideration of these comments we find a blanket exclusion of spot purchasers from the first stage refund process is not warranted. While we will not exclude any spot purchasers from eligibility, we will presume that any spot purchaser buying from OKC during the audit period was able to pass through any overcharges it incurred. To overcome this presumption, therefore, a spot purchaser will be required to present proof of a valid business reason for making the

purchases as well as satisfying the burden of proof generally required for refund applicants, *i.e.*, that the alleged overcharges were not passed through to their customers.

Finally, with respect to our exclusion of certain independent brokers who participated in illegal activities intended to circumvent DOE regulations, we received comments from two parties who argued that "unrelated activities should not be held against a claimant who is otherwise entitled to a refund." *See* Ritco Company comments at 2; J. R. Adams comments at 2. We find no merit in this argument. In its recent decision in *Citronelle-Mobile Gathering, Inc.* v. *Edwards*, —— F.2d ——, No. 5–60 (Temp. Emer. Ct. App. January 21, 1982) the Temporary Emergency Court of Appeals stated that federal district courts possess broad discretion in fashioning equitable remedies, and thus upheld the district court's application of the "clean hands doctrine" in fashioning relief in DOE enforcement actions. The district court had barred by "unclean hands" those firms who aided or abetted the plaintiffs in violating the DOE price regulations from seeking or recovering any of the illegal profits. In Subpart V proceedings the DOE has the full range of equitable powers in fashioning relief which are possessed by the district court in an enforcement action. *See Pennzoil*, slip op. at 13–14. We therefore hold in the instant proceedings that the independent brokers who aided or abetted any officers or agents of OKC in violating the DOE regulations are barred by the "unclean hands" doctrine from participation in the first stage refund proceedings. In this regard, any firm applying for a refund will be required to state whether or not it, or any of its agents or principal officers, have had criminal charges brought against them for violation of DOE regulations, and the disposition of any such cases.

Town and Country, in its comments, has argued that we should go further and disallow claims from anyone who bought OKC products from the brokers mentioned above since these brokers were probably never overcharged initially. In deposition testimony in connection with another proceeding, a former OKC officer testified that these transactions often involved kickback schemes and that gasoline was often sold to these brokers at prices lower than those charged to OKC's other customers. *See* Town and Country comments, Exhibit B.

While Town and Country's assumption regarding the prices charged by OKC to these independent brokers may be correct, we do not believe it is necessary to entirely preclude from the refund process all purchasers who bought from these "friendly brokers." When they file a claim, those parties will already be required to present proof of the price they paid and evidence of cost banks and prevailing market conditions to show that they did not pass through any alleged overcharges. Thus, the claims process itself will operate to preclude recovery on the part of any firm that was not injured by alleged OKC overcharges.

Comments on Required Standard of Proof for Overcharge Claims

We proposed in our December 23 determination that any claimant who is not an ultimate consumer be required to demonstrate that, during the period covered by the consent order, they would have kept their prices for covered products at the same level had the alleged overcharges not occurred. In other words, we stated that we wanted an indication that the market was having an effect on the firm's prices and that the firm was not simply passing on to its customers any OKC alleged overcharges. We stated that a claimant should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to pass through the additional costs associated with the alleged overcharges. In addition, we suggested that a reseller of petroleum products must have maintained until January 28, 1981, the date on which the President decontrolled all remaining covered products, a "bank" of unrecovered product costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. Finally, we stated that a purchaser who is an ultimate consumer and is not engaged in the sale of goods or services would not have to make a showing that it absorbed any unlawful price increases.

Some parties who submitted comments suggested certain additional classes of claimants that might be excused from showing injury at all. In addition, we received comments regarding the proposed standard of proof which generally argued that the standard would be too difficult to meet. We continue to believe that "this inquiry into whether a claimant was injured is most appropriate in a proceeding of this type where refunding moneys obtained through DOE enforcement proceedings is the primary focus." *Coline*, 9 DOE at 85,051. In establishing the standard of proof that a claimant must meet, we must strike a balance between a level so low that it would grant windfall benefits to firms who had suffered no injury and a level so high that only a few large firms would have the resources necessary to prepare an application. With this principle in mind we turn to the comments concerning what particular kind of proof of injury should be required of claimants.

Two potential claimants ask to be added to the class of claimants who would not have to offer any proof that they absorbed the alleged overcharges. Those potential claimants are The Transportation Group, an *ad hoc* organization of four trade associations whose members are regulated transportation companies, and the National Council of Farmer Cooperatives. These parties contend that any overcharges which they had suffered would have been channeled to their customers by the regulatory bodies or agreements that control the prices they may charge. They also noted that any refunds which they receive would automatically be passed through to their customers. They therefore contend that they should be included with the class of ultimate purchaser claimants, who need only demonstrate that they purchased a specific quantity of product which was sold by OKC during the relevant time period in order to qualify for refunds.

We have decided that the regulated firms' proposal has great merit because it will assist us in distributing refunds in an efficient, cost-effective and equitable manner. *See* 10 CFR 205.282. The OSC has reviewed the operation of the agencies which regulate transportation companies and has determined that refunds are indeed factored into their rate making systems. 46 FR at 29500–01. Although there are no independent regulatory bodies which oversee cooperatives' price setting, we believe that refunds to any agricultural cooperative will likewise directly influence the prices charged to its member customers. These cooperatives are owned by their customers, and the ultimate consumer of the petroleum products purchased by the cooperative will therefore receive the benefit of the refund either as a price reduction or as a distribution at the close of the cooperative's fiscal year. *See Tenneco*, slip op. at 11. Consequently, we have concluded that refund applications from firms whose prices for goods or services are regulated by a government agency or by the terms of a cooperative agreement will not be required to show that they absorbed the alleged OKC overcharges. Instead, those applicants should supply us with a full explanation of the manner in which refunds will be passed through to their customers in the form of lower prices or better service. In addition, these applicants' receipt of refund money will be conditioned on notice to the appropriate regulatory body or membership group.

We suggested in our proposed decision a further group of purchasers that might be excused from having to document more than the fact that they purchased allocated or covered products from OKC during the relevant period of time. We stated that we would consider establishing a threshold level of purchases under which applicants, primarily smaller firms and individuals, would not be required to make a detailed showing of actual injury. For example, in *Vickers* we set a purchase threshold of 50,000 gallons of motor gasoline per month. Firms with purchases below that level were permitted to claim a refund based upon that level of purchases without having to submit evidence concerning their banks of unrecouped product cost increases or prevailing market conditions which had prevented them from passing through the alleged overcharges. In addition, firms in the Vickers case who had purchased more than an average of 50,000 gallons per month were excused from the requirement of showing that the effects of the alleged violations were not passed through, provided that they were willing to limit their claims to the 50,000 gallons per month level.

We received no comments specifically addressing this provision in the Proposed Decision. The State of California, in its submission, however, directs us to comments it filed in other Subpart V proceedings—specifically *Vickers; Office of Enforcement*, No. BEF–0014 (June 29, 1982) (proposed decision); and *Alkek*—as well as papers filed in Standard Oil Company of California and Western Crude Oil, Inc. (Nos. HEG–0001 through 0004, 0007 through 0008) and its brief as *amicus curiae* in *Citronelle*. In at least one of these cases California has urged us not to adopt any threshold purchaser level because

by so doing we authorize refunds to some purchasers of covered products who were able to pass through their price increases to their purchasers and who were therefore to the extent of the passthrough not injured by the alleged overcharges. We fully considered and ultimately rejected this argument in our recent decisions in *Pennzoil, Tenneco,* and *Uban Oil Company,* 9 DOE ¶ ——, No. HEX-0006 (February 25, 1982) (hereinafter cited as *Uban*), and we are not persuaded that we should change our previous decisions on this issue.

After careful consideration of the issues we have concluded that it is in the best interests of efficient resolution of these proceedings to establish a threshold level of purchases below which a claimant need not demonstrate injury. If we were to adopt a requirement that every applicant supply full documentation of its injuries, it would discourage small applicants since the expense of preparing such an application could well exceed the refund to be eventually gained. For this reason we have concluded that a similar thereshold figure should be established in this refund proceeding as well.

We have decided to follow the precedent set in *Vickers* and, based on our experience in that proceeding, set the threshold figure at 50,000 gallons per month, or 600,000 gallons annually. Businesses of this size will generally be individual retailers or large consumer accounts. We continue to believe that a requirement that relatively small purchasers of covered products such as motor gasoline establish that they did not pass through price increases would prove so great a burden on those firms' recordkeeping and accounting capabilities that they might be precluded from seeking any refunds. *See Vickers,* 8 DOE at 85,396. Consequently, in the interest of fostering the restitutionary objectives of the Subpart V process, we will establish the threshold figure discussed above.

Now that we have enumerated those types of OKC customers which will not be required to demonstrate that they absorbed unwarranted price increases, we will focus upon what type of proof those parties who *are* required to make that showing will be obliged to make. Our tentative conclusion that a firm must demonstrate injury by showing both that it had sufficient "banks" and that it was unable to pass on the alleged overcharges due to market conditions was objected to by Mobil as well as by many small jobbers.

Mobil argues in its comments that the market condition requirement is unnecessary with respect to first purchasers of OKC products. They contend that proof of purchase from OKC and the maintenance of banks during the relevant period should be sufficient to establish injury. A number of smaller reseller firms have complained that both the market condition requirement and the documentation regarding banks will be too difficult to meet. They also request clarification as to whether banks must be maintained for the entire price control period in excess of the amount claimed, or whether a lesser amount at the beginning of the period will be acceptable in light of the fact that the ovecharges may have accrued over time. Additionally they note that during some portions of the time covered by the consent order resellers were allowed a specified per gallon markup and thus not required to calculate banks. Finally, it is argued that many firms will not have maintained records sufficient to satisfy the requirements of the Proposed Decision since DOE regulations do not require the maintenance of records back to 1973.

We believe that most of the above comments reflect a misunderstanding of the purpose of Subpart V proceedings, and the relevant proof requirements. These proceedings are designed to refund money to persons who may have been injured as a result of alleged regulatory violations. Proof of banks and market conditions at the relevant time are means of ascertaining whether or not a claimant was in fact injured. It is important to note, however, that proof of banks is only a threshold requirement for establishing injury and therefore eligibility to receive a portion of the consent order funds. Even if a claimant meets this test, it has not conclusively established that it was injured. We will therefore require applicants to submit evidence of market conditions to aid in our determination whether a firm suffered an actual injury as a result of OKC's alleged overcharges. However, this requirement will be applied in a flexible manner consistent with the equitable nature of the Subpart V process, and we will examine the circumstances of each applicant to determine whether or not an economic injury has resulted from OKC's alleged regulatory violations.

With respect to the resellers' claims of difficulty in meeting the burden of proof and the possible unavailability of records, we point out that any claimant will be entitled to a refund based on purchases of up to 50,000 gallons per month upon proof of purchase and amount purchased alone. Since the larger purchases were generally made by larger firms who are likely to have kept more detailed records, the proof requirement is not unreasonable as to these firms. Those firms who did not maintain banks during portions of the consent order period when they were allowed a specified markup should so state in their applications. If a reseller made numerous purchases from OKC over a period of time, it should provide the dates of all its purchases, and a listing of its banks as of each calendar quarter during that period, as well as providing the information on market conditions generally required of all applicants.

Standard of Proof for Allocation Claimants

Town and Country in its comments noted that although the consent order covers allocation violations, no procedures were outlined in the proposed decision for deciding claims submitted by parties claiming alleged violations of these regulations. They note that in situations where a firm was deprived of a product refunds cannot be made on the basis of volume purchased, the standard outlined in our tentative determination, and therefore the firm suggests we adopt a procedure whereby firms are compensated on the basis of the extent of injury suffered, allowing only those claims verifiable through reference to supporting proof. However, if we elect to accommodate allocation claimants within the volumetric scheme previously outlined, the firm urges us to allow a greater per gallon refund amount for claimants injured by the loss of an allocated product rather than alleged overcharges.

As discussed at greater length below, we have determined not to adopt a "pure" volumetric standard for distribution of the OKC consent order funds. Instead, we will consider a variety of equitable factors in our determination of the amount of refund to be awarded to a particular firm. This approach will enable us to more easily accommodate allocation claimants. With respect to the information which should be filed by a firm claiming injury under the allocation regulations, we have decided to adhere to the criteria outlined in our recent decisions in *Pennzoil* and *Tenneco.* Specifically, an applicant should furnish the best possible evidence concerning the proportion of the claimant's supply which the withheld crude oil or petroleum product represented, the availability of substitute product at the time of the alleged violation, and the impact on the claimant's business such as decreased sales volumes or loss of customers. In addition, a claimant must also show that the injury was not passed on to its customers. Although we shall not engage in a time-consuming legal and factual analysis leading to a precise measure of damages, we wish to emphasize that the burden of establishing eligibility for a refund rests on the claimant.

Comments Concerning Overall Procedures To Be Adopted

In addition to comments suggesting that we lack authority to implement the proposed two-stage procedure, comments on what parties should be eligible to file applications for refund, and comments on the standard of proof for applications, several parties filed other comments that should also be discussed in this Decision. These will be addressed in this section prior to our explanation of the procedures which we have decided to adopt.

Several parties objected to our proposal that the claims of all successful applicants would be paid on a volumetric basis, *i.e.* based on the proportion of the product purchased by the applicant to the total amount of products marketed by OKC during the relevant period. Town and Country noted, as discussed above, that this approach should not be applied to allocation claimants inasmuch as their complaints are based on their inability to purchase products. OKC itself argues that the volumetric standard is not in the public interest, that funds should be distributed to the maximum extent possible to injured claimants, and only in the event that insufficient claims are filed to satisfy the full amount of the consent order fund should the money be allowed to lapse into the second stage proceedings.

We have previously used a "pure" volumetric method of allocating funds to claimants because it is an administratively efficient method for determining what portion of a settlement fund shall be alloted to each particular claimant. Moreover, it is a useful

approximation of injury in the treatment of overcharge claimants because it offers an easy method of calculation for firms who are unable to quantify their alleged injury. In our recent decisions in *Pennzoil* and *Tenneco*, however, we decided to modify the volumetric plan of distribution. Our stated reasons for those decisions were the fact that the consent orders involved were "global," settling alleged violations of many different aspects of the Mandatory Petroleum Price and Allocation Regulations, that they were the first proceedings to involve allocation claims and that the funds were not large enough to yield the best possible restitution for many claimants using a volumetric distribution.

While the consent order in this case is different in many respects from those in *Tenneco* or *Pennzoil*, we have nevertheless decided to follow our approach in those cases and adopt a modified volumetric method for allocating refunds.

As in all Subpart V cases, the primary goal of the OKC refund process is to distribute the funds to those firms and individuals who were injured by the alleged violations which were settled in the underlying consent order. In recent decisions we have discussed the nature of the settlement process as it relates to the amount of consent order funds ultimately distributed to the intended beneficiaries of the Subpart V refund process. In *Alkek*, we noted that:

The terms contained in each consent order, including the amount of the monetary settlement, were arrived at through negotiation. Although the amount of money remitted to the DOE can be viewed as based in part upon the magnitude of the violations alleged by the government, additional factors—such as each party's views as to the probable length, expense, and success of litigation—would normally influence the size of the monetary settlement. *Alkek*, 47 F.R. at 2197.

Since any consent order is the result of compromise, the monetary amount of the settlement funds is in all likelihood considerably less than the total amount of the economic injury suffered by the customers of the firm involved. *See Uban*, slip op. at 6. In addition, due to the difficulty of keeping records for the entire seven-year period covered by the OKC consent order, and the requirement that claimants provide evidence that the effects of the alleged violations were not passed through to their downstream customers, the total refund for which meritorious claims are submitted may be far less than the full amount of the settlement fund available for distribution. Therefore, because this is an equitable proceeding intended to refund money to purchasers who were injured by the alleged overcharges underlying the consent order, it is fully consistent with this purpose to deviate from distributing a "pure" volumetric share of available funds to successful claimaints and consider other factors in this case.

Consequently, we will adopt a distribution mechanism that incorporates a modified version of the volumetric scheme used in *Vickers*. To assist a potential claimant in deciding whether to apply for a refund, we have made a preliminary estimate of the per gallon recovery using a strict volumetric distribution. Our estimate at this time indicates that an applicant's possible recovery could be $.0028 per gallon. However, other factors will be considered in deciding the final amount a particular claimant will receive. For example, the distribution of interest accumulated in the escrow account since the DOE received the $4.75 million from OKC would increase the amount available for refund. Other factors that will be considered include, for example: (i) The number of qualified claimants, and the aggregate volume of their purchases from OKC compared to the amount of products sold by OKC during the consent order period; (ii) the impact of the alleged violations on the claimant's business, (iii) market conditions prevalent during the consent order period; (iv) the claimant's position in the distribution chain, *i.e.* whether it is a refiner, reseller or ultimate consumer; and (v) the manner in which the claimant's business is governed by federal, state or local regulatory agencies, or other relevant private contractual agreements such as those affecting agricultural cooperatives. A weighing and balancing of these factors will enable us to further the restitutionary goals of Subpart V and the underlying statutory objectives.(*2*)

In our Proposed Decision in this proceeding we tentatively determined to adopt the provision in the OKC consent order requiring any OKC purchaser accepting a refund from the consent order funds to waive its right to bring a private lawsuit under section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note (ESA), seeking damages for alleged overcharges by OKC during the audit period. This provision stated:

[A]s a condition precedent to any claimant's ellgibility to receive a refund, the claimant shall be required to waive and release all other claims and remedies against OKC with respect to any possible violation of applicable DOE petroleum price statutes or regulations which may have been committed during the settlement period.

July 17 Consent Order at 7. Our reasons for proposing this provision are discusssed at length in the Proposed Decision. 46 FR at 63103–04.

In their comments on the Proposed Decision, several reseller firms objected to this provision. Their objections were generally addressed in the Proposed Decision and more fully in our decision in *Vickers*. We will briefly address some of their specific concerns below.

Citing our decision in *Coline*, and the case of *Bulzan v. Atlantic Richfield Co.*, 620 F.2d 278 (Temp. Emer. Ct. App. 1980), the firms argue that sections 209 and 210 of the ESA were intended as separate and independent remedies to serve different purposes, and thus the election provision frustrates Congressional intent. We are not persuaded by this argument. While it is true that these provisions were intended to serve separate purposes, and therefore be simultaneously available, neither of these cases stands for the proposition that there is a statutory right *both* to receive funds recovered by the government in a section 209 action *and* to bring a section 210 action as well. A second argument made the reseller firms is that because a criminal information has been brought against Cloyce Box, President and Chairman of the Board of OKC Corp., the present proceeding is closer to *Conoco, Inc.*, 4 DOE ¶ 82,544 (1979) (in which we refused to adopt an election provision requested by the firm) than it is to *Vickers* (where we adopted the election of remedies provision requested in the consent order). However, it must be noted that in *Conoco* unlike the present proceeding, the requested election provision was not mentioned in the consent order. Moreover, in *Conoco* the consent order was signed in connection with the criminal proceedings whereas in the present case the settlement of the enforcement action and the criminal action against Cloyce Box are independent.

For the reasons outlined in our proposed decision and in *Vickers*, we have decided to adopt the requested consent order provision. We note that no rights of any injured party will be prejudiced by the adoption of the election provision. Each of the direct purchasers of OKC products will receive a notice of its right to file an Application for Refund under 10 CFR 205.283 to prove a claim to a portion of the consent order funds, and of its right to bring a section 210 action as well as the waiver requirement. A copy of the required election of remedies provision is attached to this Decision as an Appendix, and may be filed at the time an application is submitted. We note, however, that it is not necessary for a claimant to execute an election of remedies when filing an Application for Refund. Eligible claimants who have not filed an election of remedies provision will be notified of the approved amount of their refunds, and a comparable statement must then be executed before payment is authorized.

Application for Refund Procedures

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our Proposed Decision and Order, we have concluded that Applications for Refund should now be accepted from parties who purchased crude oil and refined petroleum products from OKC. We shall now discuss the specific requirements for Applications for Refund that we have decided to adopt.

Applications for Refund of a portion of the OKC consent order fund must be filed within 90 days after the publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a minimum dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the OKC consent order fund, Case Number BEF–0032. If the applicant is not a direct purchaser from OKC, it should indicate from whom the crude oil or product was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from OKC.

All applications for refund will be deemed to be for an amount in excess of $100 and therefore must be filed in duplicate. A copy of

each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. Finally, each application may include the election of remedies statement contained in the Appendix to this decision. All applications should be sent to: OKC Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following information should be included in each application filed by a purchaser of OKC products:

A. Each applicant should establish its volume of purchases by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges.

B. Each applicant should specify how it used or would have used the OKC product, *e.g.*, as a petrochemical producer, refiner, reseller or ultimate user.

C. If the applicant is a refiner or reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981.(*3*) It should furnish the OHA with quarterly bank calculations for the entire period.

D. The applicant must state whether it or any of its affiliates have filed any other Applications for Refunds which might affect its level of banks.

E. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recover alleged overcharges were infeasible.

F. An allocation claimant should specify the volume of product which it claims it was entitled to purchase from OKC, and submit any other evidence available to document its claim. The material submitted should consist of the best available evidence to document the amount of profits lost as a result of the alleged violation, and should discuss the actions taken by the applicant to (i) obtain a replacement supply of the allocated product; and (ii) seek relief from or against OKC. Allocation claimants will also be required to show that the effects of the alleged injury were not passed through to their customers, or dissipated through the operation of regulatory mechanisms such as the entitlements program, 10 CFR 211.67.

G. The applicant should report whether it or any of its agents or principal officers is or has been involved as a party in DOE or private, section 210 enforcement actions or whether it or any of its agents or principal officers has been the subject of a criminal investigation or proceeding in connection with violation of DOE regulations. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

It Is Therefore Ordered That:

The refund amount provided by OKC Corp. will be distributed in the manner set forth in the foregoing Decision.

Dated: March 25, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) See, however, the discussion of similar comments in *Office of Enforcement, 8 DOE ¶ 82,597 (1981) (hereinafter cited as Vickers).*

(2) Town and Country also argues that we should allow a greater amount of recovery per gallon for overcharges in sales of gasoline than for other covered products because the price control regulations, during much of the consent order period, permitted OKC to pass through a higher proportion of product costs in sales of gasoline than in sales of other covered products. *See* 10 CFR 212.83(d)(1), 10 CFR 212.83(c)(1)(C), (E). We disagree with this proposition. The allowance of a greater pass through of product costs in sales of gasoline would, if it had any effect, tend to result in a *lesser* amount of alleged overcharges being unrecovered in these sales rather than a greater amount. Moreover, as we stated in our discussion of the amount to be paid to a particular claimant, we will consider a variety of equitable factors to make the best possible restitution to those persons who can establish injury as a result of the alleged OKC violations. Thus, if it appears that significantly larger overcharges occurred in sales of a particular product, we may take this fact into account in determining refund amounts.

(3) Those resellers who did not elect to maintain bank calculations for the period May 1, 1980 through January 27, 1981, do not, of course, have to supply bank calculations for that period. *See* 45 FR 29546 (1980).

Appendix—Election of Remedies Provision

In consideration of the sum of money obtained through Subpart V proceedings before the Office of Hearings and Appeals of the Department of Energy in Case No. BEF-0032, I, (give name), with full knowledge of the provisions of section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note, and my rights thereunder, expressly waive and release any and all rights under that section to bring a private action against OKC Corp. for alleged overcharges or allocation violations in transactions that occurred between August 1, 1973 and July 17, 1980 in any products covered by the Consent Order entered into between the Department of Energy and OKC Corp. on July 17, 1980. Section 210 permits me to bring an action for damages for violation by my supplier of the Mandatory Petroleum Price Regulations or the Mandatory Petroleum Allocation Regulations. In the case of a willful violation of the price regulations, I may be entitled to receive treble damages. Notice to my supplier may be necessary prior to my bringing an action under section 210. My right to bring such an action may also be limited by the statute of limitations applicable to such actions.

(Signature) _____

(Date) _____

[FR Doc. 82-8754 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Compliance With Section 114 of the Public Utility Regulatory Policies Act and Proposed Determination

AGENCY: Department of Energy, Western Area Power Administration.

ACTION: Notice of proposed rule respecting lifeline rates and procedures for comments and hearings.

SUMMARY: The Western Area Power Administration (Western) is proposing not to implement or adopt lifeline rates for its projects which have annual sales not for resale in excess of 500 million kilowatthours. Western will receive written comments on its proposed rule for 60 days following the date this notice is published. Western will hold evidentiary hearing(s), if requested by any person within 60 days following the date this notice is published. These actions are taken to comply with Section 114 of the Public Utility Regulatory Policies Act (PURPA, Pub. L. 95-617).

DATES: Requests for evidentiary hearing(s) will be received for 60 days following the date this notice is published in the **Federal Register**. Written comments will be received until June 7, 1982.

SUPPLEMENTARY INFORMATION: Section 114 of PURPA provides that if certain

nonregulated electric utilities do not have in effect 2 years after the date of the enactment of PURPA, a lifeline rate for the essential needs of residential electric consumers, which is lower than a rate under the Federal "cost of service" standard, such utility shall determine, after an evidentiary hearing, whether such a rate should be implemented. As of November 9, 1980 (i.e., 2 years after the enactment of PURPA), Western does not have a lifeline rate in effect for any project.

Two of the projects for which Western markets power, the Boulder Canyon Project and the Central Valley Project, have annual sales that are not for resale in excess of 500 million kilowatthours, and therefore have sales which are subject to the provisions of PURPA. A third project, the Pick-Sloan Missouri Basin Program, has such sales so close to the threshold amount that it too will be considered for purposes of Section 114 of PURPA. None of the sales by Western from these projects are directly to residential consumers.

PROPOSED RULE: Western proposes to not implement or adopt lifeline rates for its projects which have annual sales not for resale in excess of 500 million kilowatthours since none of such sales by Western are made directly to residential consumers.

PROCEDURES: If an evidentiary hearing is requested by an interested person, entity, or representative of such person or entity within 60 days of the date this notice was published, Western will hold an evidentiary hearing before making its final determination whether a lifeline rate should be implemented for the above-mentioned projects. An evidentiary hearing is judicial in nature where evidence is given on oath or affirmation. Persons presenting statements would be subject to cross-examination by counsel representing the parties to the proceeding. Rebuttal evidence would be accepted. Requesting persons or entities will automatically become parties to the proceeding. If such an evidentiary hearing is requested, Western will publish notice of the times, dates, and procedures thereof.

Western will also receive written comments regarding its rule proposed above for a period of 60 days following the date of this notice. Western has determined that no substantial issue of fact or law exists, and the proposed rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses; and, therefore, Western is not providing an opportunity for oral comments unless an evidentiary hearing is requested.

If there are no requests for an evidentiary hearing and no written comments received which would warrant further proceedings, the rule proposed above will take effect 60 days after the date this notice is published.

REGULATORY PROCEDURAL REQUIREMENTS:

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of the Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has received an exemption from sections 3, 4, and 7 of Executive Order 12291.

Regulatory Flexibility Act of 1980

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western believes that no flexibility analysis is required because: (1) This rulemaking is of particular applicability relating to services offered by Western and, therefore, is not a rule within the purview of the Regulatory Flexibility Act; (2) the rulemaking relates to the ratesetting for direct sales to residential consumers—a category of customer to which Western has no direct sales; and (3) the impact of this action will not cause significant economic impact to a substantial number of small entities. For the reasons cited above, the Administrator of Western hereby certifies that its action pursuant to Section 114 of PURPA is not a rule under the Regulatory Flexibility Act and will not, if promulgated, have a significant economic impact on a substantial number of small entities. Upon publication of this notice, this certification will be provided to the Chief Counsel for Advocacy of the Small Business Administration.

National Environmental Policy Act (NEPA)

Western will make a determination based upon environmental considerations of the proposed rules what level of NEPA documentation will be prepared. We anticipate that an environmental review will be adequate and that neither an environmental assessment nor an environmental impact statement will be prepared.

FURNISHING INFORMATION: All comments received and all determinations, responses, opinions, records or other documents made or kept by Western regarding the proposed rule and determination, and any comments thereon will be available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Telephone: (303) 231–1535. Written comments should also be submitted to the above address.

Issued at Golden, Colorado, March 23, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-8702 Filed 3-31-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WEN-FRL-2080-7]

Vermont Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval of the National Pollutant Discharge Elimination System Pretreatment Program of the State of Vermont.

SUMMARY: On March 16, 1982, the Environmental Protection Agency approved the State of Vermont's National Pollutant Discharge Elimination System State Pretreatment Program. This action authorizes the State of Vermont to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT: George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202–755–0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) Prevent introduction of pollutants into POTWs which will interfere with the operation of POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; (3)

improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/03/81
Delaware	04/01/74		
Georgia	06/28/74	12/08/80	03/12/81
Hawaii	11/28/74	06/01/79	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	06/03/81
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74	06/23/81	
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	08/31/78	
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74	03/16/82	
Virgin Islands	06/30/74		
Virginia	03/31/75		
Washington	11/14/73		
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	05/18/81	

Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This State Pretreatment Program Approval is not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because notice of proposed rulemaking was published prior to January 1, 1981.

Dated: March 16, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-8716 Filed 3-31-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Doc. Nos. 82-153 and 82-154; File Nos. BPH-801031AP and BPH-810309AH]

Citrus Communications Corp. and Lino Canales, Jr., and Gustavo Valdez, Jr., d.b.a. Mission Broadcast Enterprises; Hearing Designation Order

Adopted: March 12, 1982.

Released: March 24, 1982.

In re applications of Citrus Communication Corp., Mission, Texas; Req: 105.5 MHz, Channel 288A, 3 kW (H&V), 300 feet (H&V) BC Docket No. 82-153, File No. BPH-801031AP; Lino Canales, Jr. and Gustavo Valadez, Jr., d.b.a. Mission Broadcast Enterprises, Mission, Texas; Req: 105.5 MHz, Channel 288A, 3 kW (H&V), BC Docket No. 82-154, File No. BPH-810309AH; designating applications for consolidated hearing on stated issues for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Citrus Communication Corp. (Citrus) and Mission Broadcast Enterprises (Mission).[1]

2. *Citrus.* In Table 1, Section II of FCC Form 301, Citrus lists four corporate directors. However, in Article III of its corporate by-laws, Citrus provides for only two corporate directors. To clarify the number of authorized corporate directors, Citrus will be required to file an amendment with the presiding Administrative Law Judge.

3. In response to Section VI of FCC Form 301, Citrus indicates it will have five full-time employees. However, Citrus has not filed an equal opportunity program as required by § 73.2080(c) for applicants proposing five or more full-time employees. To remedy this deficiency, Citrus will be required to file an EEO program with the presiding Administrative Law Judge.

4. *Mission.* Mission has stated it will have eight full-time employees, but has not filed an EEO program. To remedy this deficiency, Mission will be required to file an EEO program with the presiding Administrative Law Judge.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations 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 issues, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. 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.

7. 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:

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applicants should be granted.

8. It is further ordered, that Citrus file an amendment clarifying the number of corporate directors authorized by its bylaws with the presiding Administrative Law Judge.

9. It is further ordered, that Citrus file the equal employment opportunity program required by Section VI of FCC Form 301 with the presiding Administrative Law Judge in accordance with § 73.2080(c) of the Commission's rules.

10. It is further ordered, that Mission file the equal employment opportunity program required by section VI of FCC Form 301 with the presiding Administrative Law Judge in accordance with § 73.2080(c) of the Commission's Rules.

[1] Good cause having been shown by Mission to report a change of employment of one of its principals that would not result in any comparative advantage, Mission's November 16, 1981 petition for leave to amend after the cut-off date will be granted.

11. It is further ordered, that Mission's November 16, 1981, petition for leave to amend is granted, to the extent indicated herein, and the companion amendment is accepted.

12. 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.

13. 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 of such notice as required by § 73.3594(g) of the rules.

14. Mission has failed to file a Section V–G of FCC Form 301. Therefore, we have been unable to determine that its proposed antenna would not constitute a menace to air navigation. Accordingly, it is further ordered, That the following issue is specified.

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Mission would constitute a hazard to air navigation.

15. It is further ordered, that the Federal Aviation Administration is made a party to this proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-8777 Filed 3-31-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Doc. Nos. 82-151 and 82-152; File Nos. 20220-CD-P-(2)-81 and 22389-CD-P-80]

Lehigh Valley Mobile Telephone Co. & Bucksmont Beeper Co.; Order Designating Applications for Hearing

Adopted March 11, 1982.

Released March 24, 1982.

In re applications of Lehigh Valley Mobile Telephone Co. for authority to construct new two-way facilities to operate on frequency 152.15 MHz in the Pacific Mobile Radio Service at Allentown and Stroudsburg, Pennsylvania; CC Docket No. 82–151; File No. 20220–CD–P–(2)–81; Bucksmont Beeper Co. for authority to construct new two-way facilities to operate on frequency 152.15 MHz in the Public Mobile Service at Buckingham, Pennsylvania; CC Docket No. 82–152; File No. 22389–CD–P–80. Designated applications for consolidated hearing on stated issues.

1. Presently before the Chief, Common Carrier Bureau, acting pursuant to delegated authority, is a Petition for Reconsideration filed by Lehigh Valley Mobile Telephone Co. (Lehigh). The petitioner requests reconsideration of the Mobile Services Division's action dismissing as defective the application captioned above. Although we are affirming the staff's determination that the application was defective, we are accepting Lehigh's amended application as timely and properly filed. Since this application is electrically mutually exclusive with one filed by Bucksmont Beeper Company, a comparative hearing will be held to determine which applicant would be better serve the public interest.

2. *The Allentown proposal.* Lehigh is currently licensed to provide mobile and paging service in Allentown, Pennsylvania. The subject application, originally filed November 3, 1980, seeks an additional channel at the existing Allentown location. It was filed 60 days after the date of Public Notice (September 3, 1980) of the captioned Bucksmont Beeper application, and therefore, qualified for consideration of mutually exclusive applications under § 22.31(b)(2)(i) of the Commission's rules. However, Lehigh omitted a showing of traffic loading on its existing facilities as required by § 22.516 of the rules, and instead requested a waiver of § 22.516 under § 22.20(c).[1] Lehigh proposed to use the new Allentown station primarily to render service to hand-held VHF portable units. The waiver request contended that the terrain in the proposed service area is so mountainous and rugged as to make the use of UHF portables on the applicant's authorized facilities infeasible without the prohibitive expenses of multiple antenna locations, switching circuits, communications links, and multiple frequencies. Lehigh made reference to "consultations with other RCCs that offer portable mobile communications in terrain similar to that in and around Allentown" and concluded that a VHF portable system was more economical and efficient than a UHF station. Lehigh therefore argued that its existing UHF channels should not be considered in evaluating the proposed use of the requested channel for VHF portable telephone service. Lehigh submitted a survey conducted in the Allentown/Stroudsburg area showing various businesses which expressed a need for such a service.

3. By letter of March 13, 1981, the Mobile Services Division staff returned the Lehigh application as defective. Although Lehigh alleged that UHF service is not feasible, no engineering data, such as propagation contours comparing VHF coverage to UHF coverage, was submitted to support this claim. Lehigh further claimed that "multiple" UHF transmitter sites would be requied, but furnished no other information as to what a UHF system would entail. The waiver request did not specify how many sites would be required. Similarly, Lehigh made general statements concerning cost differences but furnished no estimate to support its claims that costs would be "* * * so great as to make system development infeasible." [2] In short, the waiver request consisted of unsupported allegations that a UHF system was not feasible and that a waiver was therefore warranted.

4. Rule § 22.20(c) provides that applications which are otherwise defective may be accepted for filing if "* * * accompanied by a request which sets forth the reasons in support of a waiver * * *". This section requires more than unsupported allegations. In the interest of expeditious action on applications, the staff processes applications received according to the standards set forth in the Commission's rules, returns applications which are blatantly defective, and grants waiver requests only where factual materials supporting such a request are provided. The Lehigh application failed to demonstrate why a waiver was justified, and was therefore defective for failure to submit a traffic loading study. *CF., Coral Television Corp.*, 84 FCC 2d 438 (1981).

5. Even though the Lehigh application was considered by the staff to be defective, it should still have been accepted for filing under the processing standards in effect at that time, which provided for acceptance of defective applications if they were substantially complete. *See James River Broadcasting Company* v. *FCC*, 399 F. 2d 581 (D.C. Cir. 1968); *Radio Athens, Inc. (WATH)* v. *FCC*, 401 F. 2d 398 (D.C. Cir. 1968); *Midcom Corporation*, 63 FCC 2d 257 (1977); and *B–Q–A, Incorporated*, 68 FCC 2d 1334 (1978). Under these broadcast cases defective applications may be given comparative consideration if they are "substantially complete"

[1] This Rules section provides that applications which are otherwise defective may be accepted for filing if accompanied by a waiver request which sets forth reasons in support of such a waiver.

[2] Exhibit 3, p. 2, of application.

when filed. The Bureau applied the broadcast policy mandated by *James River* in *David H. Smith*, 72 FCC 2d 468 (Com. Car. Bur. 1979), to common carrier proceedings, stating that defective applications for common carrier radio facilities would still be accepted and given comparative consideration if they were substantially complete when filed.

6. Lehigh did petition for reconsideration of the dismissal on April 13, 1981, and concurrently did submit an amendment consisting of a traffic loading study which showed sufficient loading on the applicant's existing facilities, thereby curing the defect. Accordingly, we conclude that, pursuant to Bureau policy in effect at the time, submission of this amendment entitled Lehigh to comparative consideration with the captioned application of Bucksmont Beeper, with which it is electrically mutually exclusive. The Bureau will, therefore, reaccept the amended application as of its original filing date.

7. In doing so, however, we wish to emphasize that in *Allen C. Moore*, 86 FCC 2d 787 (1981), the Bureau noted the differences between the broadcast and common carrier rules and, on that basis, reversed the policy set forth in *David H. Smith*. As explained in *Allen C. Moore*, only applications "acceptable for filing" at the cut-off date are now entitled to comparative consideration; if an application is returned as defective after the cut-off period, curative amendments will not be accepted. Because Lehigh submitted its amendment on April 13, 1981, prior to release of *Allen C. Moore*, the Bureau must apply the previous policy of *David H. Smith* to Lehigh.

8. Accordingly, it is ordered, that Lehigh's Petition for Reconsideration is granted, and application File No. 20220–CD–P–(2)–(81) is reaccepted for filing.

9. It is further ordered, pursuant to section 309 of the Communications Act of 1934, as amended, that the Bucksmont Beeper Co. application, File No. 22389–CD–P–80, and the Lehigh Valley Mobile Telephone Co. application, File No. 20220–CD–P–(2)–81, are designated for hearing in a consolidated proceeding upon the following issues:[3]

(a) to determine on a competive basis the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations and facilities pertaining to that service;

(b) to determine on a comparative basis the areas and populations that each applicant will serve within the prospective interference-free areas within the 37 dBu contours,[4] based upon the standards set forth in § 22.504(a) of the Commission's rules,[5] and to determine the need for the proposed service in said areas; and

(c) to determine, in light of the evidence adduced, what disposition of the subject applications would best serve the public interest, convenience and necessity.

10. It is further ordered that the hearing shall be held before an Administrative Law Judge at a time and place to be specified in a subsequent order.

11. It is further ordered that the Chief, Common Carrier Bureau is made a party to the proceeding.

12. It is further ordered that the applicants may file written notices of appearance under Section 1.221 of the Commission's Rules within 20 days of the release date of this Order.

13. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82–8778 Filed 3–31–82; 8:45 am]

BILLING CODE 6712–01–M

[3] We find both applicants legally and technically qualified to construct and operate their proposed facilities.

[4] For the purposes of this proceeding, the interference-free area is defined as that area within the 37 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in FCC Report No. R–6406, equation 8.

[5] Section 22.504(a) of the Commission's rules describes a field strength contour of 37 decibels above one microvolt per meter as the limit of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult Bureau Counsel in an effort to submit joint technical exhibits.)

FEDERAL RESERVE SYSTEM

Business Bancorp; Formation of Bank Holding Company

Business Bancorp, San Jose, California, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of California Business Bank, N.A., San Jose, California. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82–8705 Filed 3–31–82; 8:45 am]

BILLING CODE 6210–01–M

City National Bancshares, Inc.; Formation of Bank Holding Company

City National Bancshares, Inc., Baton Rouge, Louisiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of City National Bank of Baton Rouge, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82–8706 Filed 3–31–82; 8:45 am]

BILLING CODE 6210–01–M

First National Bancorp., Inc.; Acquisition of Bank

First National Bancorporation, Inc., Denver, Colorado has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Foothills National Bank, Fort Collins, Colorado. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8707 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

First Southeast Banking Corp.; Acquisition of Bank

First Southeast Banking Corp., Darien, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Racine County National Bank, Franksville, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 25, 1982. Any comment on an application that requrests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8708 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

Lakeside Bancshares, Inc.; Formation of Bank Holding Company

Lakeside Bancshares, Inc., Lake Charles, Louisiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Lakeside National Bank, Lake Charles, Louisiana. The factors that are considered in acting on the application are set forth in Section (3)(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8709 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Texas Corp.; Acquisition of Bank

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Farmers State Bank of Round Rock, Round Rock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8710 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

Pinellas Bancshares Corp.; Formation of Bank Holding Company

Pinellas Bancshares Corporation, St. Petersburg, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of United Bank of Pinellas, St. Petersburg, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8711 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

Statewide Bancorp; Formation of Bank Holding Company

Statewide Bancorp, Toms River, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Toms River, Toms River, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8712 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

Union Bank Corp.; Formation of Bank Holding Company

Union Bank Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50.01 percent or more of the voting shares of Union National Bank, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8713 Filed 3-31-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14879-A]

Alaska Native Claims Selection

On November 19, 1974, Kotlik Yupik Corporation, for the Native village of Kotlik, filed selection application F-14879-A, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611, (1976)), as amended, for the surface estate of certain lands in the vicinity of Kotlik, including lands within the Clarence Rhode National Wildlife Range.

On December 2, 1980, Sec. 303(7) of Pub. L. 96-487, the Alaska National Interests Lands Conservation Act, established the Yukon Delta National Wildlife Refuge, consisting of the existing Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584) and additions thereto.

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Section 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from the National Wildlife Refuge System. This decision approves approximately 39,869 acres of National Wildlife Refuge System lands for convenience to Kotlik Yupik Corporation. This acreage does not exceed the 69,120 acres permitted under Section 12(a)(1).

United States Survey No. 5020 lies within the core township of Kotlik and is available for selection. Since Section 12(a) of ANCSA and 43 CFR 2651.4(b) provide that the village corporation shall select all available lands within the township in which the village is located, this surveyed land is considered selected by Kotlik Yupik Corporation.

As to the lands described below, the application, as amended, submitted by Kotlik Yupik Corporation is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Section 12(a) of ANCSA, aggregating approximately 101,837 acres, is considered proper for acquisition by Kotlik Yupik Corporation and is hereby approved for conveyance pursuant to Section 14(a) of ANCSA.

Lands Within Public Land Order 4584

Kateel River Meridian, Alaska (Unsurveyed)

T. 27 S., R. 25 W.,
- Sec. 30 (fractional), that portion within PLO 4584.

Containing approximately 5 acres.

T 26 S., R. 26 W.,
- Sec. 31 (fractional)).

Containing approximately 40 acres.

T 27 S., R. 26 W.,
- Secs. 5 and 6 (fractional);
- Sec. 7;
- Sec. 8 (fractional), excluding Native allotment F-18374 Parcel B;
- Sec. 9 (fractional);
- Secs. 14, 15, and 16 (fractional);
- Secs. 17 and 18;
- Sec. 19, excluding Native allotment F-18374 Parcel A;
- Secs. 20, 21, and 22;
- Sec. 23 (fractional);
- Sec. 24 (fractional), that portion within PLO 4584;
- Sec. 25 (fractional);
- Sec. 26;
- Sec. 27, excluding Native allotment F-18640 Parcel B;
- Secs. 28 to 33, inclusive;
- Sec. 34, excluding Native allotment F-18733 Parcels A and B;
- Secs. 35 and 36, those portions within PLO 4584.

Containing approximately 9,858 acres.

T. 28 S., R. 26 W.,
- Sec. 3, that portion within PLO 4584, excluding Native allotment F-18733 Parcel B;
- Secs. 4 to 9, inclusive;
- Secs. 10 and 16, those portions within PLO 4584;
- Secs. 17, 18, and 19;
- Sec. 20, that portion within PLO 4584, excluding Native allotment F-18168 Parcel B;
- Secs. 21 and 30, those portions within PLO 4584.

Containing approximately 6,009 acres.

T 26 S., R. 27 W.,
- Sec. 20 (fractional);
- Sec. 21 (fractional), excluding Native allotments F-18620 Parcel D and F-18759 Parcel B;
- Secs. 22, 23, and 25 (fractional);
- Secs. 26 to 29, inclusive;
- Secs. 32 to 35, inclusive;
- Sec. 36 (fractional).

Containing approximately 5,665 acres.

T 27 S., R. 27 W.,
- Secs. 1, 2, and 3;
- Secs. 10 to 14, inclusive;
- Secs. 23 to 26, inclusive;
- Secs. 34, 35, and 36.

Containing approximately 8.735 acres.

T. 28 S., R. 27 W.,
- Secs. 1, 2, and 3;
- Secs. 10 to 15, inclusive;
- Secs. 22 and 23;
- Sec. 24, excluding Native allotment F-18736 Parcels A and B;
- Sec. 25, that portion within PLO 4584;
- Secs. 26 and 27;
- Sec. 34;
- Sec. 35, that portion within PLO 4584.

Containing approximately 9,145 acres.

T. 29 S., R. 27 W.,
- Sec. 3, that portion within PLO 4584.

Containing approximately 412 acres.

Aggregating approximately 39,869 acres.

Lands Outside Public Land Order 4584

U.S. Survey No. 5020, Alaska, located on the right bank of the Kotlik River at Kotlik, Alaska.

Containing 60.26 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 28 S., R. 23 W.,
- Sec. 10 (fractional), excluding Native allotments F-18755 and F-18737 Parcel B;
- Sec. 11 (fractional), excluding Native allotments F-1837 Parcel B, F-18755, and F-18585 Parcel A;
- Sec. 14, excluding Native allotment F-18643 Parcel A;
- Sec. 15 (fractional), excluding Native allotment F-18643 Parcel A, F-18734, F-18160 Parcel D, and F-18168 Parcel A;
- Sec. 16 (fractional), excluding Native allotment F-18166;

Secs. 19 and 20 (fractional);
Sec. 21 (fractional), excluding Native allotments F–18637 Parcel A, F–18166, and F–18753 Parcel D;
Sec. 22, excluding Native allotment F–18168 Parcel A;
Secs. 28 and 29;
Sec. 30, excluding Native allotment F–18633 Parcel C;
Sec. 31, excluding Native allotment F–18756 Parcel A;
Sec. 32.

Containing approximately 6,291 acres.

T. 29 S., R. 23 W.,
Secs. 5 and 6, excluding Native allotment F–18638 Parcel A.

Containing approximately 1,045 acres.

T. 28 S., R. 24 W.,
Secs. 20 and 21 (fractional);
Sec. 22 (fractional), excluding Native allotment F–18732 Parcel C;
Secs. 23 and 24 (fractional);
Secs. 25 and 26;
Sec. 27 (fractional), excluding Native allotments F–18760 Parcel D, and F–17498;
Sec. 28 (fractional), excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–41770 and Native allotment F–18752 Parcel A;
Sec. 29 (fractional), excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–41770 and Native allotment F–18162 Parcel A;
Sec. 30 (fractional), excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–41771 and Native allotments F–18759 Parcel C, F–18732 Parcel B, F–18761 Parcel A, F–18640 Parcel C, and F–18162 Parcel B;
Sec. 31, excluding Native allotments F–18162 Parcel B and F–18707 Parcel B;
Secs. 32, 33, and 34;
Sec. 35, excluding Native allotment F–18631 Parcel C;
Sec. 36.

Containing approximately 6,966 acres.

T. 29 S., R. 24 W.,
Sec. 1, excluding Native allotments F18169 Parcel B and F–18161 Parcel D;
Sec. 2, excluding Native allotments F18161 Parcel D and F–18636 Parcel A;
Sec. 3, excluding Native allotment F–18636 Parcel A;
Sec. 4;
Sec. 5, excluding Native allotments F–18729 Parcel A and F–18585 Parcel C;
Sec. 6, excluding Native allotments F–18729 Parcel A, F–18758 Parcel D, and F–18585 Parcel C.

Containing approximately 2, 753 acres.

T. 27 S., R. 25 W.,
Sec. 19 (fractional);
Sec. 30 (fractional), that portion outside PLO 4584, excluding Native allotment F–18757 Parcel A;
Sec. 31 and 32 (fractional).

Containing approximately 380 acres.

T. 28 S., R. 25 W.,
Sec. 3, 4, and 5 (fractional);
Sec. 6 and 7;
Sec. 8, excluding Native allotment F–18758 Parcel B;
Sec. 9;
Sec. 10, 11, and 14 (fractional);
Sec. 15 to 19, inclusive;
Sec. 20, excluding Native allotment F–18639;
Sec. 21 and 22;
Sec. 23, excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–41772 and Native allotment F–18635;
Sec. 24 and 25 (fractional);
Sec. 26 (fractional), excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–41772 and Native allotments F–18635 and F–18760 Parcel C;
Sec. 27, excluding Native allotments F–18641 Parcel A and F–18643 Parcel B;
Sec. 28, excluding Native allotments F–18644 Parcel C and F–18728;
Sec. 29, excluding Native allotments F–18639 and F–18634;
Sec. 30, excluding U.S. Survey No. 4497 and Native allotment F–18633 Parcel B;
Secs. 31, 32, and 33;
Sec. 34, excluding Native allotment F–18643 Parcel B;
Sec. 35;
Sec. 36 (fractional).

Containing approximately 13,840 acres.

T. 29 S., R. 25 W.,
Sec. 1, excluding Native allotment F–18758 Parcel D;
Secs. 2 to 6, inclusive.

Containing approximately 3,365 acres.

T. 27 S., R. 26 W.,
Sec. 24
Sec. (fractional), that portion outside PLO 4584;
Sec. 35, that portion outside PLO 4584;
Sec. 36, that portion outside PLO 4584, excluding Alaska Native Claims Settlement Act Sec. 3(e) application AA–28044.

Containing approximately 285 acres.

T. 28 and S., R. 26 W.,
Secs. 1 and 2;
Secs. 3 and 10, those portions outside PLO 4584;
Secs. 11, 12, and 13;
Sec. 14, excluding Native allotment F–18758 Parcel C;
Sec. 15, excluding Native allotment F–18729 Parcel B;
Sec. 16, that portion outside PLO 4584, excluding Native allotment F–18729 Parcel B;
Secs. 20 and 21, those portions outside PLO 4584;
Secs. 22, 23, and 24;
Sec. 25, excluding U.S. Survey No. 4497 and U.S. Survey No. 4411 (Alaska Native Claims Settlement Act Sec. 3(e) application AA–41847);
Sec. 26, excluding U.S. Survey No. 4497 and U.S. Survey No. 5020;
Secs. 27, 28, and 29;
Sec. 30, that portion outside PLO 4584;
Secs. 31 to 34 inclusive;
Sec. 35, excluding U.S. Survey No. 5020;
Sec. 36, excluding U.S. Survey No. 4497 and Native allotment F–18644 Parcel B.

Containing approximately 11,916 acres.

T. 29 S., R. 25 W.,
Sec. 1, excluding Native allotment F–18705 Parcel C;
Secs. 2 to 6, inclusive.

Containing approximately 3,268 acres.

T. 28 S., R. 27 W.,
Secs. 25 and 35, those portions outside PLO 4584;
Sec. 36.

Containing approximately 815 acres.

T. 29 S., R. 25 W.,
Secs. 1 and 2;
Sec. 3, that portion outside PLO 4584.

Containing approximately 1,039 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 34 N., R. 74 W.,
Secs. 31 and 32;
Sec. 33, excluding Native allotments F–18165 Parcel A, F–18643 Parcel C, F–18162 Parcel D, and F–18163 Parcel A;
Sec. 34, excluding Native allotments F–18162 Parcel C and F–18163 Parcels A and B;
Secs. 35 and 36.

Containing approximately 3,090 acres.

T. 34 N., R. 75 W.,
Sec. 31;
Sec. 32, excluding Native allotments F–18757 Parcel C, F–18706 Parcel B, F–18633 Parcel A, and F–18760 Parcel B;
Sec. 33, excluding Native allotments F–18707 Parcel C;
Secs. 34 and 35;
Sec. 36, excluding Native allotment F–18161 Parcel C and F–18641 Parcel B.

Containing approximately 3,250 acres.

T. 34 N., R. 76 W.,
Secs. 31 to 36, inclusive.

Containing approximately 3,605 acres.
Aggregating approximately 61,968 acres.
Total aggregated acreage approximately 101,837 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. These water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F–14879–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be non-navigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one of more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjustication; or lands are pending a determination under Section 3(e) of ANCSA. Lands within U.S. Surveys

which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the Untied States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Section 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Section 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Section 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the portions of the above-described lands which were within the boundaries of the Clarence Rhode National Wildlife Range, Public Land Order 4584, on December 18, 1971, as amended by the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, on December 2, 1980, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

4. Airport lease, F-035323, U.S. Survey No. 5020, located in Secs. 26 and 35, T. 28 S., R. 26 W., Kateel River Meridian, issued to the State of Alaska, Division of Aviation under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214), as amended; and

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kotlik Yupik Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Section 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 101,837 acres. The remaining entitlement of approximately 13,363 acres will be conveyed at a later date.

Pursuant to Section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 4584 and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation when the surface estate is conveyed to Kotlik Yupik Corporation and shall be subject to the same conditions are the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Section 11(a) within the region.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in *The Tundra Drums.*

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to the located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until May 3, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kotlik Yupik Corporation, Kotlik, Alaska 99620

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ruth Stockie,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-8756 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14902-A]

Alaska Native Claims Selection

On November 22, 1974, Napaskiak Incorporated, for the Native village of Napaskiak, filed selection application F-14902-A under the provisions of Section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611 (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Napaskiak.

On December 12, 1975, Napaskiak Incorporated filed selection application F-14902-A2 pursuant to Section 12(b) of ANCSA, for certain lands previously selected pursuant to Section 12(a) with the statement that their Section 12(a) selection overrides the Section 12(b) selection. Therefore, application F-14902-A2 is hereby rejected as to the lands herein approved for conveyance.

On November 6, 1975, Calista Corporation filed selection application AA-10258; on June 2, 1976, filed applications AA-11413, AA-11414, and AA-11416; and on June 4, 1976, filed application AA-11686 all pursuant to Section 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and

unappropriated public lands. Since the lands encompassed in the subject Section 14(h)(1) applications had been properly selected by Napaskiak Incorporated under Section 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by the Calista Corporation. Therefore, the aforementioned applications must be and are hereby rejected in their entirety and will be closed of record when this decision becomes final.

As to the lands described below, the selection application F-14902-A submitted by Napaskiak Incorporated, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the requirements issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Section 12(a) of ANCSA, aggregating approximately 109,542 acres, is considered proper for acquisition by Napaskiak Incorporated and is hereby approved for conveyance pursuant to Section 14(a) of ANCSA.

Seward Meridian, Alaska (Unsurveyed)

T. 5 N., R. 70 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 19 to 36, inclusive.
Containing approximately 17,272 acres.

T. 5 N., R. 71 W.,
Secs. 31 and 32, excluding Native allotment F-17517;
Secs. 33 to 36, inclusive.
Containing approximately 1,024 acres.

T. 6 N., R. 71 W.,
Secs. 1 to 36, inclusive.
Containing approximately 22,947 acres.

T. 7 N., R. 71 W.,
Sec. 8;
Sec. 9, excluding ANCSA Sect. 3(e) application AA-16144 and Public Land Order 2020;
Secs. 10 to 16, inclusive;
Sec. 17, excluding Native allotments F-14392 Parcel A and F-16826;
Secs. 20 to 25, inclusive;
Sec. 26, excluding Native allotments F-15672 and F-17516;
Sec. 36.
Containing approximately 10,034 acres.

T. 5 N., R. 72 W.,
Secs. 1 to 8, inclusive;
Sec. 9, excluding U.S. Survey 4178 and Native allotments F-025353 and F-025354;
Secs. 10 to 36, inclusive.
Containing approximately 21,059 acres.

T. 6 N., R. 72 W.,
Secs. 1, 2, and 3;
Sec. 4, excluding Native allotment F-15828 Parcel B;
Secs. 5 and 6;
Sec. 7, excluding Native allotment F-16905 Parcel A;
Sec. 8, excluding Native allotments F-13873 Parcel B and F-16905 Parcel A;
Sec. 9;
Sec. 10, excluding Native allotments F-16149 Parcel B and F-16828 Parcel B;
Sec. 11, excluding Native allotment F-16828 Parcel B;
Sec. 12, excluding Native allotment F-15830 Parcel A;
Secs. 13 to 36, inclusive.
Containing approximately 20,125 acres.

T. 5 N., R. 73 W.,
Secs. 1 to 18, inclusive.
Containing approximately 11,347 acres.

T. 6 N., R. 73 W.,
Secs. 25 to 28, inclusive;
Secs. 31 to 36, inclusive.
Containing approximately 5,734 acres.

Aggregating approximately 109,542 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14902-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are under applications pending further adjudication or lands are pending a determination under Section 3(e) of ANCSA. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and

2. Pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easement referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14902-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 C3, C4, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Sec. 3, T. 7 N., R. 71 W., Seward Meridian, southwesterly to the village of Napaskiak. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. This trail is limited to winter use only.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease including a lease issued under Section 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Section 6(g), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease, F-15810, located in Secs. 8 and 17, T. 7 N., R. 71 W., Seward Meridian, Alaska, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928, 49 U.S.C. 211-214 (1970); and

4. Requirements of Section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Napaskiak Incorporated is entitled to conveyance of 115,200 acres of land selected pursuant to Section 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 109,542 acres. The remaining entitlement of approximately 5,658 acres will be conveyed at a later date.

Pursuant to Section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Napaskiak Incorporated, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks in *The Tundra Drums*.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until May 3, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Napaskiak Incorporated, via Bethel, Alaska 99557;

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ruth Stockie,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-8757 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14905-A]

Alaska Native Claims Selection

On November 20, 1974, NGTA Incorporated, for the Native village of Nightmute, filed selection application F-14905-A, under the provisions of Section 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Nightmute, including lands within the Clarence Rhode National Wildlife Range.

On December 2, 1980, Section 303(7) Pub. L. 96-487, Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the existing Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584) and additions thereto.

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Section 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from the National Wildlife Refuge System. This decision approves approximately 9,088 acres of National Wildlife Refuge System lands for conveyance to NGTA Incorporated. This acreage does not exceed the 69,120 acres permitted under Section 12(a)(1).

Lot 2 of U.S. Survey No. 4053 is a cemetery; it lies within the core township of Nightmute and is available for selection. Since Section 12(a) of ANCSA and 43 CFR 2651.4(b) provide that the village corporation shall select all available lands within the township in which the village is located, this surveyed land is considered selected by NGTA Incorporated.

As to the lands described below, the application submitted by NGTA Incorporated is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Section 12(a) of ANCSA, aggregating approximately 62,736 acres, is considered proper for acquisition by NGTA Incorporated and is hereby approved for conveyance pursuant to Section 14(a) of ANCSA.

Lands Within Public Land Order 4584

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 86 W.,
- Sec. 5;
- Sec. 6, excluding Native allotment F-18187 Parcel B;
- Sec. 7, excluding Native allotments F-18187 Parcel A, F-16766 Parcel A, F-15806 Parcel B, and F-17858 Parcel A;
- Sec. 8, excluding Native allotments F-17374 Parcel A, F-16861 Parcel A, F-16771 Parcel A, and F-18188 Parcel B;
- Sec. 17, excluding Native allotments F-16767 Parcel B, F-17546, F-16864 Parcel A, F-17848 Parcel B, and F-19267 Parcel A;
- Secs. 18, 19, and 20;
- Secs. 30 and 31.

Containing approximately 5,286 acres.

T. 6 N., R. 87 W.,
- Secs. 4 to 9, inclusive.

Containing approximately 3,802 acres.

Aggregating approximately 9,088 acres within PLO 4584.

Lands Outside Public Land Order 4584

Lot 2 of U.S. Survey No. 4053, Alaska, situated in the Eskimo Village of Nightmute.

Containing 0.50 acre.

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 87 W.,
- Secs. 1 to 10, inclusive;
- Sec. 11, excluding Native allotments F-16769 Parcel B and F-19142;
- Sec. 12, excluding Native allotments F-18592 Parcel A; F-16858 Parcel A, and F-19142;
- Secs. 13 to 36, inclusive.

Containing approximately 22,566 acres.

T. 5 N., R. 88 W.,
- Secs. 1 and 2;
- Sec. 3, excluding Native allotment F-16766 Parcel B;
- Secs. 4 to 9, inclusive;
- Sec. 10, excluding Native allotment F-17852 Parcel A;
- Secs. 11, 12, and 13;
- Sec. 14, excluding Native allotment F-15764 Parcel B;
- Sec. 15, excluding Native allotments F-15764 Parcel B and F-15801 Parcel A;
- Sec. 16, excluding Native allotment F-15806 Parcel C;
- Secs. 17 to 24, inclusive;

Sec. 25, excluding Native allotments F–17849 Parcel B; and F–16900 Parcel A;
Sec. 26, excluding Native allotment F–16902 Parcel A;
Secs. 27 to 30, inclusive;
Sec. 31, excluding Native allotments F–17518 Parcel A, F–18126 Parcel C, and F–16822;
Sec. 32, excluding Townsite Petition F–033227, Native allotments F–16765 Parcel C and F–16901 Parcel A;
Sec. 33, excluding U.S. Survey No. 4053 lot 1 (Alaska Native Claims Settlement Act Sec. 3(e) application AA–41463), U.S. Survey No. 4053 lot 2, Townsite Petition F–033227, Native allotments F–15764 Parcel C, F–16774 Parcel A, and F–16901 Parcel B;
Sec. 34, excluding Native allotments F–16896 Parcel B and F–16768 Parcel B;
Sec. 35, excluding Native allotments F–16902 Parcel A, F–16900 Parcel C, F–16725 Parcel A, and F–16901 Parcel C;
Sec. 36, excluding Native allotments F–18125 Parcel C, F–16900 Parcel B, F–16901 Parcel C, and F–16898 Parcel A.

Containing approximately 20,841 acres.

T. 6 N., R. 88 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

Containing approximately 7,680 acres.

T. 7 N., R. 88 W.,
Secs. 25 and 26;
Secs. 35 and 36.

Containing approximately 2,560 acres.

Aggregating approximately 53,647 acres outside PLO 4584.

Total aggregated acreage approximately 62,736 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F–14905–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are under applications pending further adjudication or lands are pending a determination under Section 3(e) of ANCSA. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14905–EE, is reserved to the United States. This easement is subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 C3, D1) An easement for an existing access trail twenty-five (25) feet in width from Nightmute in Sec. 33, T. 5 N., R. 88 W., Seward Meridian, westerly to the village of Toksook Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Section 17(b)(2)) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Section 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above-described lands which were within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, as amended by the Alaska National Interest Lands Conservation Act, Public Law 96–487 on December 2, 1980, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;
4. The following third-party interest, if valid, identified by the U.S. Fish and Wildlife Service, as provided by Section 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):
   Airport Lease M–71–YD issued to the State of Alaska, Department of Transportation and Public Facilities, located within Sec. 34, T. 5 N., R. 88 W., Seward Meridian; and
5. Requirements of Section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

NGTA Incorporated is entitled to conveyance of 69,120 acres of land selected pursuant to Section 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 62,736 acres. The remaining entitlement of approximately 6,384 acres will be conveyed at a later date.

Pursuant to Section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 4584 and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation, when the surface estate is conveyed to NGTA Incorporated and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands

withdrawn by Section 11(a) within the region.

In accordance with the Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the *The Tundra Drums*.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until May 3, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

NGTA Incorporated, Nightmute, Alaska 99690;

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ruth Stockie,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82–8758 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–84–M

[F–14948–A]

Alaska Native Claims Selection

On November 22, 1974, Nunakauiak Yupik Corporation, for the Native village of Toksook Bay, filed selection application F–14948–A, under the provisions of Section 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Toksook Bay, including lands within the Clarence Rhode National Wildlife Range.

On December 2, 1980, Section 303(7) of Pub. L. 96–487, Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the existing Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584) and additions thereto.

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Section 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from the National Wildlife Refuge System. This decision approves approximately 62,021 acres of National Wildlife Refuge System lands for conveyance to Nunakauiak Yupik Corporation. This acreage does not exceed the 69,120 acres permitted under Section 12(a)(1).

Lot 2 of Block 10, U.S. Survey No. 5024 lies within the core township of Toksook Bay and is available for selection. Since Section 12(a) of ANCSA and 43 CFR 2651.4(b) provide that the village corporation shall select all available lands within the township in which the village is located, this surveyed land is considered selected by Nunakauiak Yupik Corporation.

As to the lands described below, the application, as amended, submitted by Nunakauiak Yupik Corporation is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Section 12(a) of ANCSA, aggregating approximately 104,654 acres, is considered proper for acquisition by Nunakauiak Yupik Corporation and is hereby approved for conveyance pursuant to Section 14(a) of ANCSA:

Lands Within Public Land Order 4584

Seward Meridian, Alaska (Unsurveyed)

T. 3 N., R. 89 W.,
- Secs. 1 to 9, inclusive;
- Secs. 10 and 11, excluding Native allotment F–17291 Parcel A;
- Secs. 12 to 21, inclusive.

Containing approximately 13,063 acres.

T. 4 N., R. 89 W.,
- Sec. 1, excluding Native allotments F–16901 Parcel C, F–16725 Parcel A, and F–16765 Parcel D;
- Sec. 2, excluding Native allotment F–16768 Parcel B;
- Sec. 3, excluding Native allotment F–16896 Parcel A;
- Sec. 4, excluding Native allotments F–16820, F–16767 Parcel A, F–16902 Parcel B, and F–16762 Parcel B;
- Sec. 5, excluding Native allotment F–16766 Parcel C;
- Secs. 6, 7, and 8.
- Sec. 9, excluding Native allotments F–16898 Parcel B and F–17290 Parcel A;
- Sec. 10, excluding Native allotments F–16771 Parcel C, F–16770 Parcel B, and F–17518 Parcel C;
- Sec. 11, excluding Native allotment F–16763 Parcel A;
- Sec. 12, excluding Native allotments F–16765 Parcel D and F–17518 Parcel B;
- Sec. 13, excluding Native allotment F–16122 Parcel A;
- Sec. 14, excluding Native allotments F–16904 Parcel C, F–16763 Parcel A, F–16773 Parcel B, F–17849 Parcel A, and F–16122 Parcel A;
- Sec. 15;
- Sec. 16, excluding Native allotment F–18125 Parcel D;
- Sec. 17;
- Sec. 18, excluding Native allotment F–16819 Parcel B;
- Secs. 19 and 20;
- Sec. 21, excluding Native allotment F–18121 Parcel B;
- Sec. 22;
- Sec. 23, excluding Native allotment F–17849 Parcel A;
- Secs. 24 to 36, inclusive.

Containing approximately 20,916 acres.

T. 5 N., R. 89 W.,
- Secs. 1 to 6, inclusive;
- Sec. 7 (fractional);
- Secs. 8 to 16, inclusive;
- Sec. 17, excluding Native allotments F–15805 Parcel A and F–17850 Parcel C;
- Secs. 18 and 19, (fractional);
- Secs. 20 to 28, inclusive;
- Secs. 32, 33, and 34;
- Sec. 35, excluding Native allotment F–16765 Parcel B;
- Sec. 36.

Containing approximately 18,944 acres.

T. 3 N., R. 90 W.,
- Secs. 13 and 24.

Containing approximately 1,280 acres.

T. 5 N., R. 90 W.,
- Secs. 1 and 2;
- Sec. 3 (fractional);
- Secs. 4 to 7, inclusive;
- Sec. 8 (fractional), excluding U.S. Survey No. 5024;
- Secs. 9 to 12 (fractional), inclusive;
- Sec. 17 (fractional), excluding U.S. Survey No. 5024;

Secs. 18 and 19 (fractional);
Secs. 24 and 25 (fractional);
Secs. 35 and 36 (fractional).

Containing approximately 7,833 acres.

Aggregating approximately 62,021 acres.

Lands Outside Public Land Order 4584

Lot 2 of Block 10, U.S. Survey No., 5024, Alaska, Toksook Bay Townsite located on Nelson Island on the northerly shore of Kangirlvar Bay.

Containing 4,250 square feet.

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 88 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 7 N., R. 88 W.,
Secs. 3 to 24, inclusive;
Secs. 27 to 34, inclusive.

Containing approximately 19,046 acres.

T. 6 N., R. 89 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

Containing approximately 3,840 acres.

T. 7 N., R. 89 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Sec. 24.

Containing approximately 4,480 acres.

Aggregating approximately 42,633 acres.

Total aggregated acreage approximately 104,654 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F–14948–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they are determined to be non-navigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are under applications pending further adjudication or lands are pending a determination under Section 3(e) of ANCSA. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14948–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

   25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

   b. (EIN 3 C3, D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Toksook Bay in Sec. 17, T. 5 N., R. 90 W., Seward Meridian, northwesterly and then southeasterly to Nightmute. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

   a. (EIN 4 D9) An easement for an existing access trail twenty-five (25) feet in width from Toksook Bay in Sec. 17, T. 5 N., R. 90 W., Seward Meridian northeasterly to Tununak. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Section 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Section 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the portion of the above-described lands which was within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, as amended by the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, on December 2, 1980, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;
4. The following third-party interests, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Section 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):
   a. Permit No. M–30–YD, dated July 11, 1974, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), for the purpose of establishing, operating, and maintaining the Toksook Bay Airport in Secs. 8 and 17 of T. 5 N., R. 90 W., Seward Meridian, Alaska;
   b. Permit No. M–23–YD, dated March 4, 1975, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), for the purpose of establishing, operating, and maintaining the Nightmute Airport located in Sec. 2, T. 4 N., R. 89 W., Seward Meridian, Alaska; and
5. Requirements of Section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Nunakauiak Yupik Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Section

12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 104,654 acres. The remaining entitlement of approximately 10,546 acres will be conveyed at a later date.

Pursuant to Section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 4584 and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation when the surface estate is conveyed to Nunakauiak Yupik Corporation and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Section 11(a) within the region.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Tundra Drums*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until May 3, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nunakauiak Yupik Corporation, Toksook Bay, Alaska 99637;
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ruth Stockie,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82–8759 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–84–M

[M 20510]

Montana; Termination of Proposed Withdrawal and Reservation of Land

March 25, 1982.

Application by the Forest Service, U.S. Department of Agriculture, for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Chapter 2), was published in **Federal Register** Volume 37, No. 19 on page 1413 of the issue of January 28, 1972 and republished in **Federal Register** Volume 42, No. 161 on page 41926 of the issue of August 19, 1977. The applicant has cancelled its application in its entirety.

Principal Meridian, Lolo National Forest

White Mountain Lookout

T. 12 N., R. 24 W.,
Sec. 20, W½SW¼SW¼NE¼ and E½SE¼SE¼NW¼.

Baldy Lookout

T. 22 N., R. 25 W.,
Sec. 32, W½NE¼NW¼SE¼ and E½NW¼NW¼SE¼.

Patrick's Knob Lookout

T. 19 N., R. 26 W.,
Sec. 25, E½NE¼SW¼SW¼ and W½NW¼SE¼SW¼.

Big Hole Peak Lookout

T. 21 N., R. 27 W.,
Sec. 4, NE¼SW¼SW¼.

Eddy Mountain Lookout

T. 21 N., R. 28 W.,
Sec. 33, W½NW¼NE¼NE¼ and E½NE¼NW¼NE¼.

Priscilla Peak Lookout

Unsurveyed, but which probably will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 2, SW¼SW¼SW¼.

Clark Mountain Lookout

T. 21 N., R. 29 W.,
Sec. 28, S½SE¼SE¼SE¼; and
Sec. 33, N½NE¼NE¼NE¼.

Cougar Peak Lookout

T. 23 N., R. 30 W.,
Sec. 24, W½NE¼NW¼NE¼ and E½NW¼NW¼NE¼.

Driveway Peak Lookout

Unsurveyed, but which probably will be when surveyed:

T. 21 N., R. 31 W.,
Sec. 9, SW¼NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, and NW¼SE¼SW¼SE¼.

The areas described aggregate 90 acres located in Sanders and Mineral Counties.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1), these lands shall at 8 a.m. on April 28, 1982, be relieved of the segregative effect of the aforementioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–8760 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–84–M

[M 21218]

Montana; Termination of Proposed Withdrawal and Reservation of Land

March 25, 1982.

Application by the Forest Service, U.S. Department of Agriculture, Serial No. M 21218, for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Chapter 2), was published in the **Federal Register** Volume 37, No. 96 on page 9791 of the issue of May 17, 1972 and republished in the **Federal Register**, Volume 42, No. 161, on page 41926 of the issue of August 19, 1977. The applicant has cancelled its application in its entirety.

Principal Meridian, Lolo National Forest

Blue Slide Campground

T. 23 N., R. 30 W.,
Sec. 27, lots 5 and 6, SW¼ and W½SE¼.

All those parts of the above subdivisions which lie northwesterly of the Northern Pacific Railway right-of-way and southwesterly of the following described line:

Beginning at a point on the west line of section 27 lying N. 0°13′ W. 3,446.1 feet from the southwest corner of said section 27; thence S. 56°33′ E. 250.6 feet; thence S. 78°10′ E. 191.0 feet; thence S. 87°36′ E. 116.7 feet; thence N. 79°38′ E. 193.8 feet; thence S. 83°09′ E. 283.0 feet; thence N. 73°43′ E. 151.7 feet; thence N. 73°43′ E. 147.9 feet; thence S. 75°13′

E. 263.1 feet; thence S. 68°51' E. 197.8 feet; thence S. 39°10' E. 548.3 feet; thence S. 35°37' E. 488.1 feet; thence S. 51°26' E. 469.6 feet; thence S. 46°50' E. 208.7 feet; thence S. 35°26' E. 216.7 feet; thence S. 11°37' E. 199.9 feet; thence S. 0°08' E. 711.2 feet; thence S. 3°43' E. 361.0 feet; thence S. 19°58' E. 550.3 feet to a point on the south line of said section 27 lying N. 89°36' E. 577.3 feet from the south quarter corner of said section 27.

The area described contains 122.6 acres in Sanders County.

Therefore, pursuant to the regulations contains in 43 CFR 2091.2–5(b)(1), these lands shall at 8 a.m. on April 28, 1982, be relieved of the segregative affect of the aforementioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-8761 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

[CA 12321]

California; Classification of Public Lands for State Indemnity Selection

1. The California State Lands Commission has filed petition for classification and application to acquire the public lands, including the mineral estate, described in paragraph 5 below, under provisions of Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), in lieu of certain lands granted to the State under the act of Congress signed March 3, 1853 (10 Stat. 244) that were encumbered by other rights or reservations before the States' title could attach. This application has been assigned Serial Number CA 12321.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the **Federal Register.** Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of California may be obtained from the District Manager, Bureau of Land Management, 555 Leslie Street (P.O. Box 940), Ukiah, CA 95482. Telephone: (707) 462–3873.

4. For a period of 60 days from the date of publication of this notice in the **Federal Register,** (through June 1, 1982) all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the State Director, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, CA 95825.

Any adverse comments will be evaluated by the State Director who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the State Director, this classification action will become the final determination of the Department of the Interior.

As provided by Title 43 Code of Federal Regulations, subpart 2462.1, a public hearing will be held by the District Manager at 1:30 PM on Tuesday, May 18, 1982, in the Community Conference Room at the Pear Tree Office of the Savings Bank of Mendocino County, 414 East Perkins Street, Ukiah, California.

5. The lands included in the proposed classification are located within Mendocino County, California, and are described as follows:

a. Lands available for State Indemnity Lieu Selection:

Mount Diablo Meridian

T. 17 N., R. 11 W.,
Sec. 4, Lots 1, 2, SE¼NE¼.

T. 18 N., R. 11 W.,
Sec. 7, SE¼;
Sec. 8, Lots 7–9;
Sec. 15, Lots 1–8;
Sec. 17, Lots 1–10;
Sec. 18, N½NE¼;
Sec. 20, E½NE¼; SW¼SE¼;
Sec. 21, Lots 1–12;
Sec. 22, N½NW¼;
Sec. 23, SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 27, SE¼NE¼;
Sec. 30, Lots 1–4, E½SW¼;
Sec. 31, Lot 1, NE¼NW¼.

T. 19 N., R. 11 W.,
Sec. 31, Lots 3, 4, E½SW¼.

T. 23 N., R. 11 W.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 5, Lots 5–12;
Sec. 6, Lots 17–23;
Sec. 7, Lot 11;
Sec. 8, Lots 1–13;
Sec. 9, Lots 1–8, N½;
Sec. 17, Lots 1–3;
Sec. 18, NW¼SE¼, SE¼SW¼.

T. 13 N., R. 12 W.,
Sec. 7, Lot 3;
Sec. 18, Lot 1.

T. 14 N., R. 12 W.,
Sec. 30, Lot 1.

T. 18 N., R. 12 W.,
Sec. 2, Lot 4;
Sec. 5, Lots 2–4, E½ Lot 5, W½ Lot 6;
Sec. 8, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 9, N½SW¼;
Sec. 12, E½NE¼;
Sec. 13, S½SW¼, NW¼SW¼, SW¼NW¼;
Sec. 14, N½S½, SE¼SE¼, SW¼SW¼, S½NE¼, SE¼NW¼;
Sec. 15, SE¼SE¼;
Sec. 19, Lot 5;
Sec. 20, NW¼NE¼, SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, E½NE¼;
Sec. 23, NW¼NW¼, NE¼NE¼;
Sec. 24, NW¼, NW¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 25, NE¼, N½NW¼, N½SE¼;
Sec. 29, NE¼NE¼;
Sec. 30, Lot 15;
Sec. 32, SW¼NE¼.

T. 19 N., R. 12 W.,
Sec. 6, Lots 2, 10, , S½NE¼;
Sec. 7, Lots 2–8, E½SW¼, W½SE¼;
Sec. 18, Lots 2–9, 11–14, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 19, N½ Lot 1 of NW¼;
Sec. 24, Lots 1, 2;
Sec. 25, Lots 2, 5–7, N½SW¼, SE¼SW¼, NE¼SE¼;
Sec. 28, E½SW¼;
Sec. 33, NE¼SW¼;
Sec. 35, SE¼SE¼.

T. 20 N., R. 12 W.,
Sec. 18, N½ Lot 1, N½ Lot 2, NW¼NE¼;
Sec. 19, Lots 11, 15;
Sec. 30, Lots 1, 2, 4–6, 8, 11–15;
Sec. 31, Lots 1, 2, 4–9, E½NW¼, W½NE¼.

T. 13 N., R. 13 W.,
Sec. 2, Lot 1, S½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 9, NE¼SW¼;
Sec. 12, SW¼NE¼, SE¼NW¼;
Sec. 13, NE¼SW¼.

T. 14 N., R. 13 W.,
Sec. 4, Lot 4, SW¼NW¼, NW¼SW¼;
Sec. 5, S½, S½NE¼;
Sec. 6, Lot 3;
Sec. 8, NE¼, N½S½, N½NW¼, SE¼NW¼;
Sec. 9, W½W½, W½NE¼, SE¼NE¼, NE¼NW¼, N½NW¼, N½SE¼, SE¼SE¼;
Sec. 18, N½SE¼;
Sec. 24, SW¼NW¼;
Sec. 34, NE¼NW¼.

T. 15 N., R. 13 W.,
Sec. 23, E½NW¼;
Sec. 26, NW¼SE¼;
Sec. 29, SW¼, S½NW¼, W½SE¼;
Sec. 30, Lots 4–12, S½NE¼, S½SE¼;
Sec. 31, Lots 1–5, 7, 8, E½NE¼, NW¼NE¼, N½SE¼;
Sec. 32, S½, NW¼, W½NE¼, SE¼NE¼.

T. 18 N., R. 13 W.,
Sec. 15, SW¼NW¼;
Sec. 24, SW¼SW¼;
Sec. 25, Lot 3.

T. 19 N., R. 13 W.,
Sec. 1, Lots 3, 4, 16;
Sec. 3, W½ Lot 5;
Sec. 4, E½ Lot 8, Lot 9, N½SW¼, NW¼SE¼, S½SE¼;
Sec. 5, Lots 1, 2, W½ Lot 6, W½ Lot 7, W½ Lot 10;
Sec. 6, Lot 14, NE¼SW¼, NW¼SE¼;
Sec. 9, N½NE¼, SE¼NE¼;
Sec. 10, SW¼NE¼, SE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 11, Lot 13;
Sec. 12, Lots 1, 9, 10, 15, 16;
Sec. 13, Lots 1, 13;
Sec. 14, Lots 15, 16;
Sec. 15, W½SW¼;

Sec. 22, NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 23, Lot 1;
Sec. 24, Lots 4, 13;
Sec. 25, Lots 4, 5, 13;
Sec. 34, NE¼SE¼, SW¼SE¼;
Sec. 35, Lot 13.

T. 20 N., R. 13 W.,
Sec. 1, S½;
Sec. 2, SW¼, S½SE¼, NE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, W½NE¼, S½NW¼, N½SW¼;
Sec. 11, NE¼NW¼;
Sec. 12, E½NE¼, SE¼;
Sec. 13, N½NE¼, NE¼NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 14, S½N½, S½;
Sec. 15, SE¼NW¼, E½SE¼;
Sec. 17, W½SW¼, SE¼SW¼;
Sec. 18, Lots 7, 12, SE¼;
Sec. 19, Lot 12, N½NE¼, SE¼NE¼, SE¼;
Sec. 20, W½NW¼, SE¼NW¼, SW¼, W½,SE¼;
Sec. 22, Sec. 23, All;
Sec. 24, W½;
Sec. 25, S½NE¼, W½, SE¼;
Sec. 26, E½, E½W½, SW¼NW¼;
Sec. 27, SE¼NE¼, E½E½SE¼;
Sec. 29, SE¼NE¼, W½E½, W½, E½SE¼;
Sec. 30, Lot 1, N½NE¼, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 31, Lots 1–6, 8, 9, NE¼;
Sec. 32, E½NE¼, NW¼NE¼, NE¼NW¼, W½NW¼, S½;
Sec. 33, NW¼SW¼;
Sec. 35, E½, NE¼NW¼, E½SW¼.

T. 21 N., R. 13 W.,
Sec. 3, Lot 3, N½SW¼;
Sec. 4, Lot 3, SE¼ NE¼;
Sec. 13, Lots 2, 3;
Sec. 14, Lots 1, 2, 6;
Sec. 15, Lots 1, 4;
Sec. 18, Lot 4;
Sec. 20, NE¼NW¼;
Sec. 22, Lots 1, 3–8;
Sec. 23, Lots 3–7, 9–15;
Sec. 24, Lots 5, 8.

T. 22 N., R. 13 W.,
Sec. 4, Lot 2, S½SW¼, SW¼SE¼;
Sec. 5, Lot 1, SE¼NE¼, SE¼SW¼;
Sec. 8, E½, E½NW¼, NE¼SW¼;
Sec. 9, W½, W½E½;
Sec. 17, N½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 21, N½NE¼, SW¼NE¼, SW¼SE¼;
Sec. 28, NW¼NE¼, NW¼NW¼;
Sec. 33, W½SE¼, SW¼NE¼.

T. 13 N., R. 14 W.,
Sec. 28, E½NW¼

T. 14 N., R. 14 W.,
Sec. 1, SE¼NE¼.
Sec. 2, SW¼NW¼;
Sec. 3, Lot 3, SE¼SW¼;
Sec. 24, N½NE¼.

T. 15 N., R. 14 W.,
Sec. 13, S½N½;
Sec. 24, NW¼NE¼;
Sec. 34, S½SW¼.

T. 16 N., R. 14 W.,
Sec. 10, Lots 1–3;
Sec. 11, SW¼SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15, Lot 1;
Sec. 22, SW¼SW¼;
Sec. 26, SW¼NE¼, S½NW¼;
Sec. 27, SE¼NE¼;
Sec. 28, SW¼NE¼, SE¼NW¼;
Sec. 35, N½SW¼.

T. 20 N., R. 14 W.,
Sec. 24, SE¼SE¼;
Sec. 25, NE¼SE¼, S½SE¼, SE¼SW¼.

T. 21 N., R 14 W.
Sec. 4, Lots 1, 2, S½NE¼, E½SE¼, SW¼NW¼, N½SW¼;
Sec. 5, Lot 1, SE¼NE¼;
Sec. 6, Lots 2–7, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 12, S½SE¼;
Sec. 13, NW¼NE¼.

T. 22 N., R 14 W.,
Sec. 4, SE¼SW¼;
Sec. 5, Lots 7, 14, NW¼SW¼;
Sec. 6, Lots 4, 13, 14, 16, 17, NE¼SE¼, SW¼SE¼;
Sec. 7, Lots 1–6, S½NE¼, SE¼;
Sec. 9, E½NW¼, NE¼SW¼, SW¼SW¼;
Sec. 17, SW¼NW¼;
Sec. 18, Lots 1–6, 8, S½NE¼, SW¼SE¼;
Sec. 19, Lots 1–3, 5, 6, 8, NW¼NE¼, SE¼SE¼;
Sec. 20, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 21, SW¼SW¼, NE¼SE¼;
Sec. 22, W½NW¼, SE¼NW¼;
Sec. 23, NE¼NE¼;
Sec. 27, S½SW¼;
Sec. 28, E½E½, SW¼SE¼, W½NW¼;
Sec. 29, Lots 1, 3–6, 8–12, NE¼;
Sec. 32, Lots 3, 4, 7, 8, SE¼;
Sec. 33, NW¼NE¼;
Sec. 34, N½NW¼, SE¼NW¼.

T. 23 N., R. 14 W.,
Sec. 30, Lot 3, N½ Lot 5, N½ Lot 6;
Sec. 33, NW¼NW¼.

T. 13 N., R. 15 W.,
Sec. 10, SW½SE¼.

T. 14 N., R. 15 W.,
Sec. 30, NE¼;
Sec. 32, SW¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼.

T. 21 N., R. 15 W.,
Sec. 1, E½ Lot 2 of NE¼.

T. 22 N., R. 15 W.,
Sec. 1, Lots 5, 7–14;
Sec. 12, Lots 1–8;
Sec. 13, Lots 1, 2, 7–10, 15, 16;
Sec. 24, Lots 1–4.

T. 23 N., R. 15 W.,
Sec. 3, SW¼SE¼;
Sec. 10, Lots 1, 2;
Sec. 13, Lots 1–12, SW¼;
Sec. 17, SW¼;
Sec. 18, NE¼SE¼;
Sec. 20, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 21, SE¼SW¼;
Sec. 24, Lots 1–8, W½NE¼, NW¼, NE¼SW¼, NW¼SE¼;
Sec. 26, S½SE¼;
Sec. 28, W½NE¼;
Sec. 32, Lots 3–6, SE¼NE¼.

T. 13 N., R. 16 W.,
Sec. 1, Lots 1, 6, 8, 9;
Sec. 9, NE¼NE¼, NE¼SW¼;
Sec. 22, SE¼NW¼.

T. 14 N., R. 16 W.,
Sec. 10, NW¼NE¼;
Sec. 21, SE¼SW¼;
Sec. 24, N½SW¼;
Sec. 28, NE¼NW¼;
Sec. 31, NW¼SE¼.

T. 20 N., R. 16 W.,
Sec. 7, Lot 4.

T. 20 N., R. 17 W.,
Sec. 1, Lots, 5, 6.

The area aggregates 37,526.98 acres.

The following listed corporations and individuals are holders of valid leases, permits, and/or rights-of-way on the public lands described above:

S 437: 33-foot wide road right-of-way to U.S. Forest Service.
S 039594: 20-foot wide power line right-of-way under the act of March 4, 1911 to the Pacific Gas and Electric Company.
CA 259: 50-foot wide road right-of-way to Bureau of Land Management.
CA 3088: 50-foot wide road right-of-way to Bureau of Land Management.
5508 Grazing lease to Mr. Edwin Phillips d.b.a. Phillips Land and Cattle Company.
CA–050–TS1–0002: Salt Creek Timber Sale to Louisiana-Pacific Corp. Sale will terminate on May 28, 1984.
Ham Pass Timber Sale: To be sold on May 28, 1982 with a 36-month term.

b. Lands available for State Indemnity Selection only with revocation of the wild and scenic rivers protective withdrawal under section 8 of the act of October 2, 1968 (Pub. L. 90–542) as amended, and to the opening subject to Section 24 of the Federal Power Act of the withdrawal by Secretarial Order dated November 26, 1921 for Power Site Classification 14:

Mount Diablo Meridian

T. 22 N., R. 14 W.,
Sec. 13, SW¼SW¼;
Sec. 24, NW¼NW¼, SW¼NE¼.

T. 23 N., R. 14 W.,
Sec. 21, Lots 4, 5;
Sec. 28, Lots 1, 2.

T. 24 N., R. 14 W.,
Sec. 32, Lots 2, 3.

The area aggregates 253.22 acres.

The following listed corporations and individuals are holders of valid leases, permits, and/or rights-of-way on the public lands described above:

S 3334: 100-foot wide railroad right-of-way under the act of March 3, 1875 the California Northwest Pacific Railroad (Southern Pacific Transportation Company).

c. Lands available for State Indemnity Lieu Selection only with revocation of the wild and scenic rivers protective withdrawal under section 8 of the act of October 2, 1968 (Pub. L. 542) as amended:

Mount Diablo Meridian

T. 18 N., R. 12 W.,
Sec. 2, Lot 3.

T. 19 N., R. 12 W.,
Sec. 6, Lots 3, 4, 5, 11, SE¼NW¼, SW¼NE¼;

Sec. 7, Lot 1, S½NE¼, SE¼NW¼, SE¼SE¼;
Sec. 17, SW¼NW¼, NW¼SW¼;
Sec. 18, Lots 1, 10;
Sec. 35, SE¼SE¼.

T. 19 N., R. 13 W.,
Sec. 1, Lots 1, 2, 6–11, 15.

T. 20 N., R. 13 W.,
Sec. 4, SW¼SE¼;
Sec. 9, SW¼NE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 22, W½NE¼, NE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 27, W½E½SE¼.

T. 21 N., R. 13 W.,
Sec. 3, SE¼, S½SW¼;
Sec. 4, SW¼NE¼, SE¼.

T. 22 N., R. 14 W.,
Sec. 24, NE½SE¼.

T. 23 N., R. 14 W.,
Sec. 28, W½NE¼, NW¼SE¼.

The area aggregates 2,295.65 acres.

The following list of corporations and individuals are holders of valid leases, permits, and/or rights-of-way on the public lands described above:

S 3334: 100-foot wide railroad right-of-way under the act of March 3, 1875 to California Northwest Pacific Railroad (Southern Pacific Transportation Company).
S 39594: 20-foot wide electric transmission line right-of-way under the act of March 4, 1911 to Pacific Gas and Electric Company.

d. Lands available for State Indemnity Selection only with the opening subject to Section 24 of the Federal Power Act of the withdrawal by Executive Order dated October 30, 1911 for Power Site Reservation 218:

Mount Diablo Meridian

T. 18 N., R. 11 W.,
Sec. 27, SE¼SE¼;
Sec. 28, NE¼SE¼;
Sec. 34, NW¼NW¼.
The area aggregates 120.00 acres.

There are no holders of valid leases, permits, and/or rights-of-way on the public lands described above.

6. Rights-of-way granted by the Bureau of Land Management on the above described lands will transfer with the land or may be reserved to the United States in accordance with Section 508 of the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1768). Timber sales will remain in effect under the terms and conditions of the sales. Upon expiration or termination of the sales, or any authorized extensions thereof, such rights shall automatically vest in the State.

State law and the State Lands Commission procedures provide for the lease of grazing privileges in a manner similar to that of the Bureau of Land Management and the staff of the commission have discussed the possibility of a State Lease with Mr. Edwin Phillips. The Bureau of Land Management has notified Mr. Phillips that his Federal grazing lease will be terminated on Feburary 23, 1984 should the public lands upon which his lease is located be transferred to the State. This notice was pursuant to the grazing regulations at Title 43 Code of Federal Regulations, Subpart 4110.4–2(b).

7. The transfer of the lands described in paragraph 5 above is mandated by Revised Statutes 2275 and 2276. Therefore, this action is excepted from the disposal restrictions of Executive Order 11988 of May 24, 1977, pertaining to floodplain management. In the management or disposition of the above described lands by the State of California, the State will subject those lands identified as base floodplain lands to such terms, convenants, conditions and reservations as deemed necessary to ensure proper land use and protection of the public interest and floodplains.

For a period of 45 days from the date of first publication indicated below, persons asserting a claim to or interest in the described lands, other than holders of leases, permits or rights-of-way listed above, may file such claim with the State Director, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, CA 95825, together with evidence that a copy thereof has been served on the State Lands Commission, State of California, 1807 13th Street, Sacramento, CA 95814.

Dated: March 25, 1982.

Edwin G. Katlas,

Acting District Manager.

[FR Doc. 82–8735 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–84–M

Las Vegas District, Grazing Advisory Board

Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Las Vegas District Grazing Advisory Board will be held on May 10, 1982 at 10 a.m. in the conference room of the Bureau of Land Management office at 4765 West Vegas Drive, Las Vegas, Nevada.

The agenda for the meeting will include: (1) Discussion of the Board's functions; (2) Election of officers; (3) Status of Clark County ES; (4) Status and summary of FY 82 range improvement (RI), wildlife projects, and proposed FY 83 RI projects; (5) Explanation of BLM policy on range improvement maintenance responsibility; (6) Summary of revised Caliente Planning Unit MFP III decisions; (7) Report on Caliente Coordinated Resource Management and Planning (CRMP) decisions; (8) Status of district's wild horse (1982) inventory, Miller Flat Wild Horse Herd Management Plan, Nellis Bombing Range Wild horse herd; (9) Status and use of 8100 range improvement funds; (10) Report of current district livestock operators.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:15 p.m. on the date of the meeting or file written statements for the Board's consideration before or during the meeting. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 4765 West Vegas Drive, Las Vegas, NV 89126 (P.O. Box 26569) by May 7, 1982. Depending on the number of persons wishing to make an oral statement, the District Manager may establish a per person time limit.

Summary minutes of the Board meeting will be maintained at the Distric office. They will be available for public inspection and reproduction (during regular business hours) within 30 days after the meeting.

Dated: March 24, 1982.

Kemp Conn,

District Manager.

[FR Doc. 82–8740 Filed 3–31–82; 8:45 am]

BILLING CODE 4310–84–M

[M 1169]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Lands

March 24, 1982.

Notice of an application, serial No. M 1169, for withdrawal and reservation of lands was published as **Federal Register** Document No. 67–552 on page 582 of the issue of January 18, 1967, and republished as **Federal Register** Document No. 77–19489 on page 35229 of the issue of July 8, 1977. The Forest Service has canceled its application insofar as it affects the following described lands:

Principal Meridian

T. 19 N., R. 30 W.,
Sec. 27, W½SW¼SW¼NE¼, W½SE¼SW¼SW¼NE¼, that portion of the SE¼NE¼, lying north and east of Big Creek Road No. 386, S½NE¼SE¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, that portion of the NE¼SE¼ lying south of Big Creek Road No. 386,

N½NW¼NW¼SE¼, SW¼NW¼NW¼SE¼, that portion of the NE¼SW¼SE¼, lying south and east of Big Creek Road No. 386, S½NW¼SW¼SE¼, S½SW¼SE¼, and SE¼SE¼.

The area described contains 148.75 acres in Mineral County, Montana.

Therefore, pursuant to the regulations contained in 43 CFR 2091, such lands will be relieved of the segregative effect of the above-mentioned application at 8:00 a.m., on April 22, 1982.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-8741 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

Butte District, Montana; Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that, contingent on the appointment of an Advisory Council by that time, a meeting of the Butte District Multiple Use Advisory Council will be held on Tuesday and Wednesday, May 4 and 5, 1982.

The meeting will begin at 1:00 p.m. on May 4 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include (1) an update on the district's wilderness review program, (2) a report on current land base adjustment activities, (3) an update on Bureau rangeland management policy, (4) an update on Headwaters Resource Area planning efforts, (5) a report on BLM reorganization and program thrusts, (6) a discussion of the problems of managing access to public lands, and (7) a report on the ongoing Montana Utility-Transportation Corridor Study.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: March 26, 1982.

Dave Pickett,

Acting District Manager.

[FR Doc. 82-8739 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

Montana Portion of Fort Union Coal Region

March 25, 1982.

AGENCY: Bureau of Land Management, Miles City District, Montana.

ACTION: Notice of Final Unsuitability Determinations.

SUMMARY: Notice is hereby provided to announce that in accordance with CFR 3461.3-1(a)(2), the final unsuitability determinations have been made for the Montana portion of the Fort Union Coal Region. This determination constitutes an update of the initial unsuitability findings in the Redwater Management Framework Plan. Copies of the maps and narratives pertinent to the unsuitability determinatons are available for review at the Miles City District Office.

Bruce G. Whitmarch,

Acting District Manager.

[FR Doc. 82-8738 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Planning Amendment; Correction

A correction is hereby given for the **Federal Register** dated Thursday, March 11, 1982, Vol. 47, No. 48, page 10648. The general location of approximately 25,000 acres of isolated amendment lands should include the following in San Juan County, New Mexico:

T. 21 N., R. 7 and 8 W.
T. 22 N., R. 7, 8, 12, and 13 W.
T. 23 N., R. 12 and 13 W.
T. 32 N., R. 13 W.

and the following in McKinley County, New Mexico

T. 12 N., R. 18 W.
T. 13 N., R. 18 W.
T. 14 N., R. 17, and 19 W.
T. 15 N., R. 7, 8, 10, 17, and 20 W.
T. 16 N., R. 7, 8, 9, and 10 W.
T. 17 N., R. 4, 5, and 11 W.
T. 19 N., R. 3 and 4 W.
T. 20 N., R. 7 W.

Matthew H. Millenbach,

Acting District Manager.

March 25, 1982.

[FR Doc. 82-8735 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

Land Use Plan; Price River/Range Creek Coal Area

March 26, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of amendment to land use plan.

SUMMARY: Notice is hereby given that the land use plan for the Price River/Range Creek Coal Area is being amended to allow the consideration of the acceptability of an additional 3,869.13 acres of public land for further consideration for coal leasing. The land under consideration is within the Price River and Range Creek Planning Units of the Bureau of Land Management's Moab District.

CONTACT: Leon E. Berggren, Price River Resource Area Manager, Bureau of Land Management, 900 North 700 East, P.O. Drawer AB, Price, Utah 84501; (801) 637-4584.

BACKGROUND: The Price River/Range Creek Coal Area land use plan was specifically prepared to apply the unsuitability criteria (43 CFR Part 3460) to unleased Federal coal lands in a portion of the Book Cliffs Known Recoverable Coal Resource Area. The criteria were applied to 24,445 acres within an overall area of 95,278 acres. The results of that land use plan and a public meeting were announced in FR Doc. 81-20831 dated July 16, 1981, pages 36947-36948. The lands found acceptable for further consideration for leasing through that land use plan are now being considered for 1983-1984 leasing as part of the Uinta-Southwestern Utah Coal Region.

As a result of expressions of interest received for the 1983-1984 leasing effort and coal data available to the Minerals Management Service (MMS), several preliminary coal tracts extend outside the Price River/Range Creek Coal Area as previously designated. Based on the recommendations of the MMS, the unsuitability criteria are being applied to these areas, listed below (3,869.13 acres), to determine their acceptability for inclusion in the preliminary coal tracts being considered for leasing in 1983-1984.

T. 12 S., R. 11 E., SLM,
Sec. 25, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 27, N½S½;
Sec. 28, N½S½;
Sec. 29, SW¼SW¼, SE¼;
Sec. 30, Lots 4, 14-16;
Sec. 31, Lots 1-2, 7-12;
Sec. 32, NW¼NW¼.
T. 13 S., R. 11 E., SLM,
Sec. 10, SE¼NE¼, E½SE¼;
Sec. 11, SW¼NW¼, SW¼, S½SE¼;
Sec. 13, NW¼NE¼, NW¼, SW¼;
Sec. 14, N½, N½S½, SE¼SE¼;
Sec. 15, NE¼NE¼;
Sec. 23, N½NE¼NE¼;
Sec. 24, N½N½NW¼.
T. 12 S., R. 12 E., SLM,
Sec. 30; Lots 1-4, SE¼NW¼, NE¼SW¼.
T. 13 S., R. 13 E., SLM,
Sec. 17: N½, SE¼;
Sec. 21: W½NE¼, N½NW¼, SE¼NW¼; NW¼SE¼.

The land use plan amendment will be prepared by the same interdisciplinary

team that prepared the original land use plan. The team includes the following specialists: soil scientist, archaeologist, hydrologist, range conservationist, geologist, realty specialist, recreation planner and wildlife biologist. Applicability of the unsuitability criteria is expected to be limited to impacts on public roads (Criterion 3), Wildlife (Criteria 10–15) and alluvial floors (Criterion 19).

The preliminary results of the plan amendment and a public meeting will be announced in the **Federal Register** at a later date. Documents relating to the Price River/Range Creek Coal Area land use plan remain available for public review at the Price River Resource Area Office, Price, Utah.

Gene Nodine,

District Manager.

[FR Doc. 82-8737 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

Meeting of the Regional Oil Shale Team

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: As part of the Federal Oil Shale Management Program, there will be a meeting of the regional Oil Shale Team.

SUMMARY: There will be a meeting of the Regional Oil Shale Team (ROST) to analyze and make recommendations on the expressions of interest for the combined development of oil shale and associated minerals in the saline zone, as well as true *in situ* development, for the proposed six prototype tracts in the Piceance Basin, Colorado. Secondly, the ROST will review and develop concurrence on the description of the proposed national oil share program and alternatives for the oil shale programmatic environmental impact statement.

DATE AND ADDRESS: The meeting will be held in Denver, Colorado, on April 15, 1982, from 10:00 a.m. to 12:00 p.m. and 1:00 to 4:00 p.m. at the Trinity United Methodist Church (second floor), 1820, Broadway, Denver, Colorado 80202, telephone (303) 839–1493.

FOR FURTHER INFORMATION CONTACT: Robert E. Leopold, Oil Shale Program Manager, Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202, (303) 837–5435 (commercial) or (FTS) 327–5435.

On the oil shale program description: Donald W. Brabson, Branch of Tar Sands and Oil Shale, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, (202) 343–3258 (commercial) or (FTS) 343–3258.

SUPPLEMENTARY INFORMATION: Agenda items include: technical review, evaluation and recommendation(s) on prototype expressions of interest on six tracts in the Piceance Basin, Colorado; and discussion of the description of the proposed oil shale program and alternatives for the oil shale programmatic.

Dated: March 30, 1982.

James M. Parker,

Acting Director.

[FR Doc. 82-8881 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-84-M

Lease Sale Schedule and Notice of Coal Lease Offering; Powder River Federal Coal Production Region

March 25, 1982.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003 and Montana State Office, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107. In accordance with 43 CFR 3420.7–1 and in compliance with 40 CFR 1505.2, this notice contains the Secretary of the Interior's decision for a regional lease sale schedule in the Powder River Federal Coal Production Region.

On February 22, 1982, the Secretary selected 17 tracts in the Powder River Region in Montana and Wyoming to be offered for competitive coal lease sale on April 28, 1982, in Cheyenne, Wyoming. The 17 tracts, nine in Montana and eight in Wyoming, contain an estimated 2.24 billion tons of recoverable coal reserves. The Secretary decided to set aside the Coal Creek tract in Montana for bidding by small businesses.

The Secretary also decided to offer four Montana tracts, the Ashland (Decker-Birney), Cook Mountain, Northwest Otter Creek, and Southwest Otter Creek tracts, for lease by intertract sale procedures. Bidding on all four tracts will take place simultaneously and the two tracts receiving the highest bid per ton of recoverable coal will be leased.

Notice is hereby given that certain coal resources in the tracts described below in Campbell County, Wyoming, and Powder River, Big Horn and Rosebud Counties, Montana, will be offered for competitive lease by sealed bid followed by oral auction in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended. The sale will be held at 9:00 a.m., April 28, 1982, in the Conference Room Third Floor, 2515 Warren Avenue, Cheyenne, Wyoming. Sealed bids must be submitted on or before 4:30 p.m., Tuesday, April 27, 1982, to the Wyoming State Office at the above address. No bid received after that time will be considered. No sealed bid that is less than the entry level bid listed below for the tract for which the bid is submitted will be considered.

The lease sale will be conducted in two parts. Each tract offered in Part 1 of the sale will be leased to the qualified bidder of the highest cash amount provided that the high bid for the tract equals or exceeds the fair market value of the tract as determined by the Secretary of the Interior. Part 2 of the sale will be held using intertract sale procedures and is described further below.

The tracts to be offered in Part 1 of the sale have been grouped in four (4) categories based on coal quality information as determined by the Department of the Interior. The minimum acceptable bids to be considered as entry level bids for tracts in those categories are as follows:

Category 1 8.0 cents per ton of estimated reoverable coal.
- Little Rawhide Creek
- Spring Creek
- Spring Draw

Category 2 5.0 cents per ton of estimated recoverable coal.
- Fortin Draw
- North Decker

Category 3 2.5 cents per ton of estimated recoverable coal.
- Rocky Butte
- South Duck Nest Creek

Category 4 $25.00 per acre regardless of tonnage.
- Coal Creek
- Colstrip A & B
- Colstrip C
- Colstrip D
- Keeline
- Kintz Creek
- Timber Creek
- West Decker

The entry level bids shown below for each tract in Categories 1, 2, and 3 have been converted to dollars per acre for bidding purposes.

Submission of a qualifying sealed bid for any one tract in a category qualifies the bidder to participate in the oral auction for any other tract in that category and in the oral auction for any tract in a lower category (Category 1 is the highest category; Category 4 is the lowest). Submission of a qualifying sealed bid for any tract in Category 2, for example, will allow the bidder to participate in the oral auction for any tract in Categories 2, 3, and 4. The tracts in the highest category will be sold first, followed by tracts in Categories 2, 3, and 4 in that order.

The entry level bid for any tract is the minimum acceptable bid that will be considered for that tract and will generally though perhaps not in every instance constitute an acceptable fair market value bid for that tract. The determination of fair market value will be made after the sale using the Department's estimate of value, the results of the bidding, indications of competition and other factors that are indicative of the current market value of coal leases in this region.

Tracts marked with an asterisk(*) contain spilt-estate lands for which the Bureau of Land Management has determined qualified surface owner consent is required but has not yet been filed. These tracts are offered herein for competitive lease subject to receipt of valid qualified surface owner consent on or before April 5, 1982. If consents for any lands within a tract are not filed by April 5, 1982, or if consents filed by this date are subsequently found not to comply with the requirements for such consents contained in 43 CFR Part 3427 or if verifiation has not been made by the sale date for any reason, the tract will be withdrawn from the lease sale.

The lands covered by consents which have been filed and verified by March 19, 1982, are shown with the description of the appropriate tract below. Copies of these consents are attached to the detailed statements of sale. The lands for which consent is required but has not been filed and verified by March 19, 1982, are also shown below. Any consents covering these lands filed by the April 5, 1982, filing deadline will, upon verification, be placed in the official lease tract file in the Wyoming or Montana State Office, as appropriate, and will be available for public inspection during normal business hours.

Part 1

CATEGORY 1

*Little Rawhide Creek Tract**
W-78631

Entry Level Bid: $13,600 per acre.
Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located approximately five miles north of Gillette, Wyoming:

T. 51 N., R. 72 W., 6th P.M.,
Sec. 20, SE¼SE¼;
Sec. 28, NW¼, N½S½, E½SW¼SW¼, SE¼SW¼, S½SE½;
Sec. 29, E½NE¼NE¼, NE¼SE¼NE¼.

Containing 530.00 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 90 million tons. The average overall quality of the coal in the tract is 8,070 Btu/lb. with 6.0 percent ash, 30.5 percent moisture, 0.40 percent sulphur, 30.87 percent volatile matter and 32.61 percent fixed carbon.

Surface Owner Consent Information: This tract has two qualified surface owners. Consents granted by these surface owners have been filed with but not verified by the Bureau of Land Management. The consent agreement covering the following described lands did not contain a purchase price paid:

T. 51 N., R. 72 W., 6th P.M.,
Sec. 20, SE¼SE¼;
Sec. 29, E½NE¼NE¼, NE¼SE¼NE¼.

No surface owner consent agreement has been filed for the following lands:

T. 51 N., R. 72 W., 6th P.M.,
Sec. 28, SW¼NE¼NW¼, NE¼SW¼NW¼, N½SW¼, E½SW¼SW¼, SE¼SW¼, W½SE¼.

Spring Creek Tract

M-54719

Entry Level Bid: $4,200.00 per acre.
Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located 28 miles northeast of Sheridan, Wyoming:

T. 8 S., R. 39 E., P.M.,
Sec. 22, NW¼SE¼;
Sec. 23, SE¼NW¼;
Sec. 24, SE¼NW¼, NE¼SE¼;
Sec. 25, SW¼SW¼.
T. 8 S., R. 40 E., P.M.,
Sec. 19, N½ of lot 4, SE¼SW¼, SW¼SE¼;
Sec. 30, NW¼NE¼, S½NE¼, NE¼SW¼, SE¼;
Sec. 31, SE¼NE¼.

Containing 658.26 acres, Big Horn County, Montana.

Total recoverable reserves are estimated to be 35 million tons. The Anderson—Dietz-1—Dietz-2 coal is subbituminous B and averages (as-received) 9,407 Btu/lb. with 24.50 percent moisture, 0.33 percent sulfur, 3.63 percent ash, 40.04 percent fixed carbon and 31.83 percent volatile matter.

Surface Owner Consent Information: This tract has no qualified surface owners.

Spring Draw Tract

W-78634

Entry Level Bid: $7,000.00 per acre.
Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located approximately 13 miles north of Gillette, Wyoming:

T. 52 N., R. 72 W., 6th P.M.,
Sec. 27, all;
Sec. 28, all;
Sec. 29, N½, SW¼, NE¼SE¼, S½SE¼;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½ (all);
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼;
Sec. 32, N½N½;
Sec. 33, NE¼, E½SE¼;
Sec. 34, W½W½.
T. 52 N., R. 73 W., 6th P.M.,
Sec. 25, NE¼, N½SE¼, SE¼SE¼.

Containing 3,686.67 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 323 million tons. The average overall quality of the coal in the tract is 7,800 Btu/lb. with 5.65 percent ash, 30.85 percent moisture, 0.46 percent sulfur, 29.62 percent volatile matter, and 33.85 percent fixed carbon.

Surface Owner Consent Information: This tract has one qualified surface owner. Consent granted by the surface owner has been filed with and verified by the Bureau of Land Management. The lands covered by the consent and the purchase price of the consent are shown below:

T. 52 N., R. 72 W., 6th P.M.,
Sec. 27, E½, E½NW¼.

Purchase Price: $100,000.00.

CATEGORY 2

Fortin Draw Tract

W-78630

Entry Level Bid: $7,000 per acre.
Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located about five miles east of Gillette, Wyoming:

T. 50 N., R. 71 W., 6th P.M.,
Sec. 34, S½N½, SW¼.

Containing 320.00 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 45 million tons. The average overall quality of the coal in the tract is 8,000 Btu/lb. with 6 percent ash, 30 percent moisture and 0.5 percent sulfur.

Surface Owner Consent Information: This tract has one qualified surface owner. Consenter granted by the surface owner has been filed with and verified by the Bureau of Land Management. All of the lands in the tract are covered by the consent.

Purchase Price: $125,000.00.

North Decker Tract

M-54715

Entry Level Bid: $2,300.00 per acre.
Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located 25 miles northeast of Sheridan, Wyoming:

T. 8 S., R. 40 E., P.M.,
Sec. 28, NW¼SW¼, S½S½;
Sec. 29, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 32, NE¼SW¼;

Sec. 34, W½W½NE¼, W½.
T. 9 S., R. 40 E., P.M.,
Sec. 3, SW½NE¼, W½SE¼, NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 4, lot 4, SW¼NW¼;
Sec. 5, lots 1, 2, S½NE¼, N½SE¼

Containing 1430.65 acres, Big Horn County, Montana.

Total recoverable reserves are estimated to be 66 million tons. The Anderson, Dietz-1 and Dietz-2 seams are subbituminous B and average (as-received) as follows: *Anderson Seam:* 9,574 Btu/lb. with 22.17 percent moisture, 0.25 percent sulfur, 4.53 percent ash, 39.85 percent fixed carbon and 33.44 percent volatile matter. *Dietz-1 Seam:* 9,733 Btu/lb. with 23.63 percent moisture, 0.42 percent sulfur, 4.13 percent ash, 39.02 percent fixed carbon and 33.22 percent volatile matter. *Dietz-2 Seam:* 9,345 Btu/lb. with 24.34 percent moisture, 0.42 percent sulfur, 5.15 percent ash, 40.10 percent fixed carbon and 30.47 percent volitile matter.

Surface Owner Consent Information: This tract has no qualified surface owners.

CATEGORY 3

*Rocky Butte Tract**

W–78633

Entry Level Bid: $2,300.00 per acre.

Coal Offered: The coal resources to be offered consists of all recoverable reserves in the following described lands located approximately seven miles southeast of Gillette, Wyoming:

T. 48 N., R. 71 W., 6th P.M.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 2, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 3, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 4, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 5, lots 1, 2, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, E½, E½NW¼, SE¼SW¼;
Sec. 9, NE¼, W½, W½SE¼.
T. 49 N., R. 71 W., 6th P.M.,
Sec. 32, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 33, S½N½, S½;
Sec. 34, SW¼, SW¼SE¼.

Containing 4,855.54 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 445 million tons. The average overall quality of the coal in the tract is 8,462 Btu/lb. with 5.0 percent ash, 30.2 percent moisture, 0.3 percent sulfur, 31.8 percent volatile matter and 33.3 percent fixed carbon.

Surface Owner Consent Information: This tract has five qualified surface owners. Consents granted by some of these surface owner shave been filed with and verified by the Bureau of Land Management. The lands covered by each consent and the purchase price of the consent are shown below:

T. 48 N., R. 71 W., 6th P.M.,
Sec. 2, lots 1 and 2, S½NE¼NE¼.

Purchase Price: $150.00 per acre.

T. 48 N., R. 71 W., 6th P.M.,
Sec. 3, lot 1, SE¼NE¼.
T. 49 N., R. 71 W., 6th P.M.,
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, SW¼, SW¼SE¼.

Purchase Price: $114,000.00 (consent also covers lands lying outside tract).

T. 48 N., R. 71 W., 6th P.M.,
Sec. 2, NE½SW¼.

Purchase Price: $150,000.00.

Consent for the following lands have not been filed and verified:

T. 48 N., R. 71 W., 6th P.M.,
Sec. 5, lot 2, SW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 8, E½NW¼.
T. 49 N., R. 71 W., 6th P.M.,
Sec. 32, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 33, SW¼, S½NW¼, SW¼NE¼, W½SE¼.

South Duck Nest Tract

W–78629

Entry Level Bid: $3,100.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located approximately 18 miles southeast of Gillette, Wyoming:

T. 47 N., R. 71 W., 6th P.M.,
Sec. 5, lot 4, S½NW¼, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (all).
T. 48 N., R. 71 W., 6th P.M.,
Sec. 31, lot 4, SE¼SW¼.
T. 47 N., R. 72 W., 6th P.M.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼.

Containing 1,153.07 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 143 million tons. The Average overall quality of the coal in the tract is 8,400 Btu/lb. with 5 percent ash, 28 percent moisture, 0.04 percent sulfur, 33 percent volatile matter and 34 percent fixed carbon.

Surface Owner Consent Information: This tract has no qualified surface owner.

CATEGORY 4

*Coal Creek Small Business Set Aside Tract **

M–54710

The Coal Creek Small Business Set Aside Tract will be offered for competitive lease under the small business set-aside provision of the Federal coal management program. Bidders must meet the small business qualification requirements established by the Small Business Administration in addition to meeting Federal coal lease qualification requirements.

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located two miles east of Ashland, Montana:

T. 3 S., R. 44 E., P.M.,
Sec. 12, N½NE¼.
T. 3 S., R. 45 E., P.M.,
Sec. 6, lots 6, 7, E½SW¼, SE¼;
Sec. 8, all.

Containing a total of 1,032.70 acres; 80.00 acres in Rosebud County, Montana; 952.00 acres in Powder River County, Montana.

Total recoverable reserves are estimated to be 60 million tons. The Sawyer coal is lignite A and the Knobloch coal is subbituinmous C and average (as-received) as follows: *Sawyer Seam:* 7,915 Btu/lb. with 32.25 percent moisture, 0.35 percent sulfur, 4.8 percent ash, 33.8 percent fixed carbon and 29.15 percent volatile matter. *Knoblach Seam:* 8,246 Btu/lb. with 30.00 percent moisture, 0.14 percent sulfur, 4.91 percent ash, 37.08 percent fixed carbon and 28.01 percent volatile matter.

Surface Owner Consent Information: This tract has two qualified surface owners. Consent granted for the following described lands has been filed but not verified by the Bureau of Land Management:

T. 3 S., R. 45 E., P.M.,
Sec. 6, lots 6, 7, E½SW¼, SE¼.

Consent is required for the following lands:

T. 3 S., R. 45 E., P.M.,
Sec. 8, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, S½S½.

Colstrip A and B Tract

M–54711

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located three miles west of Colstrip, Montana:

T. 1 N., R. 41 E., P.M.,
Sec. 6, lots 1, 2, 3, 4, S½NE¼, N½SE¼NW¼;
Sec. 8, SE¼;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 18, lots 2, 3, SE¼NW¼, NE¼SW¼, SE¼.
T. 2 N., R. 41 E., P.M.,
Sec. 30, NE¼SE¼, S½SE¼;
Sec. 32, all.

Containing 1632.38 acres, Rosebud County, Montana. Total recoverable reserves are estimated to be 58.5 millin tons. The Rosebud seam is subbituminous B and averages (as-received) 8,920 Btu/lb. with 23.1 percent moisture, 0.99 percent sulfur, 8.4 percent ash, 40.1 percent fixed carbon and 28.4 percent volatile matter.

Surface Owner Consent Information: This tract has no qualified surface owner.

Colstrip C Tract

M–54712

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located five miles west of Colstrip, Montana:

T. 1 N., R. 40 E., P.M.,
Sec. 4, lots 1, 2, S½N½, S½;
Sec. 10, NW¼, NW¼SW¼;
Sec. 12, lot 3;
Sec. 14, N½SW¼.

Containing 892.56 acres, Rosebud County, Montana.

Total recoverable reserves are estimated to be 18.9 million tons. The Rosebud seam is subbituminous B and averages (as-received) 8,950 Btu/lb. with 22.1 percent moisture, 0.68 percent sulfur, 8.5 percent ash, 38.8 percent fixed Carbon and 29.6 percent volatile matter.

Surface Owner Consent Information: This tract has one qualified surface owner. Consent granted by the surface owner has been filed with and verified by the Bureau of Land Management. The lands covered by the consent and the purchase price of the consent are shown below:

T. 1 N., R. 40 E., P.M.,
Sec. 10, NW¼, NW¼SW¼;
Sec. 12, lots 3;
Sec. 14, N½SW¼.

Purchase Price: $169,945.00.

Colstrip D Tract

M–54713

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located two miles north of Colstrip, Montana:

T. 2 N., R. 41 E., P.M.,
Sec. 14, S½S½, NE¼SE¼;
Sec. 22, E½;
Sec. 24, all;
Sec. 26, N½, SW¼, NE¼SE¼, S½SE¼.
T. 2 N., R. 42 E., P.M.,
Sec. 30, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

Containing 2249.79 acres, Rosebud County, Montana.

Total recoverable reserves are estimated to be 43.2 million tons. The Rosebud seam is subbituminous B and averages (as-received) 8,680 Btu/lb. with 23.8 percent moisture., 0.79 percent sulfur, 9.1 percent ash, 39.8 percent fixed carbon and 28.1 percent volatile matter.

Surface Owner Consent Information: This tract has no qualified surface owners.

Keeline Tract

W–78635

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located about 36 miles southeast of Gillette, Wyoming:

T. 44 N., R. 70 W., 6th P.M.,
Sec. 4, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 5, lots 1, 2, S½NE¼, SE¼ (E½);
Sec. 8, NE¼, N½SE¼;
Sec. 9, N½, SW¼, W½SE¼.
T. 45 N., R. 70 W., 6th P.M.,
Sec. 28, S½SW¼;
Sec. 31, NE¼;
Sec. 32, all;
Sec. 33, SE¼NE¼, W½NE¼, NW¼, S½.

Containing 3,237.44 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 170 million tons. The average overall quality of the coal in the tract is 8,388 Btu/lb. with 6.5 percent ash, 28.5 percent moisture, 0.6 percent sulfur, 32.2 percent volatile matter, and 32.8 percent fixed carbon.

Surface Owner Consent Information: This tract has two quailified surface owners. Consents granted by these surface owners have been filed with and verified by the Bureau of Land Management. The lands covered by each consent and the purchase price of the consent are shown below:

T. 44 N., R. 70 W., 6th P.M.,
Sec. 4, lots 1, 4, NE¼SW¼;
Sec. 9, NE¼NE¼.
T. 45 N., R. 70 W., 6th P.M.,
Sec. 32, E½, SE¼NW¼, E½SW¼;
Sec. 33, W½, SE¼, S½NE¼, NW¼NE¼.

Purchase Price: $200,000.00 (Consent covers lands inside both Keeline and Kintz Creek Tracts besides lands outside tracts).

T. 45 N., R. 70 W., 6th P.M.,
Sec. 31, N½NE¼, SW¼NE¼.

Purchase Price: $200,000.00 (Consent covers lands inside the Keeline Tract besides lands outside of the tract).

Kintz Creek Tract

W–78632

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located about 34 miles southeast of Gillette, Wyoming:

T. 45 N., R. 70 W., 6th P.M.,
Sec. 20, all;
Sec. 21, all;
Sec. 22, W½E½, W½;
Sec. 27, all;
Sec. 28, E½NE¼;
Sec. 34, NW¼NE¼, N½NW¼, S½N½, S½;
Sec. 35, SW¼NW¼, W½SW¼.

Containing 3,200.00 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 193 million tons. The average overall quality of the coal in the tract is 8,388 Btu/lb. with 6.5 percent ash, 28.5 percent moisture, 0.6 percent sulfur, 32.2 percent volatile matter, and 32.8 percent fixed carbon.

Surface Owner Consent Information: This tract has one qualified surface owner. Consent granted by the surface owner has been filed with and verified by the Bureau of Land Management. The lands covered by the consent and the purchase price of the consent are shown below:

T. 45 N., R. 70 W., 6th P.M.,
Sec. 20, N½N½;
Sec. 21, N½N½;
Sec. 34, W½W½, SE¼SW¼.

Purchase Price: $200,000.00 (consent covers lands both in Keeline and Kintz Creek Tracks besides lands outside of the tracts).

*Timber Creek Tract**

W–78636

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located about 11 miles southeast of Gillette, Wyoming:

T. 48 N., R. 70 W., 6th P.M.,
Sec. 4, lots 3, 4, S½NW¼, SW¼ (W½);
Sec. 5, lots 3, 4, SE¼NW¼, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (all);
Sec. 8, all;
Sec. 9, W½W½;
Sec. 17, all;
Sec. 18, SE¼;
Sec. 19, E½;
Sec. 20, NE¼, W½NW¼, SE¼NW¼, SW¼, W½SE¼.

Containing 3,668.81 acres, Campbell County, Wyoming.

Total recoverable reserves are estimated to be 167 million tons. The average overall coal quality is 7,592 Btu/lb. with 7.67 percent ash, 32.68 percent moisture and 0.65 percent sulfur.

Surface Owner Consent Information: This tract has three qualified surface owners. No consents have been filed and verified for any of the lands held by qualified surface owners. Consents are required for the following lands:

T. 48 N., R. 70 W., 6th P.M.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 9, W½W½;
Sec. 20, NE¼, W½NW¼, SE¼NW¼, N½SW¼, NW¼SE¼.

West Decker Tract

M–54716

Entry Level Bid: $25.00 per acre.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located 18 miles northeast of Sheridan, Wyoming:

T. 9 S., R. 40 E., P.M.,
Sec. 8, SE¼SW¼.

Containing 40.00 acres, Big Horn County, Montana.

Total recoverable reserves are estimated to be 5.0 million tons.

The D1 coal is subbituminous B and averages (as-received) 9,553 Btu/ lb. with 23.51 percent moisture, 0.33 percent sulfur, 3.73 percent ash, 39.26 percent fixed carbon and 33.50 percent volatile matter.

Surface Ownership: The surface of this tract is Federally owned.

Part 2

Intertract Sale: The following tracts will be offered for competitive lease by sealed bid followed by oral auction using intertract sale procedures. Bidding on all four tracts will take place simultaneously and the two tracts receiving the highest cash bonus bid per ton of estimated recoverable coal will be leased provided that the Department determines that the bid constitutes fair market value. If one of the four tracts must be withdrawn from the lease sale because required surface owner consent has not been timely filed and verified, the remaining three tracts will be offered for competitive lease using intertract sale procedures. If two or more of the four tracts must be withdrawn from the lease sale because required surface owner consent has not been timely filed and verified, the remaining tracts will be offered for competitive lease by sealed bid followed by oral auction.

*Ashland (Decker-Birney) Tract**

M–54709

Entry Level Bid: 2.50 cents per ton of recoverable coal.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located six miles southeast of Ashland, Montana:

T. 3 S., R. 45 E., P.M.,
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, S½.
T. 4 S., R. 45 E., P.M.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, SE¼NE¼.

Containing 1948.75 acres, Powder River County, Montana.

Total recoverable reserves are estimated to be 119 million tons. The Knobloch seam is subbituminous C and averages (as-received) 8,354 Btu/ lb. with 29.28 percent moisture, 0.16 percent sulfur, 5.37 percent ash, 35.87 percent fixed carbon and 29.26 percent volatile matter.

Surface Owner Consent Information: This tract has two qualified surface owners. No consents have been filed and verified for any of the lands held by qualified surface owners. Consents are required for the following lands:

T. 3 S., R. 45 E., P.M.,
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, S½.
T. 4 S., R. 45 E., P.M.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, SE¼NE¼.

*Cook Mountain Tract**

M–54714

Entry Level Bid: 2.50 cents per ton of recoverable coal.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located four miles northeast of Ashland, Montana:

T. 2 S., R. 45 E., P.M.
Sec. 29, S½;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 32, lots 1, 2, 3, 4, N½, N½S½.
T. 3 S., R. 45 E., P.M.
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 6, lots 1, 2, S½NE¼.

Continuing 2095.90 acres, Powder River County, Montana.

Total recoverable reserves are estimated to be 178 million tons. The Sawyer coal is lignite A and the Knobloch is subbituminous C and average (as-received) as follows:

Sawyer Seam: 7,915 Btu/lb. with 32.25 percent moisture, 0.35 percent sulfur, 4.80 percent ash, 33.8 percent fixed carbon and 29.15 percent volatile matter.

Knoblach Seam: 8,246 Btu/lb. with 30.00 percent moisture, 0.14 percent sulfur, 4.91 percent ash, 37.08 percent fixed carbon and 28.01 volatile matter.

Surface Owner Consent Information: This tract has four qualified surface owners. No consents have been filed and verified for any of the lands held by qualified surface owners. Consents are required for the following lands:

T. 2 S., R. 45 E., P.M.
Sec. 29, S½;
Sec. 30, lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 32, lots 1, 2, 3, 4, N½, N½S½.
T. 3 S., R. 45 E., P.M.
Sec. 6, lots 1, 2, S½NE¼.

*Northwest Otter Creek Tract**

M–54717

Entry Level Bid: 2.50 cents per ton of recoverable coal.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands four miles southeast of Ashland, Montana:

T. 3 S., R. 45 E., P.M.
Sec. 30, lots 2, 3, 4, E½SW¼, SE¼;
T. 4 S., R. 45 E., P.M.
Sec. 4, SW¼SW¼;
Sec. 6, lots 10, 11, 12, 13, 14, 15, 16, 17, N½SE¼;
Sec. 8, lots 1, 2, 3, 4, 6, 7, and 8, E½.

Containing 1350.25 acres, Powder River County, Montana.

Total recoverable reserves are estimated to be 139 million tons. The Knobloch coal is subbituminous C and averages (as-received) 8,497 Btu/lb. with 27.34 percent moisture, 0.19 percent sulfur, 6.21 percent ash, 37.52 percent fixed carbon and 28.94 percent volatile matter.

Surface Owner Consent Information: This tract has one qualified surface owner. No consent has been filed and verified for any of the lands held by the qualified surface owner. Consent is required for the following lands:

T. 4 S., R. 45 E., P.M.
Sec. 4, SW¼SW¼.

*Southwest Otter Creek Tract**

M–54718

Entry Level Bid: 2.50 cents per ton of recoverable coal.

Coal Offered: The coal resource to be offered consists of all recoverable reserves in the following described lands located nine miles southeast of Ashland, Montana:

T. 4 S., R. 45 E., P.M.
Sec. 20, N½NE¼, NE¼NW¼;
Sec. 22, W½W½, SE¼SW¼;
Sec. 28, all;
Sec. 34, S½SW¼.
T. 5 S., R. 45 E., P.M.
Sec. 4, lots 1, 2, 3, 4, 5, 6, S½NE¼, S½;
Sec. 10, S½NW¼, N½SW¼.

Containing 1821.42 acres, Powder River County, Montana.

Total recoverable reserves are estimated to be 130 million tons. The coal is subbituminous C and averages (as-received) as follows:

Knoblach Bed: 8,194 Btu/lb. with 32.25 percent moisture, 0.25 percent sulfur, 4.8 percent ash, 32.7 percent fixed carbon and 23.79 percent volatile matter.

Knoblach and Nance Beds Combined: 8,800 Btu/lb. with 26.00 percent moisture, 0.20 percent sulfur, 5.40 percent ash, 38.80 percent fixed carbon and 30.00 percent volatile matter. *Nance Bed:* 8,600 Btu/lb. with 27.40 percent moisture, 0.30 percent sulfur, 6.60 percent ash, 38.20 percent fixed carbon and 28.00 percent volatile matter.

Surface Owner Consent Information: This tract has two qualified surface owners. No consents have been filed and verified for any of the lands held by qualified surface owners. Consents are required for the following lands:

T. 4 S., R. 45 E., P.M.,
Sec. 22, SE¼SW¼;
Sec. 28, all;
Sec. 34, S½SW¼.
T. 5 S., R. 45 E., P.M.,
Sec. 4, lots 1, 2, 3, 4, 5, 6, S½NE¼, S½;
Sec. 10, S½NW¼, N½SW¼.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre per year and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8.0 percent of the value of coal produced by underground methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Post-Sale Transfer/Assignment of Qualified Surface Owner Consent: Qualified surface owner consents granted on or after August 4, 1977, covering lands within this tract must be transferable to the successful bidder for the Federal coal lease on this tract, if other than the consent holder, in accordance with 43 CFR 3427.2(e)(1). It shall be the responsibility of the successful bidder and the consent holder to accomplish the transfer before a lease is issued. The successful bidder will be allowed 90 days after notification in writing that he/she is the successful bidder to complete the transfer of the consent. If, by the end of the 90-day transfer period, the successful bidder demonstrates that he/she has acquired the consent by transfer *or* that he/she has made a bona fide offer to purchase the consent from the current holder pursuant to the requirements of 43 CFR 3427.2(e)(1), a lease will be issued upon completion of all other lease issuance requirements. If, by the end of the 90-day transfer period the successful bidder has neither acquired the consent by transfer nor made a bona fide offer to purchase the consent, the bid will be rejected and the bid deposit will be forfeited to the United States.

Qualified surface owner consents granted before August 4, 1977, need not be transferable to the successful bidder within the meaning of 43 CFR 3427.2(e)(1). Although the holder of such a consent is required to disclose the purchase price, financial obligations, and terms and conditions of the consent, the holder is under no obligation to assign the consent to the successful bidder at any price. It shall be the responsibility of the successful bidder to negotiate acquisition of the consent by assignment from the current holder. The successful bidder will be allowed six months after notification in writing that he/she is the successful bidder to acquire the consent. If, by the end of this six month period the successful bidder demonstrates that he/she has acquired the consent, a lease will be issued upon completion of all other lease issuance requirements listed below. If by the end of this six month period the successful bidder has not acquired the consent, the bid will be rejected and the bid deposit will be returned to the bidder.

If a high bid is rejected for failure by the high bidder to meet the requirements described above for transfer or assignment of consents, the Bureau of Land Management retains the discretion to: (i) Offer the tract to the next highest qualified bidder if the high bidder fails to make a bona fide offer to the holder of a consent obtained after August 4, 1977; (ii) reoffer the entire tract for competitive lease as soon as possible; (iii) redelineate the tract to exclude the lands subject to any consent the successful bidder was unable to acquire by assignment and reoffer the redelineated tract for competitive lease as soon as possible; or (iv) reconsider the entire tract for leasing in a subsequent round of activity planning pursuant to 43 CFR Part 3420.

Notice of Availability: Bidding instructions for each tract offered, the terms and conditions of surface owner consents filed and verified by March 19, 1982, and details on the post-sale transfer or assignment of surface owner consents are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available in the Wyoming or Montana State Office, as appropriate. Case file documents are also available for inspection in the appropriate State Office having jurisdiction over the lands in each tract.

Maxwell T. Lieurance,
State Director.

[FR Doc. 82-8688 Filed 3-31-82; 8:45 am]
BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Filing of Petition for Exemption From Prohibition Against Commerce in Products From Captive Bred Green Sea Turtle (Chelonia Mydas)

AGENCY: Fish and Wildlife Service, Interior; National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: On January 22, 1982, The Pacific Legal Foundation and the Association for Rational Environmental Alternatives filed a petition for rulemaking with the Fish and Wildlife Service of the Department of the Interior and the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce on behalf of the Cayman Turtle Farms. The petitioners are seeking an exemption for captive-bred green sea turtle (*Chelonia mydas*) products from the existing prohibition on commerce in the species (50 CFR Part 17 and Parts 222 and 227 (1980)).

The procedures for petitioning for an exemption are contained in 5 U.S.C. 553(e), 50 CFR 424.14 (1980), and 46 FR 47784 (1981).

FOR FURTHER INFORMATION CONTACT:
Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7461
Mr. Ron Lambertson, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 343–4646.

SUPPLEMENTARY INFORMATION: On July 28, 1978, the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) published joint regulations listing the green sea turtle under the terms of the Endangered Species Act of 1973, as amended, and prohibiting certain commercial transactions involving this species in the United States. The final regulations, which became effective on September 6, 1978, did not provide an exemption for mariculture operations. On August 15, 1978, Cayman Turtle Farm, which is engaged in the captive breeding of green turtles, requested that the mariculture issue be reconsidered and that the regulations be stayed while the decision was being reconsidered. NMFS and FWS agreed to review any new evidence to determine if the regulations should be amended but refused to grant a stay of regulations. On September 5, 1978, Cayman filed suit in the U.S. District Court for the District of Columbia challenging the agencies' decision. In a Decision Memorandum issued on December 5, 1978, the agencies restated their rejection of the mariculture exemption. The decision was judicially upheld in 1979, in *Cayman Turtle Farm* v. *Andrus*, 478 F. Supp. 125 (D.C. Cir. 1979), *aff'd mem.*, No. 79–2031 (D.C. Cir. December 12, 1980).

The Association for Rational Environmental Alternatives founded in 1974, is a non-profit organization engaged in evaluating and developing non-governmental solutions to urban and environmental problems. The Pacific Legal Foundation is a non-profit legal organization founded in 1973.

The petitioners are proposing implementation of a mariculture exemption by means of a permit provision (e.g., 50 CFR 17.32) or a special rule (e.g., 50 CFR 17.42), similar to that proposed by the agencies in 1975. See 40 FR 21977, 21985 (1975).

The NMFS and FWS share endangered species jurisdictional responsibility for sea turtles (50 CFR 222.23 (1980)). The regulations governing the green sea turtles (*Chelonia mydas*) are contained in 50 CFR Part 17 and Parts 222 and 227 (1980).

Dated: March 12, 1982.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Dated: March 22, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-8694 Filed 3-31-82; 8:45 am]

BILLING CODE 3510-22-M

BILLING CODE 4310-55-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Months of December 1981, January and February 1982

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed was issued only after it was determined that it was applied for in good faith, and that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

December 1981		
Dr. Charles E. Wood (Florida State Museum)	X7802	12-04-81
San Francisco Zoo	X8553	12-08-81
San Diego Zoo	X8563	12-11-81
International Animal Exchange	X8617	12-22-81
Henry Doorly Zoo	X8628	12-22-81
William Gruenwald	X8645	12-22-81
January 1982		
James K. Cain	X8614	01-04-82
Jefrey H. Gee	X8514	01-20-82
Marion Havlik	XX473	01-22-82
Patuxent Wildlife Research Center	X8045	01-22-82
Greater Baton Rouge Zoo	X8666	01-22-82
Columbus Zoo Gardens	X8709	01-22-82
Atlanta Zoo Park	X8674	01-25-82
Dallas Zoo	X8692	01-25-82
International Crane Foundation	X6303	01-26-82
National Key Deer Refuge	X8581	01-26-82
Area Manager—USFWS	XX953	01-29-82
San Diego Zoo Park	X8672	01-29-82
February 1982		
Tennessee Valley Association	X8425	02-01-82
Cincinnati Zoo	X8682	02-01-82
Idaho Cooperative Wildlife Research Unit	XX239	02-11-82
Jones & Stokes Associates	X8586	02-16-82
Dawn Animal Agency Inc	X8648	02-16-82
Fred M. Bagley, USFWS	X8704	02-16-82
Division of Law Enforcement USFWS	X8759	02-16-82
Zoological Society of San Diego	X8690	02-19-82
Univ. of N.C. Herbarium	X8734	02-22-82
Florida State Museum	X8737	02-22-82
Denver Wildlife Research Center	X8738	02-22-82
James W. Yanderbeek	X7445	02-24-82
Mrs. Patricia Demko	X8082	02-25-82
Metrozoo	X8144	02-25-82
Zoological Society of San Diego	X8711	02-25-82
Patuxent Wildlife Research Center	X8714	02-25-82

Dated: March 25, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-8762 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Notice of Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Philadelphia Zoo, Philadelphia, PA, PRT 2-8928.

The applicant requests a permit to import one (1) male, captive-bred brush-tailed rat-kangaroo (*Bettongia penicillata*) from the Royal Zoological Society of Antwerp, Antwerp, Belgium. This male will be paired with a female currently at the Philadelphia Zoo.

Applicant: Baltimore Zoo, Baltimore, MD, PRT 2-8937.

The applicant requests a permit to export one (1) male, captive-bred lion-tailed macaque (*Macaca silenus*) to the Royal Zoological Society of South Australia. This male will be paired with a female at the Adelaide Zoo.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 25, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-8763 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals

On December 16, 1981, a notice was published in the **Federal Register** (Vol. 46, No. 241), that an application had been filed with the Fish and Wildlife Service by Dr. John R. Fletemeyer, Oceanographic Center, Nova University, Dania, FL for a permit to take (harass) West Indian manatees (*Tricheus manatus*) in Broward County, Florida.

Notice is hereby given that on March 1, 1982, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit PRT 2-8663, to Dr. Fletemeyer subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: March 25, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-8764 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is herby given that Cities Service Company has submitted a Development and Production Plan describing the activities it proposes to

conduct on Lease OCS–G 4065, Block 669, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 26, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-8766 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3780, Block 56, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 26, 1982.

Lowell G. Hammons.

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-8767 Filed 3-31-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-3 (Sub-No. 27]

Missouri Pacific Railroad Co.—Abandonment—Between Port Barre and Jefferson Island, LA; Findings

The Commission has found that the public convenience and necessity permit the Missouri Pacific Railroad Company to abandon its 55.0 mile rail line; between Port Barre, LA, (milepost 1.4) and New Iberia, LA, (milepost 47.6) and between Jefferson Island Industrial Lead (milepost 8.8) and New Iberia (milepost 0.0); in Jefferson Island, St. Landry. St, Martin and Iberia Parishes, LA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8720 Filed 3-31-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29878]

Prairie Central Railway Co.—Purchase—Illinois Central Gulf Railroad Co. Between Christopher and Herrin, IL; Intent To Purchase

On March 17, 1982, the Prairie Central Railway Company (PACY) filed a notice of its intent to request the Commission to require the sale of trackage. PACY seeks to acquire the track of the Illinois Central Gulf Railroad Company (ICG) between Christopher (milepost No. 82.01) and Herrin, IL (milepost 93.10), a distance of 11.09 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

PACY's application may be filed after June 15, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29878 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Thomas F. McFarland, Jr., Belnap, Spencer & McFarland, 20 North Wacker Drive, Chicago, IL 60606, (312) 236–0204.

For further information contact Wayne A. Michel, (202) 275–7657, or Louis E. Gitomer, (202) 275–7245 at the Commission.

Dated: March 24, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8718 Filed 3-31-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29860]

Sacramento Northern Railway—Exemption—Abandonment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements for prior approval under 49 U.S.C. 10903–10904 the proposed abandonement of a line of rail in Solano County, CA at the end of its

Willotta Branch, a distance of 3.064 miles.

DATES: Exemption effective on May 1, 1982. Petitions to stay the effective date must be filed by April 12, 1982 and petitions for reconsideration must be filed by April 21, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, DC 20423.

(2) Petitioner's representative: Eugene J. Toler, Attorney, 526 Mission Street, San Francisco, CA 94105.

Pleadings should refer to Finance Docket No. 29860. Copies of the full decision are available from the Interstate Commerce Commission, Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423 or by calling toll-free 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in FD 29860. The decision may be obtained by contacting the Office of the Secretary.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–8719 Filed 3–31–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-No. 168N)]

Conrail Abandonment Between Highland and Poughkeepsie, NY; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Highland and Poughkeepsie in the County of Ulster, NY, a total distance of 2.1 miles effective on February 23, 1982.

The Commission has decided that the net liquidation value of this line is $136,872. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–8746 Filed 3–31–82; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 241]

Restriction Removals; Decision-Notice

Decided: March 25, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Finding.

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

We also find, preliminarily, that each applicant for commodity expansion has demonstrated that it is fit, willing, and able to transport the commodity classification sought. Commentors may address comments to this issue.

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 64501 (Sub–8)X, filed February 11, 1982, previously noticed in the **Federal Register** of March 5, 1982, republished as follows: Applicant: UNITED TRANSPORTATION COMPANY OF RHODE ISLAND, INC. 34 Mohawk Drive, Leominster, MA 01453. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. Sub 7 certificate (in part): The Board previously broadened the territorial description from "(West Claremont, Claremont, Sunapee, Andover, Manchester, Derry, and Salem)" to "Sullivan, Merrimack, Hillsborough and Rockingham Counties, NH." This was an error on our part. Applicant had sought broadening from "(those points in NH south and west of a line beginning at the Connecticut River near West Claremont, NH and extending in an easterly direction through Claremont, Sunapee, and Andover, NH, to Concord, NH, and then south through Manchester, Derry, and Salem, NH to the NH–MA State line, including the points specified)" to "Sullivan, Merrimack, Hillsborough, Cheshire and Rockingham Counties, NH." The purpose of this republication is to correct the omission of Cheshire County reflected above.

MC 93147 (Sub–35)X, filed February 22, 1982. Applicant: DELTA TRANSPORT CORPORATION, 595 Cottage Street, Springfield, MA 01104. Representative: James M. Burns, Suite 413, 1383 Main Street, Springfield, MA 01103. Lead and Sub-Nos. 2, 3F, 4, 11F, 14F and 15F broaden (1) to "general commodities (except Class A and B explosives)" from general commodities with the usual exceptions lead and Sub 2; to "food and related products" from bakery goods, Sub 3 and foodstuffs, Sub 11; to "pulp, paper and related products" from paper and paper products, Sub 15; and to "building materials" from wall coverings, and adhesives, Sub 14 (part 1); (2) remove facilities limitation, Subs 3F and 11, (3) remove "originating at/destined to "restriction, Sub 14F and 15 and except in tank vehicle restriction, Sub 3, (4) Freehold, NJ to Monmouth County, Sub 3 and Rochester, NY to Monroe County, Sub 11, and (5) to radial authority, Subs 3 and 11.

MC 117465 (Sub-24)X, filed March 16, 1982. Applicant: BEAVER EXPRESS SERVICE, INC., d.b.a. BEAVER EXPRESS, 1215 Kansas, Box 151, Woodward, OK 73801. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083. Sub 20, broaden regular route operations to allow service at all intermediate points, and remove restriction on service at Shamrock and Wheeler, TX, to traffic received from or delivered to connecting carriers.

MC 138471 (Sub-11)X, filed February 12, 1982. Applicant: LEONARD TRUCKING, INC., 707 Colorado St., Kelso, WA 98626. Representative: David C. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. Subs 1, 7, and 8F certificates: (1) broaden to "lumber and wood products," from wooden shakes and shingles in Sub 1; "food and related products," from wine and malt beverages in Subs 1 and 7; and, "pulp, paper and related products," from paper and paper products in Sub 8; (2) delete "except in bulk" restriction in Sub 7, and "originating at and destined to" restrictions in Sub 1; (3) broaden to

countywide as follows: Cowlitz County, WA (Longview) in Sub 8; and (4) replaced one-way with radial authority.

MC 145351 (Sub-2)X, filed March 1, 1982. Applicant: SORRELS TRUCKING CO., INC., 160 N. Perkins St., Memphis, TN 38117, Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Lead certificate: (1) remove all exceptions from the general commodities authority, except classes A & B explosives, commodities in bulk and household goods, and (2) authorize service at all intermediate points along described regular routes.

MC 148055 (Sub-2)X, filed February 24, 1982. Applicant: L & B CARTAGE, INC., P.O. Box 388, Freeland, MI 48623. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084. Lead certificate: (A) remove (1) all exceptions from the general commodities authority, except classes A & B explosives, household goods as defined by the Commission, and commodities in bulk, and (2) "having a prior or subsequent movement by air" restriction; and (B) broaden to county-wide authority: Bay, Midland, and Saginaw Counties, MI (Airport-Freeland); Wayne, Oakland, and Macomb Counties, MI (Airport-Romulus); and Washtenaw County, MI (Airport-Ypsilanti).

MC 148907 (Sub-2)X, filed July 31, 1981 and previously noticed in the Federal Register September 10, 1981, and September 30, 1981, republished as corrected this issue. Applicant: R. M. ORMES TRANSPORTATION, INC., 20 Atlantic Ave., Woburn, MA 01801. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to broaden the commodity description from household goods to "household goods and furniture and fixtures" in both certificates. This Board previously denied the broadening of the commodity description. However the Commission's decision in No. MC-8575 (Sub-No. 8)X, *Ferguson Van Lines, Inc.*, served 1-12-82 requires that this application be republished.

MC 149133 (Sub-16)X, filed March 8, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a. TAHWHEELALEN EXPRESS, INC., Post Office Box 7191, 1333 Nevada Boulevard, Charlotte, NC 28217. Representative: Charles L. Garrison (address same as applicant's) Sub-No. 9F permit to broaden to between points in the U.S. under continuing contract(s) with named shipper.

MC 150777 (Sub-3)X, filed February 22, 1982. Applicant: AMERICAN CONTRACT CARRIERS, INC., 14767 San Bernardino Avenue, Fontana, CA 92335. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Sub 1, remove restriction against frozen foods, meats, meat products, meats by-products and articles distributed by meat packinghouses and requiring transportation in vehicles equipped with mechanical refrigeration, from "such commodities as are dealt in by distributors and manufacturers of health products".

[FR Doc. 82-8747 Filed 3-31-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be 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 impossed 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. OP1-53

Decided: March 19, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 82841 (Sub-325), filed March 12, 1982. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *such commodities* as are dealt in or used by agricultural and industrial equipment and lawn leisure products dealers, between Kansas City, MO, on the one hand, and, on the other, points in KS and NE.

MC 124050 (Sub-7), filed March 11, 1982. Applicant: MERCER BROS. TRUCKING CO., P.O. Box 1952, Highway 301 North, Wilson, NC 27893. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between those points in the U.S. in and east of WI, IL, KY, TN, MS, and LA.

MC 133870 (Sub-8), filed March 12, 1982. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B, Brownsville, WI 53006. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Kondex Corp., of Lomira, WI, and Precision Metals, Inc., of Campbellsport, WI, and (2) *such commodities* as are used in the construction of public utility facilities, between points in the U.S. (except AK and HI), under continuing contract(s) with Michels Pipe Line Construction, Inc., of Brownsville, WI.

MC 134401 (Sub-17), filed February 19, 1982. Applicant: McGILLION TRANSPORT, INC., 141 Healey Road, Box 644, Bolton, Ontario LOP 1A0 Canada. Representative: Allan C. Zuckerman, 29 South LaSalle St., Suite 905; Chicago, IL 60603, (312) 236–9375. Transporting *ores and minerals,* between ports of entry on the international boundary line between the U.S. and Canada in MI and NY, on the one hand, and, on the other, points in OH, WV, VA, PA, NY, IL, MT, MS, NC, SC, IN, and MI.

MC 136911 (Sub-8), filed January 29, 1982, previously noticed in the **Federal Register** issue of February 16, 1982. Applicant: PACKAGE EXPRESS, INC., 657 Meadow Street, Chicopee, MA 01013. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in CT, MA, NH, NY, RI and VT.

Note.—This republication clarifies the territorial description, and excludes commodities in bulk from general commodities.

MC 138411 (Sub-3), filed March 8, 1982. Applicant: SPRUCE RIVER TRANSPORT, INC., 345 Madeline St., Thunder Bay, Ontario P7B 5G2, Canada. Representative: John B. Van de North, Jr., 220 First National Bank Bldg., St. Paul, MN 55101, (612) 291 1215. Transporting *lumber,* between points in the U.S. (except AK and HI), under continuing contract(s) with Spruce Falls Power and Paper Company, of Kapuskasing, Ontario, Canada.

MC 141950 (Sub-4), filed March 12, 1982. Applicant: IOWA MINNESOTA EXPRESS, LTD., Box 1251, ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products,* between points in Dakota County, NE, and Woodbury County, IA, on the one hand, and, on the other, points in NE, SD, MN, WI, IA and IL.

MC 142361 (Sub-5), filed March 15, 1982. Applicant: RISBERG TRUCK SERVICE, INC., 2339 S.E. Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OR and WA, on the one hand, and, on the other, points in OR, WA, CA, ID, and NV.

MC 144130 (Sub-6), filed February 4, 1982. Applicant: GRILLS TRUCKING, 19919 82nd Ave., Langley, B.C., Canada. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *lumber and wood products, clay, concrete, glass or stone products, diatomaceous earth, foundry materials and supplies, food and related products, and machinery,* between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in CA.

MC 145271 (Sub-2), filed March 12, 1982. Applicant: SCHULTZ CARRIER, INC., 6038 Linden Lane, Dallas, TX 75230. Representative: W. H. Craighead, 5368 Wonder Drive, Fort Worth, TX 76133, (817) 292–7385 Transporting *rubber and plastic products* and *lubricating soap,* between Mantura, Cleveland, and Middletown, OH on the one hand, and, on the other, points in TX.

MC 145481 (Sub-36), filed March 15, 1982. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Petro-Lewis Tower, 717 17th Street, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities used by Eli Lilly & Company and its divisions and subsidiaries, 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 148731 (Sub-6), filed March 3, 1982. Applicant: MINKEVITCH TRUCKING & HAULING, 6290 S. Holladay Blvd., Salt Lake City, UT 84121. Representative: Fred J. Minkevitch, Jr. (same address as applicant), (801) 972–6373. Transporting *clay, concrete, glass or stone products,* between points in the U.S. (except AD and HI), under continuing contract(s) with Interpace Corporation, of Seattle, WA.

MC 152080 (Sub-5), filed March 11, 1982. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings St., Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Colloids, Inc., of West Chicago, IL, Magla Products, of Irvinton, NJ, Northern Container, of Chicago, IL, and Wagner Juice Co., of Cicero, IL.

MC 159671 (Sub-1), filed March 12, 1982. Applicant: AMERICAN FREEZER TRANSPORT, INC., 1303 N. McClellan, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210, (503) 226–3755. Transporting *food and related products,* between points in OR and WA.

MC 159940, filed March 16, 1982. Applicant: D. L. PHILLIPS, d.b.a. D. L. PHILLIPS TRUCKING, 14840 Morris St., Damascus, OH 44619. Representative: James W. Moore, 4700 Treetop Drive, Akron, OH 44321. Transporting *metal products, and clay, concrete, glass or stone products,* between points in Trumbull County, OH, on the one hand, and, on the other, points in NJ, NY, PA, WV, KY, IN, MI, and IL.

MC 160610, filed March 11, 1982. Applicant: CHAMPS DELIVERY AND WAREHOUSING, INC., 8080D Alban Road, Springfield, VA 22150. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, MD, VA, and DC.

MC 160981, filed March 12, 1982. Applicant: DICK NEAL CONSTRUCTION, INC., 117 North Commercial, Clark, SD 57225. Representative: A. J. Swanson, Pl. O, Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Chef-Reddy Foods Corporation, of Othello, WA.

MC 160990, filed March 12, 1982. Applicant: MOUNTAINEER TRANSPORTATION, INC., Route 5, Marshall, NC 28753. Representative: Larry Leake, P.O. Box 7526, Asheville, NC 28807, (704) 253–3661. Transporting

general commodities (except classes A and B explosives, commodities in bulk, and household goods), between points in NC in and west of Rockingham, Guilford, Randolph, Moore, and Richmond Counties, points in SC in and west of York, Cherokee, Spartanburg, Greenville, and Anderson Counties, and points in TN in and east of Cocke, Hamblen, and Hawkins Counties, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160991, filed March 12, 1982. Applicant: ALBA/SOLE BUS CHARTERS, Suite 101, 3245 Darwin St., Miami, FL 33133. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *passengers and their baggage*, limited to the transportation of not more than 25 passengers (not including the driver) in any vehicle, in charter or special operations, between points in FL and Charleston, SC.

MC 161011, filed March 12, 1982. Applicant: TRIUMPH CHARTERS, 184 Prospect Road, Suite Two, Saratoga, CA 95070. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, limited to the transportation of not more than 27 passengers in any one vehicle, not including the driver, beginning and ending at points in Alameda, San Francisco and Santa Clara Counties, CA, and extending to points in AZ and NV.

MC 161031, filed March 16, 1982. Applicant: TOM TURNER TOURS, 1420 Floyd Ave., Richmond, VA 23220. Representative: Tom Turner (same address as applicant), (804) 353–1148. As a broker, at Richmond, VA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–58

Decided: March 19, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16502 (Sub-25), filed March 5, 1982. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601–948–9920. Transporting *chemical and related products* (except classes A and B explosives and commodities in bulk), between points in AR, FL, GA, NJ, NC, OK, and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, and VA.

MC 95813 (Sub-22) (correction), filed November 30, 1981, published in the **Federal Register**, issue of December 29, 1981, and republished, as corrected, this issue. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15 North, Dillsburg, PA 17019–1696. Representative: David Shumaker (same as applicant), (717) 432–9617. Transporting *refractories and refractory products*, between points in the U.S. in and east of MN, IA, MO, AR and LA.

Note.—The purpose of this republication is to correct the territorial description.

MC 138432 (Sub-29), filed March 2, 1982. Applicant: GARLAND GEHRKE TRUCKING, INC., 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting (1) *paper, paper products, and building materials*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of The Continental Group, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153323 (Sub-7), filed March 3, 1982. Applicant: IOWA–TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, 274–4985. Transporting *food and related products*, between the facilities of John Morrell & Co., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155313, filed March 5, 1982. Applicant: JAMES M. GRAY, STERLING GRAY, d.b.a. GRAY BROTHERS, Route 1, Box 72, Philadelphia, MS 39350. Representative: Donald L. Kilgore, P.O. Box 96, Philadelphia, MS 39350, 601–656–1871. Transporting *lumber and forest products*, between points in AL, LA, MS, and TN.

MC 156882, filed March 3, 1982. Applicant: L. D. YOUNG, INC., 960 West 1760, Salt Lake City, UT 84104. Representative: Steven D. Crawley, 2091 East 4800 South, Salt Lake City, UT 84117, 801–272–9416. Transporting *forest products, lumber and wood products, clay, concrete, glass, or stone products, metal products, machinery, building materials, salt, and chemical fertilizers*, between points in UT, NM, CO, TX, WY, MT, AZ, NV, ID, CA, WA, and OR.

MC 159952, filed January 4, 1982, published in the **Federal Register** issue of January 26, 1982, and republished, as corrected, this issue. Applicant: GOLDEN DISTRIBUTING, INC., 200 Hastings Ave., Newport, MN 55055. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *food and relating products*, between points in IA, IL, IN, MN, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). The purpose of this republication is to correct the territorial description.

Volume No. OP4–107

Decided: March 24, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 67167 (Sub-14), filed March 18, 1982. Applicant: E. D. FEE TRANSFER, INC., P.O. Box 1464, New Castle, PA 16105. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Transporting *household goods*, between points in Lawrence County, PA, on the one hand, and, on the other, points in PA.

MC 144867 (Sub-11), filed March 18, 1982. Applicant: R & J TRANSPORT, INC., 608 N. 41st St., Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. 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 Weyerhaeuser Company, of Tacoma, WA.

MC 144927 (Sub-41), filed March 18, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261–3461. Transporting *food and related products*, between Baltimore, MD, Tampa, Jacksonville, and Miami, FL, Greenville, SC, Atlanta, GA, Houston and Dallas, TX, Kansas City, MO, Los Angeles, CA, New Orleans, LA, Portland, OR, Denver, CO, Cleveland, OH, Phoenix, AZ, Chicago, IL, and Memphis, TN.

MC 145557 (Sub-18), filed February 8, 1982, previously noticed in the **Federal Register** of February 25, 1982. Applicant: LIBERTY TRANSPORT, INC., 2501 Nicholson Rd., P.O. Box 9182, Kansas City, MO 64168. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *food and related products*, between the facilities of Sanna, Inc.—Beatrice Foods Company, and John Morrell & Co., at points in the U.S., on the one hand, and, on the other points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to include the name of supporting shipper John Morrell & Co., which was inadvertently omitted the previous notice.

MC 149497 (Sub-23), filed March 18, 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting *metal products,* between the facilities of Reynolds Aluminum-Can Division, at points in CA, FL, NJ, NY, NC, MO, TX, VA, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150017 (Sub-3), filed March 19, 1982. Applicant: DELICIOUS FOODS CARRIERS, INC., P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products,* between points in Adams and York Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160017, filed March 19, 1982. Applicant: QUALITY SUPPLIER TRUCKING, INC., Keyser Industrial Park, Keyser, WV 25726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *such commodities* as are dealt in or used by manufacturers or converters of paper and paper products, between the facilities of Westvaco Corporation, 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 160507, filed March 19, 1982. Applicant: HARDEN FURNITURE, INC., 1 Mill Pond Way, McConnellsville, NY 13401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting (1) *urethane products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Clark Foam Products Corp., and (2) *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Mohawk Valley Wholesale Grocers, Incorporated.

MC 160627, filed March 19, 1982. Applicant: DEK TRANSPORTATION, INC., 7607 Bishop Ct., Mentor, OH 44060. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, (614) 486–0448. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with By-Products Management of Ohio, Inc., of Cleveland, OH.

MC 160777, filed February 26, 1982, previously noticed in the **Federal Register** issue of March 19, 1982, and republished this issue. Applicant: JAMES COLLINS, d.b.a. COLLINS TRAVEL SERVICE, 12 W. 13th St., P.O. Box 730, Anderson, IN 46015. Representative: Jerome O. Pitt, P.O. Box 390, Anderson, IN 46015, (317) 644–2891. To operate as a *broker,* at Anderson, IN, in arranging for the transportation of *passengers and their baggage,* between Anderson, IN, on the one hand, and, on the other, points in the U.S., including AK and HI.

Note.—The purpose of this republication is to correct the territorial description by including AK and HI.

MC 160787, filed March 1, 1982. Applicant: PACIFIC ENERCON TRUCKING LTD., Industrial Park, P.O. Box 2349, Grand Forks, British Columbia, Canada V04 1H0. Representative: S. Bradley Armstrong, 2800—650 W. Georgia St., Vancouver, B. C. Canada V6B 4R7. Transporting *insulation products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pacific Enercon Inc., of Vancouver, B. C. Canada.

Volume No. OP4–110

Decided: March 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 2796 (Sub-8), filed March 16, 1982. Applicant: FULLINGTON AUTO BUS COMPANY, 316 Cherry St., Clearfield, PA 16830. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101, (717) 236–9318. Over regular routes, transporting *passengers and their baggage, and express mail and newspapers,* in the same vehicle with passengers, (1) between Philipsburg, PA and State College, PA, serving all intermediate points, from Philipsburg over U.S. Hwy 322 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction U.S. Hwy 322, then over U.S. Hwy 322 to State College, and (2) between Grampian, PA and DuBois, PA, serving all intermediate points, from Grampian over U.S. Hwy 219 to DuBois.

MC 144246 (Sub-10), filed March 19, 1982. Applicant: LARSEN TRUCKING, INC., 7703 Sunset Dr., Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and related products,* between points in CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, WI, IL, MI, IN, OH, and KY.

MC 146226 (Sub-10), filed March 19, 1982. Applicant: J & P TRUCKING, INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 N. Second St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *food and related products,* between points in Craighead, Arkansas and Phillips Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146496 (Sub-13), filed March 16, 1982. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chambles, GA 309341. Representative: Thomas H. Davis (same address as applicant), (404) 452–1744. Transporting *hazardous waste and radioactive waste* (except in bulk), between points in the U.S. (except AK and HI).

MC 149576 (Sub-13), filed March 16, 1982. Applicant: TRANS AMERICAN TRUCKING SERVICE, INC., P.O. Box 1247, Nixon Station, Edison, NJ 08818. Representative: R. M. McGraw (same address as applicant), (201) 985–2182. Transporting *machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Cosa Corporation, of Montvale, NJ.

MC 151036 (Sub-7), filed February 22, 1982, previously noticed in the **Federal Register** of March 9, 1982. Applicant: DECATUR TRANSIT, INC., 161 First Ave., NE, Decatur, AL 35601. Representative: Eric G. Hancock (same address as applicant), (205) 353–9601. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Morgan County, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

Note.—The purpose of this republication is to remove the "in bulk" exclusion.

MC 152176 (Sub-2), filed March 19, 1982. Applicant: SAIN & HEAVNER TRUCKING, Route 1, Box 316, Vale, NC 28168. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799–9122. Transporting *textile mill products and chemicals,* between points in NC and SC, on the one hand, and, on the other, points in FL.

MC 160506, filed March 19, 1982. Applicant: SALLY WANN & JAMES GAUDINA, d.b.a. SALCO ENTERPRISES, 235 NE 103rd, Portland, OR 97220. Representative: Sally Wann (same address as applicant), (503) 225–5867. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, LA, MI, MN, MS, MT, NE, NC, NM, NV, OH, OK, OR, SC, TN, TX, UT, WA, WI, and WY.

MC 160756 (Sub-1), filed March 18, 1982. Applicant: CARL L. WILLIQUETTE, d.b.a. GREAT LAKES INDEPENDENTS, 2806 River View Dr., Green Bay, WI 54303. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *pulp, paper, and related products,* between points in Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 161036, filed March 16, 1982. Applicant: PAUL R. EDWARDS AND CLYDE D. EDWARDS, d.b.a. EDWARDS TRUCKING, P.O. Box 297, Collinsville, IL 62234. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* between points in the U.S., (except AK and HI), under continuing contract(s) with Banquet Foods Corporation, of Ballwin, MO and Anderson Clayton Foods, of Dallas, TX.

MC 161076, filed March 16, 1982. Applicant: K & R TRUCKING INC., 8 Stag Trail, Fairfield, NJ 07006. Representative: Norman Weiss, 595 Albin St., Teaneck, NJ 07666, (201) 635–1400. 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 American Parts System, Inc., of Hauppauge, NY.

MC 161086, filed March 19, 1982. Applicant: JAMES C. O'CONNOR, d.b.a. O'CONNOR TRUCKING CO., 15 Mason St., Salem, MA 01970. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *commodities* in bulk, between those points in the U.S. in and east of MI, IL, MO, AR, and LA.

Volume No. OP4–111

Decided: March 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 34027 (Sub-26), filed March 8, 1982. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *rubber and rubber products,* between points in Marion County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160767 (Sub-1), filed March 16, 1982. Applicant: LADD TRANSPORTATION, INC., #1 Plaza Center, Box HP 3, High Point, NC 27261. Representative: Beverly C. Davis, (same address as applicant), (919) 889–0333. 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 the Dillard Paper Company of Greensboro, NC.

MC 161047, filed March 17, 1982. Applicant: ARKANSAS BORDER EXPRESS, INC., 222 S. 16th St., Suite A, Ft. Smith, AR 72901. Representative: Jay C. Winer, P.O. Box 313, Harrison, AR 72601, (501) 741–3501. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Waldron, AR and Westville, OK, from Waldron over U.S. Hwy 71 to Ft. Smith, AR, then over U.S. Hwy 64 to Sallisaw, OK, then over U.S. Hwy 59 to Westville, and return over the same route, serving all intermediate points, (2) between Booneville, AR and junction U.S. Hwy 71 and AR Hwy 10, over AR Hwy 10, serving all intermediate points, and (3) between Ft. Smith, AR and Sallisaw, OK, from Ft. Smith over U.S. Hwy 271 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction OK Hwy 9, then over AR Hwy 9 to junction OK Hwy 2, then over OK Hwy 2 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Sallisaw, and return over the same route, serving all intermediate points.

MC 161107, filed March 19, 1982. Applicant: MILBANK FREIGHTWAYS, INC., 1860 E. 28th St., P.O. Box 9485, Minneapolis, MN 55440. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101, (612) 224–9454. 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 Farwell, Ozmun, Kirk & Co., of South St. Paul, MN.

Volume No. OP5–68

Decided: March 24, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 41098 (Sub-74), filed March 12, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, 202–833–8884. 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. (including AK and HI), under continuing contract(s) with Digital Equipment Corp. of Maynard, MA.

MC 72069 (Sub-44), filed March 16, 1982. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, 202–296–3555. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL.

MC 111299 (Sub-15), filed March 16, 1982. Applicant: KIRVAN TRUCK LINE, INC., P.O. Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting (1) *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Coca Cola Bottling Co. of International Falls, MN, and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract(s) with Boise Cascade Corporation of Portland, OR.

MC 112989 (Sub-157), filed March 16, 1982. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747–1283. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI).

MC 119099 (Sub-42), filed December 14, 1982. Published initally in the **Federal Register** (republication) on December 31, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave. N.E. and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *lumber and wood products, forest products,* and *building materials,* between points in MN, on the one hand, and, on the other, points in IL, IN, IA, MI, MT, NE, WI, ND, and SD.

Note.—This application is republished to modify the authority as shown above.

MC 135658 (Sub-12), filed March 15, 1982. Applicant: ROCK RIVER CARTAGE, INC., 860 Rock Falls Rd., East, P.O. Box 430, Rock Falls, IL 61071. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *iron and steel articles,* between points in the U.S. (except AK and HI), under continuing contract(s) with Russell, Burdsell & Ward Corporation of Rock Falls, IL.

MC 139858 (Sub-50), filed March 17, 1982. Applicant: AMSTAN TRUCKING,

INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those which because of their size or weight require the use of special handling or equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation of Troy, MI.

MC 140688 (Sub-3), filed February 26, 1982. Applicant: NICOLL TRUCKING (MEDICINE HAT), LTD., P.O. Box 87, Aldersyde, Alberta, Canada TOL OAO. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717 17th St., Denver, CO 80202, (303) 892–6700. Transporting (1) *lumber and wood products,* and (2) *building materials,* between ports of entry on the international boundary line between the U.S. and Canada located in WA, ID, MT, and ND, on the one hand, and, on the other, points in IL, IN, OH, PA, WI, and points in The U.S. in and west of AR, IA, LA, MN, and MO (except AK and HI).

MC 141119 (Sub-7), filed March 16, 1982. Applicant: MERCHANTS 5 STAR, INC., Moore's Junction, Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Washington County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144989 (Sub-26), filed March 11, 1982. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: Malcolm Silvers (same address as applicant), 404–673–2346. Transporting (1) *textile mill products,* (2) *printed matter,* (3) *chemicals and related products,* and (4) *rubber and plastic products,* between points in AL, GA, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145679 (Sub-23), filed March 16, 1982. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, 402–397–7033. 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 Davidson Rubber, Division of Ex-Cell-O Corporation of Dover, NH.

MC 146899 (Sub-2), filed March 17, 1982. Applicant: TOLEDO-DETROIT EXPRESS, INC., 6180 Benore Rd., Toledo, OH 43612. Representative: William P. Jackson, P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of automotive parts and accessories, between Detroit, MI, Toledo, OH and points in Fulton County, OH, on the one hand, and, on the other, points in IN, MI, OH, PA, and WV.

MC 148178 (Sub-4), filed March 15, 1982. Applicant: FORREST D. BELVIN, d.b.a., DALE BELVIN TRUCKING, 277 West Sierra, P.O. Box 1077, Clovis, CA 93613. Representative: Dale Belvin (same address as applicant), 209–292–2007. Transporting *such commodities* as are dealt in by manufacturers and distributors of building materials (except in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Donn Corporation of Westlake, OH.

MC 150179 (Sub-4), filed March 16, 1982. Applicant: LOGISTICS, INC., 214 S. Perry St., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such materials* as are dealt in or used by manufacturers or distributors of chemicals, drugs, toilet preparations, and personal hygiene items, between points in the U.S. (except AK and HI), under continuing contract(s) with Miles Laboratory, Inc., of Elkhart, IN.

MC 150319 (Sub-1), filed March 17, 1982. Applicant: WILMINGTON EXPRESS, INC., P.O. Box 540, Wilmington, NC 28402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703–629–2818. Transporting (1) *fertilizer* (except in bulk), between points in NC and SC, on the one hand, and, on the other, points in KY, TN, and WV; (2) *metal products,* between points in AL, GA, MD, DE, NE, NC, NY, PA, SC, and TX, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, ME, MD, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, VA, WV, and DC; and (3) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in New Hanover County, NC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 150828 (Sub-3), filed March 16, 1982. Applicant: UNIQUE FREIGHT LINES CO., INC., 18 Hackensack Ave., Kearny, NJ 07032. Representative: Dave Balaban, 716 Blackstone Ave., East Meadow, NY 11554, (201) 589–8990. Transporting *such commodities* as are dealt in or used by department stores, between points in Middlesex County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151118 (Sub-18), filed February 9, 1982. Published initially in the **Federal Register** (republication) on March 2, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting (1) *pulp, paper and related products, (2) printed matter,* and (3) machinery, between Chicago, IL; and points in Riverside County, CA; Iroquois County, IL; Lenawee County, MI; Middlesex County, CT; Dunklin County, MO; Lamar County, TX; Hardin County, KY; Douglas County, OR; Stevens County, Ga; and Lake County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is republished to modify the authority as shown above.

MC 151819 (Sub-11), filed March 16, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky (same address as applicant), (214) 842–6170. Transporting *food and related products* between points in the U.S. (except AK and HI).

MC 154488 (Sub-2), filed March 15, 1982. Applicant: LASLEY TRUCKING COMPANY, INC., P.O. Box 1368, Conway, AR 72032. Representative: Frederick S. Wetzel, III, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, 501–758–1058. Transporting *lumber and wood products,* between points in Columbia County, AR; Winn, Nathitoches, Sabine, Claibourne, Lincoln and Bienville Parishes, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155019, filed March 15, 1982. Applicant: GAULEY–GAGE CARTAGE LIMITED, 23 Civic Road, Scarborough, Ontario, CD M1L 2K6. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *printed matter* between points in the U.S. (except AK and HI), under continuing contract(s) with Toronto Star Newspaper Limited of Toronto, Canada, and Sam-Son Distribution Center, Inc., of Buffalo, NY.

MC 155038 (Sub-2), filed March 16, 1982. Applicant: IDEAL WAY MOVERS INCORPORATED, Bldg. #3, Boundary Rd., P.O. Box 192, Marlboro, NJ 07746. Representative: James Fred McColley, Jr.

(same address as applicant), (201) 780–4400. Transporting *used household goods* between points in the U.S. (except AK and HI).

MC 155208, filed March 15, 1982. Applicant: ROY WHITE, d.b.a., WHICO HOT SHOT SERVICE, 724 Santa Fe Dr., Clinton, OK 73601. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, 405–424–3301. Transporting (1) *metal products*, and (2) *machinery*, between those points in OK on and west of Interstate Hwy 35, on the one hand, and, on the other, points in CO, KS, LA, NM, TX and WY.

MC 155448 (Sub-1), filed March 16, 1982. Applicant: R. M. TRANSPORT, INC., 619 East Sumner St., Hartford, WI 53027. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *petroleum products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Amoco Oil Company of Chicago, IL.

MC 156539 (Sub-1), filed March 11, 1982. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. Rte. 30 West, Fort Wayne, IN 46808. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. 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 Fort Wayne Pools, Inc., of Fort Wayne, IN, Casad Railway Services, Inc., of New Haven, IN, KES Fabricators, Inc., of Wawaka, IN, and T.F.C. Canopy of LaOtto, IN.

MC 160198, filed March 15, 1982. Applicant: COX MOTOR EXPRESS, INC., 1465 Alamance Church Rd., Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703–629–2818. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Guilford County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160789 (Sub-1), filed March 16, 1982. Applicant: RAM EXPRESS COMPANY, 248 Lisa Drive, Bethel Park, PA 15102. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting (1) *metal products*, under continuing contract(s) with Wheeling-Pittsburgh Steel Corporation of Pittsburgh, PA, and (2) *metal products, ores and minerals, and coal and coal products*, under continuing contract(s) with Marc Rich & Co., Inc., of Pittsburgh, PA, between points in the U.S. (except AK and HI).

MC 160958, filed March 11, 1982. Applicant: SUNBELT TRANSPORT, INC., 1400 Battleground Ave., Suite 144, Greensboro, NC 27408. Representative: Harry E. Comer (same address as applicant), 919–288–0575. Transporting (1) *textile mill products*, and (2) *new furniture*, between points in Rockingham, Forsyth, Randolph, and Guilford Counties, NC, on the one hand, and, on the other, points in NY, MA, MD, NJ, PA, CT, and SC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8714 Filed 3-31-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-148 through 150 (Preliminary) and 731-TA-88 (Preliminary)]

Carbon Steel Wire Rod From Brazil, Belgium, France, and Venezuela; Import Investigations

Determinations

On the basis of the record [1] developed in its countervailing duty investigations on carbon steel wire rod from Brazil, Belgium, and France, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [3] [4] by reason of imports of carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Governments of Brazil, Belgium, and France, respectively.

On the basis of the record developed in its antidumping investigation on carbon steel wire rod from Venezuela, the Commission determines,[2] [5] pursuant (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [6] [7] by reason of imports of carbon steel wire rod, provided for in item 607.17 of the TSUS, from Venezuela which are alleged to be sold in the United States at less than fair value.

Background

On February 8, 1982, a petition was filed by counsel on behalf of Atlantic Steel Corp., Georgetown Steel Corp., Georgetown Texas Steel Corp., Keystone Consolidated, Inc., Korf Industries, Inc., Penn-Dixie Steel Corp., and Raritan River Steel Co. with the U.S. International Trade Commission and with the Department of Commerce alleging that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports from Brazil, Belgium, and France of carbom steel wire rod upon which bounties or grants are alleged to be paid and by reason of imports from Venezuela of carbon steel wire rod which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under sections 701(a) and 733(a), respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of the importation of such merchandise into the United States.

Notices of the institution of the Commission's investigations and of a conference to be held in connection therewith were given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notices in the **Federal Register** on February 17, 1982 (47 FR 7346 and 7347). The conference was held in Washington, D.C. on March 3, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

After considering the record, we conclude: (1) There is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly subsidized imports of carbon steel wire rod from Brazil; [8] (2)

[1] The record is defined in sec. 207.2(i) of the Commission's rules of practice and procedure (47 FR 6190, Feb. 10, 1982).

[2] Commissioner Haggart was sworn in subsequent to the vote.

[3] Chairman Alberger finds threat of material injury only in the investigation involving Brazil and present material injury only in the investigations involving Belgium and France.

[4] Commissioner Frank finds present material injury in all three investigations.

[5] Vice Chairman Calhoun dissenting.

[6] Chairman Alberger and Commissioner Eckes find threat of material injury only.

[7] Commissioner Frank finds present material injury only.

[8] Vice Chairman Calhoun determines that there is a reasonable indication that an industry is

there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly subsidized imports of carbon steel wire rod from Belgium; [9] (3) there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reasons of allegedly subsidized imports of carbon steel wire rod from France; [9] (4) there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of carbon steel wire rod from Venezuela allegedly sold at less than fair value (LTFV).[10] [11]

In the following analysis, we will first define the domestic industry. We will then examine the state of the domestic industry in terms of the relevant economic indicators. Finally, we will examine the causal relationship between the state of the domestic industry and the dumped or subsidized imports on a country by country basis.

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." Section 771(10) defines "like produce" as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.

Carbon steel wire rod is a hot-rolled, semifinished, coiled product of solid, round cross section, not under 0.20 inch nor over 0.74 inch in diameter. Carbon steel wire rod can differ in its chemistry (carbon content) and the process by which it is manufactured (continuous cast or rimmed steel rod). It is produced in a variety of different grades, sizes and qualities.

The subject imports of carbon steel wire rod are believed to include all of these grades, sizes and qualities. Domestic producers make the same grades, sizes and qualities of carbon steel wire rod as are imported. On the information that we have at this time, there appear to be no clear dividing lines based on the characteristics and uses of different grades, sizes and qualities of carbon steel wire rod. Accordingly, for the purposes of this preliminary investigation, the like product is carbon steel wire rod and the domestic industry is composed of the producers of carbon steel wire rod.

Condition of the Domestic Industry

It is clear that the domestic industry as a whole is experiencing problems. The industry's financial performance, capacity utilization, and employment levels all declined during 1979–81.

Since 1979, the U.S. carbon steel wire rod industry has undergone a significant change. The newer, more efficient mini mills have gained an increasing share of U.S. production. The share held by the integrated producers has declined significantly from 62 percent in 1979 to 46 percent in 1981. In general, the mini mills were more profitable than the integrated operations during the period under consideration. However, their performance did not lift aggregate industry statistics to satisfactory levels for any of the three years covered by this investigation.[12]

The domestic industry showed a slight profit in 1979, but was unprofitable in 1980 and 1981. Together, the 10 reporting firms earned an operating profit of $14 million in 1979, which represented 1.2 percent of net sales that year. However, the industry sustained losses of $55 million (5 percent of net sales) and $27 million (2.2 percent of net sales), respectively, in 1980 and 1981. Five firms sustained operating losses in 1979, seven firms sustained such losses in 1980, and six in 1981.

The ratio of cost of goods sold to net sales rose from 96 percent in 1979 to 101 percent in 1980, indicating that, in the aggregate, the 10 reporting firms sold their carbon steel wire rod at less than the cost of production in 1980. In 1981, this ratio declined slightly to 98 percent. However, integrated producers generally continued to sell rod below the cost of production.

Carbon steel wire rod production decreased from 1979 to 1980, but turned slightly upward in 1981. Commercial shipments followed the same pattern, but then started another decline after March 1981.

Capacity utilization in the wire rod mills declined during this period from 88 percent in 1979 to 77 percent in 1981.[13] Employment of production and related workers for carbon steel wire rod decreased each year during the period under consideration, declining from 9,376 in 1979 to 6,880 in 1981, or by 27 percent; however, some of this decline appears to be the result of industry changes increasing productivity. The hours worked also fell from 19 million in 1979 to less than 14 million in 1981, or by 29 percent.

Reasonable Indication of Material Injury by Reason of Imports

Section 771(7)(B) directs the Commission in making its material injury determinations, to consider among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.

Cumulation

Chairman Alberger and Commissioners Stern and Eckes have made their determinations on a case-by-case basis. Should any of the preliminary cases return for final determinations, they do not preclude cumulation when the record, as developed, shows it is appropriate. For cumulation to be appropriate, we believe that it must be demonstrated that "the factors and conditions of trade in the particular case show its relevance to the determination of injury".[14] There

materially injured or threatened with material injury by reason of allegedly subsidized imports of carbon steel wire rod from Brazil, Belgium and France. Commissioner Frank determines that there is a reasonable indication that an industry is materially injured by reason of allegedly subsidized imports of carbon steel wire rod from Brazil, Belgium and France. Commissioner Frank also, having found a reasonable indication of material injury, does not reach the issue of threat of material injury. Chairman Alberger determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of allegedly subsidized imports of carbon steel wire rod from Brazil.

[9] Chairman Alberger, having found a reasonable indication of material injury with respect to imports from Belgium and France, does not reach the issue of threat in either of those two investigations.

[10] Chairman Alberger and Commissioner Eckes determine that there is a reasonable indication that an industry is threatened with material injury by reason of imports of carbon steel wire rod from Venezuela allegedly sold at less than fair value. Vice Chairman Calhoun determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of carbon steel wire rod from Venezuela allegedly sold at less than fair value. Commissioner Frank determines that there is a reasonable indication that an industry is materially injured by reason of allegedly dumped imports of carbon steel wire rod from Venezuela and therefore does not reach the issue of threat of material injury.

[11] Commissioner Frank notes that the statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could possibly be suffering injury, threat thereof or material retardation. H.R. Rep. No. 96–317, 96th Cong., 1st Ses. 52 (1979).

[12] Commissioner Frank notes that the oft-cited efficiency of mini-mills is contingent upon a number of economic factors including location, availability of adequate scrap at attractive prices, and energy cost considerations. In fact, it is known that a number of mini-mills are currently suffering economic and financial distress. Also, certain integrated producers' wire rod operations can approach, if not reach, productive efficiencies of mini-mills if, all other factors being equal (e.g. prices), such integrated operations attain favorable capacity utilization levels.

[13] Commissioner Stern notes that there is no information on the record which indicates any bottlenecks in the availability of steel scrap or raw steel for the carbon steel wire rod mills.

[14] S. Rep. No. 93–1298, 93d Cong., 2d Sess. 180 (1974). There are no specific references to

are preliminary indications that many of these factors may be present.[15] Should any of these cases return for final determinations, we invite further comment on this issue.[16]

Vice Chairman Calhoun, using the data discussed in this opinion and on the record, cumulated the impact of the subsidized imports from Brazil, Belgium and France. He found that the factors and conditions of trade well demonstrated the relevance of cumulation in these investigations. In his view, it is in their collective, rather than through their individual presence in the U.S. marketplace that imports are affecting the domestic industry. Some of the factors and conditions of trade which make cumulation appropriate here are, first, the condition of the domestic industry, as demonstrated in the discussion above, is not strong, making it especially vulnerable to the impact of imports. Second, the imports and the like product are fungible, they compete in the same market for the same end users, and imports appear to have a simultaneous impact in the market. In addition, the domestic industry holds the dominant share of domestic apparent consumption while the individual countries importing the carbon steel wire rod under investigation have very low levels of penetration. This particular circumstance of high domestic market share and very low individualized penetration makes it difficult to establish with confidence a direct relationship between imports from a particular country and the material injury or threat which exists. But in view of the other factors observed, he finds a reasonable indication that the required nexus exists between material injury or threat and the cumulative impact of the imports.[17]

Commissioner Frank made his determinations in these cases by aggregating the impact of those allegedly unfairly traded imports from Bazil, Belgium, France and Venezuela as well as those from Argentina and the Republic of South Africa. Therefore, he does not join his colleagues in their affirmative determinations as reached on a country-by-country basis and the discussion and reasoning therein.[18]

Prices[19]

In analyzing data on pricing in each of these investigations, the Commission has been confronted with an apparent contradiction. On the one hand, questionnaire data gathered by the Commission indicate that imported carbon steel wire rod from all of the subject countries has been selling at prices above those for domestically produced wire rod. On the other hand, domestic purchasers have confirmed lost sales to importers from all but one of the four subject countries. Most of the carbon steel wire rod being imported into the country is standard quality low-carbon wire rod and pricing data was limited to that type of rod. Imported standard quality rod is fungible with domestically produced standard quality rod. Thus, price is generally a principal factor in purchase decisions. Most foreign producers enter U.S. markets by selling at low prices, particularly when dealing in fungible commodities.

Representatives of 9 purchasers of carbon steel wire rod confirmed that the three primary considerations in their purchasing decisions were price, quality, and their relationship with suppliers. Price was generally acknowledged to be the primary factor, although quality was considered by some to be equally important. Because of these facts, the meaning and reliability of the data on pricing are open to question. If these investigations return to the Commission for a final determination, we will examine pricing in greater depth.[20]

Petitioners allege that the carbon steel wire rod market is extremely price sensitive. The announcement of low prices for carbon steel wire rod can have a ripple effect throughout the entire industry, forcing wire rod prices down. This is especially true for domestic producers because, unlike foreign producers, domestic producers' orders can be cancelled up to the time of delivery. Thus, their prices are subject to renegotiation in the downward direction.

In the final quarter of 1981, net realized prices to U.S. customers, f.o.b. producers' mill, were only one percent above the level that prevailed almost three years earlier in the first quarter of 1979, demonstrating that domestic producers are clearly suffering from price suppression. The data discussed earlier showing domestic sales below the cost of production provide further indication of such price suppression.

Carbon Steel Wire Rod From Brazil

Introduction

We determine that there is a reasonable indication that allegedly subsidized Brazilian imports have caused or threathen to cause [21] material injury to the domestic carbon steel wire rod industry. Our decision is based, among other factors, on the sharp increase in imports from Brazil in 1981, a contract between a large Brazilian producer and a foreign party related to a U.S. importer which calls for large increases of carbon steel wire rod exports to the United States, and the very large capacity to produce carbon steel wire rod in Brazil.

Volume of Imports

In 1979, Brazil only exported 33 tons of carbon steel wire rod to the United States. U.S. imports of Brazilian rod went from 0 in 1980 to 32,579 tons in 1981, totalling 0.6 percent of consumption. This indicates Brazil's ability to quickly enter the U.S. market.

Price

Although available data on prices indicate that carbon steel wire rod from Brazil was higher priced than the domestic product, the prices of Brazilian rod were lower than those for any other subject country. The Commission also confirmed a number of lost sales, more than from any other subject country.

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cumulation in the Trade Agreements Act of 1979 or its legislative history. A general reference to the "conditions of trade and competition" is found in S. Rep. 96-249, 96th Cong., 1st Sess., 74 (1979). For a further description of these factors and conditions of trade, *See* Certain Steel Products from Belgium, Brazil, France, Italy, Luxembourg, The Netherlands, Romania, The United Kingdom, and West Germany, Inv. Nos. 701-TA-86-144, 146 and 147 (Preliminary) and 731-TA-53-86 (Preliminary), USITC Publication 1221, Views of Chairman Alberger, Vice Chairman Calhoun, and Commissioners Stern and Eckes, at 16 and 17.

[15] Chairman Alberger and Commissioner Stern note that while there is not yet sufficient information available to them to determine whether cumulation is appropriate in any of these investigations, they have voted to continue certain cases which may merit cumulative treatment in a final investigation where an isolated analysis might otherwise call for a negative determination at the preliminary stage.

[16] Chairman Alberger and Commissioner Stern invite in particular further argument on whether subsidized imports can be cumulated with imports sold at less than fair value.

[17] For additional reasoning by the Vice Chairman on cumulation, See *Certain Steel Products from Belgium, France, Italy, Luxembourg, The Netherlands, Romania, The United Kingdom, and West Germany,* * *, Additional Views of Vice Chairman Michael J. Calhoun, at 98-104.

[18] See also Commissioner Frank's Additional Views.

[19] See Commissioner Frank's Additional Views.

[20] Vice Chairman Calhoun and Commissioner Stern note that the attention paid to pricing results from its importance as a measure of material injury and as a possible factor linking imports to the harm suffered by the domestic producers. In their view, in light of the contradictory pricing information thus far collected, it must be kept in mind that the causal connection between subsidized imports and material injury or the threat thereof may manifestitself in ways other than price. These alternative ways include, but are not limited to, the ability of a foreign producer to supply the U.S. market on a regular basis, advertising specialized service, inducements, and stronger balance sheets assisting in attracting capital.

[21] See Footnote 1, at p. 1.

More sales were also allegedly lost to Brazil than any other subject country.

There are preliminary indications that imports from Brazil, by virtue of a competitive advantage allegedly derived from government subsidization, are taking sales away from domestic manufacturers and may be materially suppressing or depressing prices in the U.S. market.

Threat of Material Injury

A very large producer of carbon steel wire rod in Brazil has entered into a long-term contract with a foreign company related to a large importer. Under the terms of the contract, this produce will export to the U.S. market large quantities of carbon steel wire rod. The quantities will be much large than the amounts previously exported to the United States.

Brazil also has the capacity to produce roughly 2 million tons of carbon steel wire rod. In 1981, a significant portion of that capacity was unused. With a sizable share of the total exports from Brazil in 1981 directed to the United States, much of that unused capacity could be directed at the United States market.

Hence, the Brazilian steel industry appears to have the capacity and the financial incentive to increase its shipments to the United States over present levels. Such shipments could further impact a domestic industry that is already weakened.

2. Carbon Steel Wire Rod From Belgium

Introduction

We conclude that there is a reasonable indication that the domestic industry has suffered or is threatened with [22] material injury by reason of allegedly subsidized imports of carbon steel wire rod from Belgium. Our detemination is based, among other things, on the continued significant volume of Belgian imports, confirmed lost sales, and low capacity utilization in Belgium.

Volume of Imports

Imports of carbon steel wire rod from Belgium declined from 30,697 tons in 1979 to 20,012 tons in 1980. Imports then increased to 21,547 tons in 1981. Although, imports from Belgium were 0 in the first quarter of 1981, imports increased significantly during the last three quarters. Imports of carbon steel wire rod from Belgium accounted for 3 percent of total imports in both 1980 and 1981.

[22] See Footnote 2 at p. 1.

Prices

Although data indicate that Belgian wire rod is selling at prices above those for domestically made carbon steel wire rod, the Commission was able to confirm lost sales to wire rod from Belgium.

Threat of Mateial Injury [23]

Although production of carbon steel wire rod in Belgium declined by 10 percent from 1979 to 1981, Belgian capacity to produce carbon steel wire rod increased. Thus, the capacity utilization of producers in Belgium declined to very low levels in 1981. At the same time, total exports of carbon steel wire rod from Belgium accounted for nearly 40 percent of production, indicating that this significant unused capacity could be directed at the United States in the future.

We conclude that the low capacity utilization and the strong export orientation of the Belgian steel industry establish a reasonable indication of threat of material injury by reason of imports of carbon steel wire rod from Belgium.

3. Carbon Steel Wire Rod From France

Introduction

We conclude that there is a reasonable indication that the domestic industry has suffered or is threatened with [24] material injury by reason of allegedly subsidized imports of carbon steel wire rod from France. Our determination is based, among other things, on the continued significant volume of French imports which has slowly been increasing, on confirmed lost sales, and on the relatively low capacity utilization of French mills.

Volume of Imports

France has continued its position as the third largest exporter of carbon steel wire rod to the United States increasing its share of total U.S. imports from 12 percent in 1979 to 13 pecent in 1981. Imports of carbon steel wire rod from France dipped slightly from 98,267 tons in 1979 to 93,738 tons in 1980 and then in 1981 increased by nine percent to 101,921 tons.

Prices

From the data gathered, French wire rod, like Brazilian and Belgian wire rod, appears to be selling at prices above those for domestically produced rod. However, one-third of the confirmed lost sales were to carbon steel wire rod from France.

[23] See Footnote 2 at p. 1.
[24] See Footnote 2, at p. 1.

Threat of Material Injury [25]

Although production and capacity declined slightly from 1979 to 1981, exports of carbon steel wire rod accounted for about 40 percent of production in France. Furthermore, capacity utilization was at a relatively low level in 1981, indicating that additional exports of carbon steel wire rod could be directed from France to the United States. We conclude that the export orientation and the relatively low capacity utilization of the French steel industry establish a reasonable indication of threat of material injury by reason of imports of carbon steel wire rod from France.

4. Steel Wire Rod From Venezuela [26]

Introduction

Our determination that there is a reasonable indication that allegedly dumped carbon steel wire rod from Venezuela has caused or threatens to cause [27] material injury to the domestic industry is based principally on the quick entrance of Venezuelan imports and on the extremely low capacity utilization rate in Venezuela.

Volume of Imports

In 1979, Venezuelan imports to the United States were 0. In 1980 imports increased to 4,461 tons. In 1981, imports jumped 6 times to 25,443 tons. Imports from Venezuela accounted for 0.6 percent of total U.S. imports in 1980 and 3.3 percent in 1981 which indicates Venezuela's ability to penetrate the U.S. market rapidly.

Prices

Venezuela's prices appear to be higher than the domestic prices. However, although there were no confirmed lost sales to Venezuelan wire rod, the Commission's staff was able to trace a sizable sale of Venezuelan rod to a major domestic user which also buys from domestic sources. Since Venezuela is a very new entrant to the U.S. market, the Commission believes that price probably was the primary reason for buying the Venezuelan rod. It is unlikely that a new supplier could establish a position in the U.S. market without underselling established domestic producers. These matters clearly warrant further investigation.

Threat of Material Injury

Venezuela's production has steadily increased during 1979 to 1981. Capacity

[25] See Footnote 2, at p. 1.
[26] See Additional Views of Vice Chairman Michael J. Calhoun.
[27] See Footnote 3, at p. 2.

utilization is still at a very low level and, although Venezuela's total exports have declined, its exports to the United States have increased significantly. Furthermore, Venezuela's large unused capacity could easily be directed to increasing its share of the U.S. market.

We conclude that the low capacity utilization and the significant increase in imports from Venezuela estalish a reasonable indication of threat of material injury by reason of imports of carbon steel wire rod from Venezuela.

Additional Views of Vice Chairman Calhoun

Based on the information gathered in this preliminary investigation, I have determined that there is no reasonable indication that imports of Venezuelan carbon steel wire rod are causing material injury nor is there a reasonable indication that these imports are a threat thereof. As I observed in the majority views, in circumstances in which the domestic industry dominates the marketplace with a market share of approximately 85 percent and the imports under investigation occupy such a very small share of total U.S. consumption, there is, for me, great difficulty in establishing the requisite nexus to material injury. Finding such a connection between imports and material injury in this circumstance requires identification and examination of the particularities in the market which would demonstrate the causal relationship.

In the case of Venezuelan imports, there involvement in this market appears, from one perspective, to be the same as that of imports from Brazil, Belgium and France. The Venezuelan share of the U.S. market is very small. Imports first appeared in the United States market in 1980 with a 0.1 percent market share and had a 0.7 percent market share in 1981. For the reasons I cite in the majority opinion regarding cumulation, it would be my view that the impact of these imports ought to be felt in aggregate with the imports from Brazil, Belgium and France rather than individually.

From another perspective, however, one which focuses upon some particular features attending Venezuela's wire rod presence in this market, the extent to which these imports contribute to even a cumulative adverse impact is, to me, greatly in doubt. First, Venezuelan wire rod has no historical presence in the United States market. Our information indicates that the only shipments into the U.S. began in the last part of 1980 and ended in the third quarter of 1981. It further reveals that these shipments were part of a one-time sale resulting from an isolated anomaly in the Venezuelan market.[28] There is no information even suggesting possible future sales. Indeed, information supplied by Sidor, the Venezuelan producer, indicates its belief that the imports were a one-time phenomenon unlikely to recur. Sidor plainly expressed its intention that in the foreseeable future sales would not recur.[29]

Second, while there is some question about Sidor's capacity and capacity utilization, several things are clear: Sidor is the only producer of carbon steel wire rod in Venezuela; Venezuela remains a net importer of carbon steel wire rod; and the most generous calculation of capacity in the next several years demonstrates that Sidor's production represents about 80 percent[30] of Venezuelan requirements. Such a circumstance strongly argues against rather than in support of the proposition that Venezuelan rod is a factor or will be a factor in the United States wire rod market.

Moreover, this investigation failed to confirm any instance of lost sales to imports from Venezuela. What our investigation found, in this regard, is that the isolated sales of these imports were to importers who are long time users of both imports and domestic wire rod. Thus, failure to confirm an instance of a lost sale could well be explained by the fact that the very small volume of these imports supplanted other foreign rather than domestic carbon steel wire rod. Although the failure by staff to document actual lost sales is, alone, of limited significance especially in preliminary investigations, it is valuable here as one of several factors which together uniformly demonstrate Venezuelan rod as having a very limited impact in our market.

Finally, while I fully support the analysis and conclusion of the majority regarding our pricing data, I, nevertheless, cannot completely ignore the fact that the only pricing data we have for Venezuelan rod reveals the transaction price was nearly 25% higher than the domestic price at the time. It was also one of the highest transaction prices in all the transactions for which we have data. Despite our reservations regarding the extent to which market behavior comports with our pricing data, this price information is supported by the other factors associated with the behavior of the Venezuelan imports under investigation.

For all of these reasons, I cannot find a reasonable indication of material injury or threat by these imports either in the aggregate or individually. The data thus far collected seem to me to demonstrate quite well that Venezuelan rod is an irrelevant, at best marginal, factor in the United States carbon steel wire rod market.

As a last point, I wish to make clear that nothing in this analysis nor in my analysis in the prior steel cases[31] should be construed as an endorsment of the view that our assessment of the impact of imports on the domestic industry can be undertaken by cumulating the impact subsidized imports with that of imports sold at less than fair value. My reference here to Venezuelan imports in the aggregate is by way of covering all foreseeable formats in which they might have an impact in the market.

I am in full agreement with Commissioner Stern in her invitation to parties to address this question in the final investigation. The question of cumulating the impact of what might well be completely separate causes of action is a very troublesome question of law. I am not prepared to resolve it arises in a way making resolution unavoidable or until we have had an adequate opportunity to receive legal briefs from interested parties.

Additional Views of Commissioner Paula Stern

Data Problems

In previous preliminary antidumping and countervailing duty cases, I have often noted that, "I must base my determination as much on what information the Commission has not been able to gather (but has expectations of developing in a full scale investigation) as on the information I have before me."[32] In the case before us now, *Certain Steel Wire Rods*, the pricing and, in the case of

[28] *See* Brief Filed on behalf of CVG-Siderurgica del Orinoco, C.A. p. 2, Letter from CVG-Siderurgica del Orinoco, C.A. to Chairman William Alberger, March 2, 1982 (Conference Exhibit #9).

[29] *Id.*

[30] *Id.*

[31] *See* Certain Steel Products from Belgium, Brazil, France, Italy, Luxembourg, The Netherlands, Romania, The United Kingdom, and West German, Inv. Nos. 701-TA-86-144, 146 and 147 (Preliminary) and 731-TA-53-86 (Preliminary), USITC Pub. 1221.

[32] *See* Certain Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom, Inv. Nos. 731-TA-18-24 (Prel.), USITC Pub. 1064 (May 1980), "Statement of Reasons of Commissioner Paula Stern" at 41. *Also see* "Certain Steel Products from Belgium, Brazil, France, Italy, Luxembourg, the Netherlands, Romania, the United Kingdom, and West Germany," Inv. No. 701-TA-86-144, 146 and 147 (Prel.) and Inv. No. 731-TA-53-86 (Prel.), USITC Pub. 1221, Vol. 1 (January 1982), "Additional Views of Commissioner Paula Stern" at 119-20.

Venezuela, lost sales date remain insufficiently developed. The possibility cannot be precluded that the subject goods are causing material injury through underselling and/or price depression made possible by subsidies or dumping. Should any of these cases return, I would expect to base any final determination on more complete demand information, comparable pricing data, analysis of the extent and impact of any subsidies or margins of dumping, and a better examination of any other factors affecting the U.S. steel industry.

Causality Analysis Under the Trade Agreement Act of 1979

In *Certain Steel Wire Nails from the Republic of Korea* (March 1982),[33] the issue arose as to what the Commission should look at in determining causation in countervailing duty cases. In the present set of cases, that concern is broadened to antidumping cases as well. These situations are parallel, and both will be dealt with here. Because the subject is so important and because the record already contains allegations that certain subsidies do not affect exported products,[34] I shall expand the argument found in my "Additional Views" in that case and then dispel some mistinterpretations of those views. Discussion has focused on two interpretations of the phrases, "the effects of the subsidized imports"[35] and "by reason of imports"[36]: (1) judging the full impact of the subject imports, which happen to benefit from a subsidy or are being sold at less than fair value, or (2) judging the impact of the subject imports in connection with the subsidy or margin of dumping in causing the injury. I believe that the language of the Trade Agreements Act[37] on this subject is not intuitively clear on its face and therefore merits careful examination.

The conceptual difference between these two approaches cannot be underestimated. The first alternative would attach no weight to whether, for instance, a subsidy was 0.5 percent or 50 percent. Any imports benefitting from a subsidy—no matter how insignificant—would be equally tainted for purposes of causality analysis under the first formulation. By contrast, the second formulation would require the causality analysis to trace, to whatever extent possible, the role of the subsidy in the imports' impact on the domestic industry.

The statute in section 771(C)(ii) mandates that the Commission consider certain factors in "evaluating the effect of imports of such merchandise." But how these factors should be evaluated to determine causality is not explicit in this phrase. I believe that the statute, the legislative history, and the relevant international agreements taken together clearly demonstrate that the second alternative is the proper basis for assessing causality in the Commission's countervailing duty and antidumping investigations and is true to the intended meaning of the phrases "the effects of the subsidized imports" and "by reason of imports."

The Senate Finance Committee's "Report on the Trade Agreements Act" (Senate Report) directs the Commission to continue its practice of looking to the effects of the net subsidy in its countervailing duty determinations:

> In determining whether injury is "by reason of" subsidized imports, the ITC now looks at the effects of such imports on the domestic industry. The ITC investigates the conditions of trade and competition and the general condition and structure of the relevant industry. It also considers, among other factors, the quantity, nature, and rate of importation of the imports subject to the investigation, and *how the effects of the net bounty or grant relate to the injury,* if any, to the domestic industry. Current ITC practice with respect to which imports will be considered in determining the impact on the U.S. industry is continued under the bill. (Emphasis added.)[38]

The Senate Report employs the identical language in directing the Commission with regard to antidumping deliberations, replacing only the phrase "net bounty or grant" with "margin of dumping."[39] The "by reason of imports" language of the Trade Agreements Act tracks similar language in the Antidumping Act, 1921. The statutory repetition of this causality language in the absence of any criticism of the Commission's prior practice constitutes implicit approval by Congress of the Commission's causality methodology.

The Commission's longstanding practice under the 1921 Act was to link the dumping margin to the injury. This precedent was repeated in its first countervailing duty investigation conducted by the Commission under section 303(b) of the Tariff Act, *Certain Zoris from the Republic of China* (1976). The Commission noted:

> * * * the bounty or grant paid on the subject imports of zoris would amount to only about 1.3 cents per pair. Such a bounty or grant would account for only a fraction of the margin of underselling which the subject imports enjoy over casual footwear produced in the United States.[40]

In a later antidumping case, *Welded Stainless Steel Pipe and Tube from Japan* (1978), the Commission found in the negative also because the dumping margins accounted for only a small part of the amount by which the imports undersold the U.S. product.[41] In *Certain Fish from Canada* (1978), a unanimous Commission found in the negative. It concluded that there was no likelihood of injury due to the subject imports because those subsidies not scheduled for immediate elimination "are not likely to have any injurious impact on the U.S. industry."[42]

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[33] Certain Steel Wire Nails from the Republic of Korea, Inv. No. 701–TA–145 (Prel.), USITC Pub. No. 1223 (March 1982). *See* "Additional Views of Commissioner Paula Stern" at 11–14.

[34] *E.g.*, Post-Conference Brief of Secilor at 13.

[35] *E.g.*, section 771(4)(D) uses this phrase.

[36] *E.g.*, section 701(a), 703(a) and 705(b)—which deal with the countervailing duty determinations of the Commission—employ such a phrase. The same phrase is found in sections 731(a), 733(a), and 735(b) which concern antidumping determinations.

[37] 19 U.S.C. 1671(b).

[38] Senate Comm. on Finance, Trade Agreements Act of 1979, S. Rept. No. 96–249, 96th Cong., 1st Sess. (1979) at 57.

A review of the drafting of the Subsidies and Antidumping Codes contains background on what should be used to determine causation of material the codes on the effects language.

> [t]he language finally agreed upon provided that: "[i]t must be demonstrated that subsidized imports are, through the effects of the subsidy, causing injury within the meaning of this Agreement."

Richard Rivers and John Greenwald: The Negotiation of a Code on Subsidies and Countervailing Measures: Bridging Fundamental Policy Differences, 11 L. & Pol'y Int'l Bus. 1447, 1457 (1979).

The Director-General of GATT in April of 1979 described the negotiations at the Tokyo Round on this same issue:

> Many participants took the firm position that * * * [t]he existence of a significant material injury must be proven and the causal link between injury and the particular subsidy established.

Director-General of GATT, The Tokyo Round of Multilateral Trade Negotiations, 59.

See also U.S. Office of Special Trade Representative, Background Papers on MTN, Subsidies and Countervailing Duties (May 2, 1979).

[39] *Ibid.*, at 74.

[40] Certain Zoris from the Republic of China (Taiwan), Inv. No. 303–TA–1, USITC Pub. No. 787 (September 1976) at 7.

[41] Welded Stainless Steel Pipe and Tube from Japan, Inv. No. AA–1921–180, USITC Pub. No. 899 (July 1978). In the majority opinion, Chairman Joseph O. Parker, and Commissioners George M. Moore and Catherine Bedell concluded: "* * * the dumping margin accounted for only a small part of the amount by which the Japanese pipe and tubing undersold any sales that U.S. producers might have lost to Japanese imports or any price suppression that might have been experienced by U.S. producers cannot be attributed to the LTFV margins applicable to the imports from Japan." ["Views" at 7.] In the concurring "Reasons for Negative Determination," Commissioners Bill Alberger and Daniel Minchew adopted similar reasoning and came to an identical conclusion. ("Reasons" at 11–12.)

[42] Certain Fish from Canada, Inv. No. 303–TA–3, USITC Pub. No. 919 (September 1978). "Statement of Reasons of Chairman Joseph O. Parker, Vice

In *Unlasted Leather Footwear Uppers from India* (1980),[43] the first countervailing duty case decided after the Trade Agreements Act of 1979 took effect, the Commission majority relied in large part on the "inconsequential" size of the subsidy in coming to a negative determination. In our "Statement of Reasons," Chairman Bedell and Commissioners Moore and I noted:

> * * * the impact of a subsidy of 1.01 percent ad valorem on the price of finished nonrubber footwear is inconsequential * * *. If the Indian subsidies had any effect on U.S. nonrubber footwear prices, it was to make them more competitive with prices of imported footwear, since it is U.S. nonrubber footwear producers which purchase the Indian shoe uppers.[44]

In their concurring views, then Vice Chairman Alberger and Commissioner Calhoun also relied on an analysis of the subsidy in making the Commission's determination unanimous. They observed:

> * * * the impact of the 1.01 percent ad valorem Indian subsidy on production costs of nonrubber footwear is also small * * *. In view of these considerations, particularly in combining the low level of market penetration and the low level of the subsidy, the fact of material injury by reason of these subsidized imports cannot be established."[45]

In *Certain Iron-Metal Casting from India* (1980),[46] the Commission again returned to the issue of the impact of a subsidy on the domestic industry. I noted in my views, "My analysis shows that subject imports caused price suppression as a result of the subsidies despite the fact that margins of underselling were larger than the levels of subsidy."[47] Chairman Alberger also observed: "The margin of underselling by the importes' product was more than twice the amount of the subsidy * * *."[48] Though we reached different conclusions, both Chairman Alberger and I recognized the importance of analyzing the effect of the subsidy.

In a subsequent preliminary antidumping case, *Certain Iron-Metal Castings From India* (1981), Vice Chairman Calhoun and Commissioners Moore and Bedell spoke of a reasonable indication of material injury "beyond, and entirely separate from, any injury caused by the export subsidies already found to exist on Indian castings."[49] In my concurring opinion and in Chairman Alberger's dissenting opinion, we both referred to the LTFV margins and the countervailing duty in examining causation.[50]

Thus, it has been a long and continuous Commission practice in both antidumping and countervailing duty cases to base its analysis of causality *in part*[51] on the links betwen the offending act—as measured by the size of the subsidy or margin of dumping—and any impact of the imports on the domestic industry. When the net subsidy or margin of dumping has accounted for only a small portion of the margin of underselling, the Commission has reasoned in general that the injury could not be remedied by a countervailing or antidumping duty and found in the negative.

In preliminary investigations the Commission is usually unable to assess precisely the effects of the subsidy or LTFV margins because at this stage their exact extent is unknown.[52] Thus, in judging causation in a preliminary case, the focus is of necessity on the subject imports without substantial analysis of the alleged subsidy or margins of dumping. This does not mean that *reliable* information on subsidies or margins should be ignored in preliminary investigations. A demonstration at any stage that the subsidies or margins of dumping cannot possibly result in material injury would be a powerful argument for a negative determination.

For example, in my preliminary findings in *Hot-Rolled Carbon Steel Sheet from France* (1982), I noted that such a demonstration had not been made. I analyzed subsidy information in coming to the conclusion that "[t]here is no reasonable basis for denying the potential impact such subsidies could be having * * *." That case had been initiated by the Department of Commerce (Commerce), which is responsible for determining the extent of subsidies. The information provided by Commerce was more substantial than general allegations by an interested party.[53] If any of the present cases return for final investigation, the Commission will have the benefit of the final margins from Commerce and, as usual, I will take another look at causation on the basis of the expanded record at that time.

Certain Misconceptions

A recent discussion of the problems of causality analysis suffered from a mistaken belief that the "plain language" of the statute is "unambiguous" and that, therefore, reference to the legislative history and the GATT code is "irrelevant."[54] However, the Senate Report devotes much space to a discussion of this "unambiguous" subject. The Act itself is necessarily streamlined and the entire discussion of the issue by all parties and two of the Commissioners in *Certain Steel Wire Nails* (1982) testifies to the need for further explication of the statutory language. Of course, the legislative history and the GATT discussion are only of assistance to the extent they explain, rather than contradict, the statute.

It has been suggested that the purpose of the Act would be defeated if it made a remedy "contingent upon a detailed tracking" of the impact of such practices on the domestic industry. This argument apparently applies only to subsidies since dumping by definition is the relatively direct activity of selling at below home-market fair value (however difficult it may be to determine properly fair value). Moreover, if it were an impossible burden to make such a detailed tracing, the Act is surely self-defeating because that is precisely what it requires Commerce to do in preparing its final margins. All information on subsidies and/or dumping is distilled—quantified—into simple margins based on prices. Application of the remedy is absolutely dependent on this "detailed tracing," and the Commission—at least in final investigations—benefits from the knowledge Commerce has acquired.

In addition, I do not believe that an affirmative determination critically depends on the most intricate tracing of

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Chairman Bill Alberger and Commissioners George M. Moore, Catherine Bedell, and Italo H. Ablondi," at 8.

[43] Unlasted Leather Footwear Uppers from India, Inv. No. 701–TA–1 (Final), USITC Pub. No. 1045 (March 1980).

[44] *Ibid.*, "Statement of reasons of Chairman Catherine Bedell, Commissioners George Moore and Paula Stern" at 6.

[45] *Ibid.*, "Views of Commissioners Alberger and Calhoun" at 14.

[46] Certain Iron-Metal Castings from India, Inv. No. 303–TA–13 (Final), USITC Pub. No. 1093 (September 1980).

[47] *Ibid.*, "Statement of Reasons of Commissioner Paula Stern" at 24.

[48] *Ibid.*, "Views of Chairman Bill Alberger" at 34.

[49] Certain Iron-Metal Castings from India, Inv. No. 731–TA–37 (Preliminary), USITC No. 1122 (January 1981), "Statement of Reasons for the Affirmative Determination of Vice Chairman Mitchael J. Calhoun and Commissioners George M. Moore and Catherine Bedell" at 5.

[50] *Ibid.*, "Views of Commissioner Paula Stern" at 9 and "Views of Chairman Bill Alberger" at 10.

[51] Analysis of subsidies or margins of dumping has formed only *one part* of the Commission's considerations of causality. This has always been my position.

[52] The only available information on margins in preliminary cases usually consists of general allegations by the petitioner.

[53] Hot-Rolled Carbon Steel Sheet from France, Inv. No. 701–TA–85 (Prel.) USITC Pub. No. 1206 (January 1982), "Views of Commissioner Paula Stern" at 27.

[54] *E.g.*, see "Additional Views of Vice Chairman Michael J. Calhoun" in Certain Steel Wire Nails from the Republic of Korea (1982) at 15–22. All quoted phrases in this section come from this source.

the incidence of the subsidies and dumping margins on the domestic market. But the information is, to borrow a phrase, a "consideration of the first order",[55] and we are required to base our determinations on the best available information. The process is not unnecessarily burdensome to the Commission. Indeed, Commerce lightens our task considerably by conducting the examination and determination of the margins. Rather than ignoring the information provided on this subject, the Commission should and does incorporate it into its causality considerations. Indeed, the Commission is also accustomed to "intricate tracing" of market phenomena. In this case the Vice Chairman and I have taken cognizance of some complex phenomena which will be of interest in analyzing the impact of the subject imports should any of these cases return.[56]

Finally, an argument has been made that the very attempt to tie the proscribed practices to the imports creates a *de facto* double standard for material injury in preliminary and final cases. I believe that this conclusion is unwarranted. I have always been of the view that the concepts of the Act (*e.g.*, material injury, by reason of, industry), have a single meaning common to both preliminary and final cases. Indeed, the definitions of such terms are found in section 771 which applies to preliminary and final antidumping and countervailing duty cases alike. But there is a fundamental, inescapable difference between preliminary and final cases—the evidentiary standards. In preliminary cases, a *reasonable indication* must be shown; in final cases, material injury due to subsidized or LTFV imports *must be proven.* Using information on subsidies or dumping margins in final cases imposes no double standard other than the different evidentiary requirements already stated.

From the above, it is clear that I have concluded that causality is what common sense tells us it ought to be—connecting unfair practices, LTFV and/or subsidized sales of imports, to the material injury they cause.

[55] *Ibid.*, It is difficult to reconcile the Vice Chairman's opening observation that "* * * this issue * * * need not necessarily be relevant in reaching a [final] determination" (at 15) with his later statement that "in establishing causality the relation between a particular proscribed practice and material harm ought to be a consideration of the first order." (At 18.)

[56] See footnote 13 of "Views of the Commission" at 10.

Additional Views of Commissioner Frank

As noted in the views of the Commission, I aggregated the impact of the alleged unfairly traded imports of carbon steel wire rod from the six countries[57] cited by the petitioners and therefore do not join my colleagues in their determinations reached on a country-by-country basis. On this cumulated basis, such imports, which declined 5 percent from 142,500 tons in 1979 to 135,253 tons in 1980, increased sharply in 1981 to 220,638 tons, or by 63 percent. Also, monthly data on such imports for 1981 show a significantly increasing trend during July–December 1981, while domestic producers total shipments have declined.[58] These trends are also manifested by the fact that such imports have comprised a greater presence on a percentage basis with respect to quantities of all U.S. imports of carbon steel wire rod for domestic consumption, increasing from 18.5 percent in 1980 to 29 percent 1981. For all U.S. imports of carbon steel wire rod, which had declined 11 percent in 1980 from 1979 levels, increased 4 percent in 1981, a marked lesser degree of increase than evidenced by imports from respondent countries.[59]

Moreover, on a cumulated basis, imports of carbon steel wire rod from the six cited countries increased in domestic market penetration each year during 1979–1981 both as a ratio of apparent U.S. consumption (from 2.5 percent in 1979 to 4.3 percent in 1981) and as a ratio of apparent U.S. open-market consumption (from 4.1 percent in 1979 to 6.4 percent in 1981). These trends are in contrast to trends relative to overall market penetration levels of total U.S. imports of carbon steel wire rod which, as a percent of total apparent consumption, increased from 1979 to 1980 but declined in 1981 from 1980 and, as a percent of total apparent open-market consumption, declined each year 1979–1981.[60]

[57] Petitioners also filed cases with the Department of Commerce against South Africa and Argentina. These countries, however, are not entitled to any injury test by the Commission because they are not signatories to the International Subsidy Code. Therefore the Commission did not institute cases on imports from these countries. I believe, however, the imports from these two countries should be cumulated with imports from the other four countries subject to these Commission preliminary investigations. For my reasoning on cumulation, *see* Certain Steel Products from Belgium * * *, Inv. Nos. 701–TA–88–144, 146, 147 and 731–TA–53–86 (Preliminary), USITC Pub. 1221, February 1982, Views of Commissioner Eugene J. Frank at 127–129.

[58] Report at p. A–38.

[59] Report at A–32 to 33.

[60] Report at A–34, Table 20 and A–36 to A–37.

Pricing data obtained by the Commission appears incomplete at this juncture; transactions and purchaser and product/country coverage within the period covered do not appear to be comprehensive or representative; there is a question whether data submitted by U.S. producers is comparable with that submitted by importers; trends in weighted average prices realized by U.S. producers and by importers cited (and that indicating these imported products were selling at premiums over domestically produced products) do not appear to reflect the realities of the depressed market for these fungible, price-sensitive products. For price is the primary factor in the decision to purchase carbon steel wire rod, and its price-sensitivity is even more accentuated in the context of stagnant or declining domestic demand.

Producers have stated that, beginning in 1981 and continuing into 1982, wire rod falling within wide ranges of specifications have been sold for essentially the same price owing to competition, a significant portion of which emanates from the cited countries, for fewer orders in the marketplace.[61] Such specifications and possible quality variances do not appear to be covered by price indices and trends thereto cited, in addition to potential increased incidence of freight equalization allowance concessions oftentimes made by domestic producers in periods of slackened demand which can adversely affect gross margins.

The Producer Price Index for low carbon steel wire rod, which since 1979 to January–March 1982 increased about 40 percent, moderated and remained relatively constant from the third quarter 1981 to the first quarter 1982.[62] Also, limited pricing data cited in the Report representing net realized prices to customers of U.S. producers (f.o.b. producers' mill), while not necessarily comparative to prices of imported products, show evidence at a minimum of suppressive effects (and indeed possible distortions) as such prices in the final quarter of 1981 were only one percent above the level of prices two years earlier the first quarter of 1979 following a highly inflationary period. Such prices also fluctuated considerably during the aforementioned period.[63] Also, one must note recent adverse gross margins incurred by the domestic industry for these products.[64]

[61] Report at A–37 to A–39.

[62] Report at A–40.

[63] Report at A–40 to A–42.

[64] The vulnerability of domestic producers to competition from alleged unfairly trade imports is perhaps even more exacerbated by domestic

There is also substantial testimony by domestic customers confirming lost sales to imports. Should the Commission undertake final investigations, information on pricing data of a more comprehensive and reliable nature should be available and analysis of such data should be pursued in greater depth. I believe, however, that there is a reasonable indication of possible price suppression, possible price depression, and possible price distortions by reason of such allegedly unfairly traded imports warranting more comprehensive scrutiny.

In view of the above, and the indications of declining economic health of the domestic industry, I have determined that there is a reasonable indication that the domestic industry has suffered material injury by reason of allegedly subsidized imports of carbon steel wire rod from Brazil, Belgium and France, and by reason of imports of carbon steel wire rod from Venezuela allegedly sold at less than fair value, and that these investigations should continue.

Issued: March 26, 1982.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-8703 Filed 3-31-82; 8:45 am]

BILLING CODE 7020-02-M

Watches and Watch Movements From Insular possessions

In the matter of determination of apparent U.S. consumption of watch movements in 1981 and of quotas for duty-free entry of watches and watch movements from insular possessions in 1982.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1981 was 90,610,000 units.

The determination was derived as follows:

purchasing practices which, unlike those applicable to foreign producers, allow for the cancellation of domestic producers' orders up to the time of shipment. This means quoted prices are always subject to downward renegotiation up until the actual delivery is effectuated, the ever-present possibility of which (whether such renegotiation occurs or not) in a stagnant market is in itself a dampening effect on price. See Conference Transcript at pp. 25, 35 and 88.

Item	1,000 units	
U.S. production	2,980	
Plus inventory decrease	985	
Less exports of domestic merchandise	[1] 476	
Apparent U.S. consumption of domestic units		3,489
U.S. imports	87,141	
Less reexports of foreign merchandise	[2] 2,725	
Net imports		84,416
Shipments from Virgin Islands, Guam, and American Samoa		2,705
Apparent U.S. consumption		90,610

[1] Official statistics of the U.S. Department of Commerce were adjusted by the U.S.I.T.C. staff, based on discussions with industry, to compensate for a number of shipments for which information was erroneously reported.
[2] Revised statistics supplied by the U.S. Department of Commerce.

The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1982 under headnote 6(b) of subpart E of the TSUS is as follows:

	Units
Virgin Islands	8,809,000
Guam	839,000
American Samoa	420,000

* * * * *

By order of the Commission.

Issued: March 26, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-8704 Filed 3-31-82; 8:45am]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel to the National Council on the Arts to be held on April 21-22, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 21st from 9:00 a.m.-3:30 p.m. and on April 22nd from 9:00 a.m.-5:30 p.m. to discuss policy.

The remaining sessions of this meeting on April 21st from 3:30 p.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82-8768 Filed 3-31-82; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Announcement for the Commerce Business Daily and Federal Register

March 22, 1982.

The National Science Foundation (NSF), an independent agency of the U.S. Government, will be using computers and related hardware to be donated by industry to grantees as the equipment portion of projects supported by its ongoing Development in Science Education (DISE) Program during fiscal year 1982. Offers have already been made by two major micro-computer manufacturers to support this activity. *This announcement invites other companies to participate.* Primary criteria for participation are:

1. A willingness to provide a minimum of $50,000 list price of the latest equipment.

2. A demonstration of ability and willingness to furnish grantees information on the technical characteristics of hardware, including access to company technical experts on the donated equipment. System software and courseware development systems (if available) and assistance may also be provided. The donor may wish to define appropriate limits to these services in terms of dollar value and/or person days.

3. A willingness to provide concise, easily available technical descriptions of the equipment to be donated, or to indicate where such information can be obtained; for example, donors may reference catalogs, refer proposers to local retail stores, or provide mailing addresses where information may be obtained.

Background

This year the DISE program will be supporting only one of its areas of emphasis: Technology in Science Education. Fiscal year 1982, which will be the last year of this activity, will address national concerns for improving science and engineering education at the 10th, 11th and 12th grade and at the introductory college levels. Proposals will be encouraged that explore the uses of computing in traditional science and engineering courses, restructured traditional course, or in completely new science and engineering content areas. These proposals should anticipate requirements for science and engineering education in the late 1980's and the 1990's and the capabilities of future generations of information technology. Development of computer-related materials for the home or other out-of-school situations will also be encouraged. This NSF activity will encourage industry-academe collaboration in these project activities, with NSF support for courseware development to be matched by the proposing institutions and by gifts of computers and related equipment from industry (as invited by this announcement).

Interested companies can request more detailed information by writing: Development in Science Education, National Science Foundation, Washington, D.C. 20550, Attn: NSF-Industry Cooperation, telephone 202/282-7910.

The closing date for receipt of intent to offer is April 26, 1982. The deadline for receipt of signed commitments of gifts from donors is May 12, 1982.

FOR THE NATIONAL SCIENCE FOUNDATION.

Dr. Walter L. Gillespie,

Office Director, Office of Scientific and Engineering Personnel and Education.

[FR Doc. 82-8769 Filed 3-31-82; 8:45 am]

BILLING CODE 7555-01-M

Membership of National Science Foundation's Senior Executive Service Performance Review Board

Announcement of FY 1982 membership of the National Science Foundation's Senior Executive Service Performance Review Board.

Dr. Donald N. Langenberg, Deputy Director, National Science Foundation, Chairperson
Mr. Thomas Ubois, Assistant Director, Directorate for Administration, Executive Secretary
Dr. H. Frank Eden, Senior Science Associate, Directorate for Astronomical, Atmospheric, Earth and Ocean Sciences
Dr. Lewis Gist, Special Assistant, Office of Scientific and Engineering Personnel and Education
Ms. Ruth Greenstein, Associate General Counsel for Policy, Office of the General Counsel
Dr. Richard Ries, Director of Operations and Analysis, Directorate for Scientific, Technological, and International Affairs
Dr. William Rosen, Section Head, Mathematical Sciences Section, Division of Mathematical and Computer Sciences, Directorate for Mathematical and Physical Sciences
Dr. Jack T. Sanderson, Assistant Director, Directorate for Engineering
Dr. Frank Scioli, Jr., Section Head, Political and Policy Sciences Section, Division of Social and Economic Science, Directorate for Biological, Behavioral, and Social Sciences
Mr. Jeremiah Barrett, Office of Personnel Management, Observer

Dated: March 26, 1982.

Fred K. Murakami,

Director, Division of Personnel and Management.

[FR Doc. 82-8730 Filed 3-31-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Recommendations, Responses; Availability

Safety Recommendations to—

U.S. Coast Guard, Mar. 17, M-82-9: work with FCC to enforce vessel bridge-to-bridge radiotelephone regulations in the lower Mississippi River.

Federal Communications Commission, Mar. 17, M-82-10 and -11: Amend 47 CFR 83 to require installation of power-limiting devices on radios broadcasting over the vessel bridge-to-bridge frequency in the lower Mississippi River; work with the Coast Guard to enforce the vessel bridge-to-bridge radiotelephone regulations in the lower Mississippi River.

New Orleans Port Safety Council, Mar. 17, M-82-12: Form a task force to find ways to reduce abuses of the vessel bridge-to-bridge radiotelephone frequency in the New Orleans area.

The American Waterways Operators, Inc., Mar. 17, M-82-13; New Orleans-Baton Rouge Steamship Pilots Association, Mar. 17, M-82-14; Associated Federal Coast Pilots of Lousiana, Inc., Mar. 17, M-82-25; Crescent River Port Pilots Association, Mar. 17, M-82-16: Reiterate to members the importance of good radio discipline and strict adherence to vessel bridge-to-bridge radiotelephone regulations.

Prudential Lines, Inc., Mar. 17, M-82-17 and-18: Encourage the bridge watch to use VHF radiotelephones to establish passing agreements on waters not covered by the U.S. Vessel Bridge-to-Bridge Radiotelephone Act; encourage the use of both radars on ships so equipped when operating in restricted visability conditions.

Hellenic Lines, Ltd., Mar. 17, M-82-19: Encourage the bridge watch to use VHF radiotelephones to establish passing agreements on waters not covered by the U.S. Vessel Bridge-to-Bridge Radiotelephone Act.

New York City Transit Authority, Mar. 18, R-82-6 and-7: Perform a one-time, fully supervised undercar inspection of all R10 through R44 subway cars to determent if traction motor mount failure has occurred; review existing traction motor inspection procedures.

Washington Metropolitan Area Transit Authority, Mar. 19, R-82-8 through -18: Require an absolute block when it is necessary to operate a train in other than the fully automatic mode; prohibit a manually operated train from proceeding into a block occupied by another train; require train operators to report to the control center when they cannot operate in the fully automatic mode; require the control center to instruct the operators of a manually operated train as to the intended route and to receive acknowledgement; prohibit the reverse movement of a train within interlocking limits until it has been determined that no derailment has occurred that switches are properly aligned, and that there are no conflicting train movements; improve the communications equipment in the control centers; provide radio communicating capability for peak radio traffic demands; upgrade training for rail transportation supervisors; require periodic instruction and examination on rules and procedures for rail supervisors and train operators; require the control center to deenergize third-rail power circuits in the area when a train emergency requires evacuation between stations; educate passengers on evacuation procedures.

Federal Aviation Administration, Mar. 25, A-82-27 through -29: Review flight training curricula of 14 CFR Part 141 pilot schools regarding procedures and practices for utility category flight operations; require Piper Aircraft Corp. to supplement Piper PA-28-140 pilot handbooks and flight manuals with more information regarding spins;

require that spins conducted under a 14 CFR Part 141 training program be initiated at no less than 6,000 feet above ground level.

State of Alabama, Mar. 25, H–82–1 through –3: Expand Operation Lifesaver to emphasize the problem of accidents involving trucks carrying bulk hazardous materials over railroad/highway grade crossings; consider restricting travel by trucks carrying bulk hazardous materials to certain designated routes involving the fewest safety hazards; complete the review of the recommendations of the diagnostic team that examined the Southern Railway System, Jordan Lane crossing on Oct. 14, 1981.

Recommendation Responses From—

Conrail, Mar. 9, R–76–29 and –30: A Park Avenue Tunnel simulation is scheduled for Mar. 28, and a train accident simulation is tentatively scheduled for Apr. 25.

United States Parachute Association, Mar. 9, A–81–170: Has complied with the recommendation.

Federal Aviation Administration, Mar. 11, A–81–162: Concurs in principle; is reviewing 14 CFR Parts 61 and 141 to identify areas of potential revision; is considering requiring multiengine pilots, both instrument rated and noninstrument rated, to demonstrate appropriate degrees of instrument proficiency; anticipate an NPRM in early 1983.

Research and Special Programs Administration, Mar. 12, I–78–1: An Optional Hazardous Materials Table (49 CFR 172.102) now incorporates U.N., IMCO, and IATA commodity descriptions cross-referenced to U.S. hazardous materials descriptions and proper shipping names.

California Department of Transportation, Mar 15, H–80–72: Forwarded accident statistics on Route 86 between Westmorland and Coachella after improvements.

Federal Railroad Administration, Mar. 18, R–74–33, R–75–19, R–75–30, R–78–20 through –22; R–79–23, R–79–28, R–79–65, and R–81–75: All DOT 112A/114A tank cars have been retrofitted with their appropriate safety devices as of December 31, 1981.

Note.—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.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

March 26, 1982.

[FR Doc. 82–8583 Filed 3–31–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Paint, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to require that the personnel air lock be tested for leakage every six months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this 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 16, 1975, as modified by letter dated January 29, 1982, (2) Amendment No. 68 to License No. DPR–23, 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, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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 24th day of March, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–8770 Filed 3–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–329 OM and OL; 50–330 OM and OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Order Changing Schedule for Hearings and for Conference of Counsel or Representatives

March 26, 1982.

At the joint request of the Applicant and Staff, and as agreed upon by all parties during the telephone conference call on Friday, March 26, 1982, the hearing schedule established by our Order of March 15, 1982 (published at 47 FR 11792, March 18, 1982) is hereby modified to cancel the evidentiary hearings scheduled for April 6–9, 1982, as well as the conference of counsel or representatives in the OL proceeding scheduled for April 6.

Hearings remain scheduled for the other dates set forth in our March 15 Order—*i.e.*, April 28–30, 1982 and May 11–14, 1982. The conference of counsel or representatives in the OL proceeding is hereby rescheduled to take place on Wednesday, April 28, 1982, at 9:00 a.m., prior to the evidentiary hearing on that date.

With respect to the hearing to be held April 28–30, prepared testimony, to the extent utilized, is to be filed by Tuesday, April 13, 1982.

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.

It is so ordered.

Dated at Bethesda, Maryland, this 26th day of March 1982.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82–8771 Filed 3–31–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-31, and Amendment No. 75 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate the steam generator inservice inspection requirements into the Technical Specifications. These specifications replace Facility Operating License No. DPR-31 condition 3.E for Unit 3 effective as of the date of this amendment and Facility Operating License No. DPR-41 condition 3.D for Unit 4 effective as of the date of completion of the steam generator replacement in Unit 4.

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 is 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 December 18, 1981, (2) Amendment Nos. 81 and 75 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of March 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-8772 Filed 3-31-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 26, 1982.

OMB has received for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 35004(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

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. Comments and questions about the items on this list should be directed to the reviewer 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.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Extensions (Burden Change)

• Economic and Statistics Service
White Bread-Type Flour Monthly Commercial Sales Report Monthly
State or local government/Businesses or other institutions
Hard wheat flour milling firms: 132 responses; 66 hours; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Extensions (No Change)

• Agricultural Stabilization and Conservation Service
Uniform Grain Storage Agreement
CCC-25 and 25-2
Annually
Businesses of other institutions
Grain Warehouseman: 5,440 responses; 5,880 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
California Desert Grapefruit—Marketing Order No. 904
On Occasion; Weekly
Businesses of other institutions
Calif. desert grapefruit handlers: 1,904 responses; 198 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Florida Oranges, Grapefruit, Tangerines and Tangelos Marketing Order No. 905
On occasion
Businesses of other institutions
Florida fresh citrus handlers: 1,152 responses; 50 hours; not applicable under 3504
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Red Tart Cherries—Marketing Order No. 930
Annually
Farms/businesses of other institutions
Red tart cherry growers and handlers under marketing order 930: 3,336 responses; 548 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
California Olives—Marketing Order No. 932
On occasion; monthly
Businesses of other institutions
Calif. olive handlers: 5,378 responses; 1,262 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Reinstatements

• Extension Service
Wisconsin Forest Products Price Review Survey Forms
Quarterly; semiannually
Businesses of other institutions/State or local governments
Selected forest industries in Wisconsin: 900 responses; 150 hours; not applicable under 3504(h)

Neil Minow, 202–395–7340

• Agricultural Stabilization and Conservation Service
Contract for Cold Storage and Services Peanuts/Uniform Rice Storage Agreement/Bean Storage Agreement/ Cotton Storage Agreement
CCC–1030, CCC–26, CCC–28, CCC–823
Annually
Businesses of other institutions
Warehousemen: 990 responses; 1,505 hours; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

• Agricultural Stabilization and Conservation Service
Questionnaire on use of Maleic Hydrazide (MH)
Nonrecurring
Farms
Flue-cured tobacco producers: 78,000 responses; 6,500 hours; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
Champus Choice Enrollment Form
Nonrecurring; Annually
Individuals or households
Households of Champus beneficiaries: 12,000 responses; 1,800 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

• Department and Others
Champus Choice Screener Card
Nonrecurring
Individual or houseoulds
Households of Champus beneficiaries: 15,000 responses; 225 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Extensions (Burden Change)

• Department and Others
Verification of Birth
DD 372
On occasion
State and local governments
Bureau(s) of Vital Statistics: 265,525 responses; 22,127 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Center for Disease Control
Fiscal Year 1981 National Public Health Program Reporting System
Nonrecurring
State or local governments
State health agencies: 57 responses; 14,432 hours; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

• Social Security Administration
Radio program Evaluation Study
SSA–4711 BK (5–81)
Nonrecurring
Businesses or other institutions
Radio station program directors: 1,250 responses; 195 hours; not applicable under 3504(h)
Richard Eisingers, 202–395–6880

Revisions

• Social Security Administration
Sick Pay and Plan or System Questionnaire
SSA–7203 (2–82)
On occasion
Businesses or other institutions
Employers paying employees who are ill/disabled: 3,000 responses; 1,000 hours; not applicable under 3504(h)
Richard Eisingers, 202–395–6880

• Departmental Management
Family Impact Survey
Nonrecurring
Individuals or households
Parents or guardians of Pennhurst Center residents: 150 responses; 50 hours; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

• Social Security Administration
Work Activity Report—Self Employed Person—Work Activity Report—Employee
SSA–820–F4 (3–82) 821–F4
On occasion
Individuals or households
SSA disability claimants and beneficiaries: 200,000 responses; 100,000 hours; not applicable under 3504(h)
Richard Eisingers, 202–395–6880

Extensions (Burden Change)

Extensions (Burden Change)

• Health Care Financing Administration
Billing Forms for Medicare/Medicaid Hospice Demonstration
HCFA 245, 246, and 1453DR, HCFA–245, 246, and 1453DR
Monthly
Businesses or other institutions
Hospice organizations providing medical and psycho-social care: 420 responses; 8,970 hours; not applicable under 3504 (h)
Fay S. Iudicfello, 202–395–6880

• Departmental Management
A Survey of Residents of Pennhurst and CLA programs
Nonrecurring
Individuals or households
Residents of Pennhurst Center and CLAS: 30 responses; 10 hours; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Reinstatements

• Human Development Services
Head Start Program Information Report (PIE)
Annually
Businesses or other institutions
Head start programs: 1,900 responses; 7,600 hours; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

DEAPRTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Housing Programs
Survey Questionnaire on Project Based Budgeting/Management and Supporting ADP Systems
Nonrecurring
State or local governments
34 public housing authorities: 34 responses; 85 hours; not applicable under 3504(h)
Robert Neal, 202–395–6880

• Housing Programs
Public Housing Contract Administration
HUD–51915
On occasion
Businesses or other institutions
Public housing agencies: 750 responses; 750 hours; not applicable under 3504 (h)
Robert Neal, 202–395–6880

Extensions (Burden Change)

• Housing Programs
Section 106(b) Nonprofit Sponsor Assistance "Seed Money" Loan Application
HUD–92290
On occasion
Businesses or other institutions
Private, nonprofit borrower corporations: 400 responses; 200 hours; not applicable under 3504(h)
Robert Neal, 202–395–6880

Reinstatements

• Management and Administration
Affirmative Fair Housing Marketing Plans
935.–2
Nonrecurring
Businesses or other institutions, sponsors and developers of federally assisted housing, etc.: 6,000 responses;

4,500 hours; not applicable under 3504 (h)
Robert Neal, 202–395–6880

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Revisions

• Office of Surface Mining Reclamation and Enforcement
Performance Bonding and Insurance Requirements—30 CFR 800 Subchapter J
Annually
State or local governments/businesses or other institutions, programs under Pub. L. 95–87, etc.: 11,944 responses; 37,766 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

• Bureau of Land Management
Oil and Gas Leasing—National Petroleum Reserve—Alaska (43 CFR 3130)
On occasion
Individuals or households/businesses or other institutions
Oil and gas companies, well drilling companies: 186 responses; 186 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

Reinstatements

• Office of Surface Mining Reclamation and Enforcement
Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Program and withdrawing Approval of State Programs, 30 CFR Part 733
On occasion
Individuals or housholds/businesses or other institutions: 10 responses; 5 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

• Office of Surface Mining Reclamation and Enforcement
Procedures and Criteria for Approval or Disapproval of State Program Submissions, 30 CFR Part 732
On occasion, annually
State or local governments: 27 responses; 5,400 hours; not applicable under 3504 (h)
William T. Adams, 202–395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

• Employment and Training Administration
Claims and Payment Activities
ETA 5159
Monthly
State or local governments
State employment security agencies: 636 responses; 1,749 hours; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

Extensions (Burden Change)

• Federal Aviation Administration
Flight Plans (Domestic/International)
FAA 7233–1, 7233–4
On occasion
Individuals or households/State or local governments/farms/businesses or local governments/farms/businesses or other institutions
Aircraft pilots: 9,283,944 responses; 649,876 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Maritime Administration
Affidavit of United States Citizenship
Annually
Individuals or households/businesses or other institutions
Corporations, banks, and lending institutions: 500 responses; 2,500 hours; not applicable under 3504(h)
Wayne Leiss 202–395–7340

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Office of the Secretary
Weekly Foreign Currency Report on Banks in the United States
FC–1
Weekly
Businesses or other institutions
Large multinational banking firms: 5,356 responses; 5,570 hours; not applicable under 3504(h)
Arnold Strasser 202–395–6880

• Office of the Secretary
Weekly Consolidated Foreign Currency Report on Foreign Branches and Subsidiaries of United States Banks
FC–2
Weekly
Businesses or other institutions
Large multinational banking firms: 2,964 responses; 9,010 hours; not applicable under 3504(h)
Arnold Strasser 202–395–6880

• Office of the Secretary
Monthly Report of Assets, Liabilities, and Positions In Specified Foreign Currencies of Firms in the U.S.
FC–3
Monthly
Businesses or other institutions
Large multinational nonbanking firms: 648 responses; 1,607 hours; not applicable under 3504(h)
Arnold Strasser 202–395–6880

• Office of the Secretary
Quarterly Consolidated Report of Assets, Liabilities, and Positions in Specified Currencies of Foreign Branches and Subsidiaries in the United States
FC–4
Quarterly
Businesses or other institutions
Large multinational nonbanking firms: 624 responses; 2,346 hours; not applicable under 3504(h)
Arnold Strasser 202–395–6880

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer— Christine Scoby—202–382–2742

New

• Recordkeeping and Reporting Requirements for RCRA Permittees (970)
970
On occasion
State or local governments/businesses or other institutions
Owners & operators of facilities that treat hazardous waste: 1.694 responses; 10, 386 hours; not applicable under 3504(h)
Robert Shelton 202–395–7340

• Section 305(b) National Water Quality Inventory Report to Congress (Guidance and State Reports) (0375)
0375
Biennially
State or local governments
State water pollution control agencies: not applicable under 3504(h)
Robert Shelton 202–395–7340

• Permittee Must Monitor and Report Well Permit Program (0083)
0083
Quarterly, annually
Businesses or other institutions
Permittees of underground injection wells: 3,495 responses; 21,136 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council 202–426–5030

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Extensions (Burden Change)

• Application for Renewal of Auxiliary Broadcast License
FCC 313–R
On occasion
Businesses or other institutions

TV translators, network entities: 1,200 responses 300 hours; not applicable under 3504(h)
Edward H. Clarke 202–395–7340

• Television Broadcast Program Logging Rules
Other—see SF83
Businesses or other institutions
Licensees of TV broadcast stations; 1,031 responses; 2,257,890 hours; not applicable under 3504(h)
Edward H. Clarke 202–395–7340

Extensions (No Change)

• Application for Authority to Construct or Make Changes in an Instructional Television Fixed and/or Response Station (s) and Low Power Relay Station(s)
FCC 330–P
On occasion
Businesses or other institutions
Licensees or permittees of instructional TV fixed stations: 25 responses; 125 hours; not applicable under 3504(h)
Edward H. Clarke 202–395–7340

• Application for Renewal of an ITFS and or Response Stations(s) and Low Power Station License
FCC 330–R
Other—see SF83
Businesses or other institutions
Licensees of instructional TV fixed stations: 21 responses; 53 hours; not applicable under 3504(h)
Edward H. Clarke 202–395–7340

• Request for Subsidiary Communications Authorization FCC form 318
On occasion
Businesses or other institutions
Licensees and permittees of FM broadcast stations: 200 responses; 8,000 hours; not applicable under 3504(h)
Edward H. Clarke 202–395–7340

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

New

• Compliance Costs and Benefits to Mortgage Lenders of the Truth in Lending Act and Regulations Z
Nonrecurring
Businesses or other institutions
Mortgage lenders: 225 response; 116 hours; not applicable under 3504(h)
Neil Minow 202–395–7340

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson— 202–426–7304

New

• Needs Assessment of Services to Deaf-Blind Individuals
ED 881–1, 2, ,3, & 4
Nonrecurring
Individuals or households/State or local governments
Teachers of the deaf-blind, parents of deaf-blind, etc: 320 responses; 235 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council 202–426–5030

Revisions

• Vocational Education Data System (VEDS)
ED 2404, 1, 2, 5, 5VA, 7, 2404A, 1 & 7
Annually
Individuals or households/State or local governments
State education agencies, former students: 347,254 responses; 102,224 hours: not applicable under 3504(h)
Federal Education Data Acquisition Council 202–426–5030

• National Assessment of Educational Progress Spring Writing Field Tests (2nd Phase) April–May, 1982
ED 2371 TB12, 13, 14
Biennially
Individuals or households
9, 13, and 17 year old students: 4,500 responses; 1,500 hours; not applicable under 3504(h)
Federal Education Date Acquisition Council 202–426–5030

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—Anthony Artigliere—202–566–0666

Reinstatements

• Uniform Tender of Rates and/or Charges for Transportation Services
CF 280
Other—see SF83
Businesses or other institutions: 3,400 responses; 5,100 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council—202–426–5030

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 82–8626 Filed 3–31–82; 8:45 am]
BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. A82–8]

Snydertown, Pennsylvania 17877, Rev. & Mrs. Passmore, Petitioners; Notice and Order of Filing of Appeal

March 26, 1982.

On March 23, 1982, the Commission received an appeal letter from Rev. & Mrs. A. A. Passmore (hereinafter "Petitioners"), concerning United States Postal Service's consolidation of the Snydertown, Pennsylvania, post office. The appeal letter requests continuation of "the Postal System as it is." The appeal letter appears to request the review provided for by Section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, Section 1 of the Commission's rules of practice [3] calls for a liberal construction of the rules to secure just and speedy determination of issues.

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office consolidation so as to "ensure that such persons will have an opportunity to present their views".[4] The petition requests that the decision to consolidate the Snydertown post office be reconsidered.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[5]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under Section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the consolidation of post offices.[6]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the procedure followed by the Postal Service was in compliance with the statute and the Postal Service's regulations.

2. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective and regular postal services to rural

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*
[2] 39 CFR 3001.1.
[3] 39 CFR 3001.1
[4] 39 U.S.C. 404(b)(1).
[5] 39 U.S.C. 101(b).

areas, communities and small towns where post offices are not self-sustaining (39 U.S.C. 404(b)(2)(C)).

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by Section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioners by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases,[7] and none is being appointed.

The Commission orders:

(A) The letter from Rev. & Mrs. A. A. Passmore be accepted as a petition for review pursuant to Section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

[7] In the Matter of Gresham, S.C., Route No. 1, Docket No. A78–1 (May 11, 1978).

By the Commission.

David F. Harris,

Secretary.

Appendix

Mar. 23, 1982	Filing of Petition.
Mar. 26, 1982	Notice and Order of Filing of Appeal.
Apr. 7, 1982	Filing of Record by Postal Service (*see* 39 CFR 3001.113(a)).
Apr. 12, 1982	Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
Apr. 22, 1982	Petitioner's Initial Brief (*see* 3 CFR 3001.115(a)).
May 7, 1982	Postal Service Answering Brief (*see* 39 CFR 3001.115(b)).
May 24, 1982	(1) Petitioner's Reply Brief should petitioner choose to file (*see* 39 CFR 301.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
July 21, 1982	Expiration of 120 day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 82–8773 Filed 3–31–82; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22430; 70–6716]

Georgia Power Co.; Proposal To Acquire Railroad Cars

March 26, 1982.

Georgia Power Company ("Georgia"), 333 Piedmont Ave., N.E., Atlanta, Georgia 30308, a wholly-owned electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") and rules promulgated thereunder.

Georgia proposes to acquire during the period prior to December 31, 1985, by lease or purchase, up to 500 railroad cars for the transportation of coal to coal-fired generation plants owned or operated by Georgia. Georgia will determine the proper timing and number of the acquisitions within the overall limit based on considerations necessary or appropriate for the economic provision of coal to its plants. Coal cars acquired to replace damaged or retired cars originally obtained pursuant to Commission approval are not included in the aggregate of 500.

Georgia does not intend that the cars purchased or leased under this proposal be held for sublease. However, incidental to their primary use for its own generating plants, Georgia may sublease these cars during brief periods when internal system transportation needs have been met. Proceeds from sublease transactions with non-affiliates will be credited against the appropriate FERC account previously charged with the coal car lease or purchase expense.

Georgia proposes to begin taking delivery of 225 cars in May, 1982, at an approximate price of $43,000 per car or a total of $9,675,000, if the cars are purchased. Consideration is being given to acquisition of these cars by leveraged operating lease from a non-affiliated equipment leasing company. The lease would be for a term of 15 years with the equipment company entitled to depreciation and investment tax credit benefits, if any. Georgia would be responsible for maintenance, upkeep and taxes (other than income taxes imposed on the equipment company). Georgia has not yet determined the most economically advantageous method for acquisition.

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 20, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy of the applicant-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 application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–8779 Filed 3–31–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 22431; 70–6717]

Hartford Electric Light Co.; Proposal To Issue and Sell First Mortgage Bonds at Competitive Bidding

The Hartford Electric Company ("HELCO"), Selden Street, Berlin, Connecticut 06037, an electric and gas utility subsidiary of Northeast Utilities ("NU"), a registered holding company, has filed an application with this Commission pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 and Rule 50 thereunder.

In a separate proceeding before this Commission, HELCO is seeking approval of a merger between it and Connecticut Light and Power Company, another subsidiary of NU (HCAR No. 22391). If required shareholder and regulatory approvals are received, the merger would take place on or about June 30, 1982.

HELCO proposes to issue and sell for the best price obtainable, subject to and in accordance with the competitive bidding requirements of Rule 50, not later than June 30, 1982, up to $40,000,000 principal amount of its first mortgage bonds through underwriters who may make a public offering thereof. The interest rate (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to HELCO (which shall not be less than 98% nor more than 100% of the principal amount thereof) will be determined by competitive bidding. The bonds will have a maturity of not less than five nor more than 30 years. HELCO will publicly invite written proposals for the purchase of the bonds at least six days prior to entering into any contract or agreement for their sale. If the right to do so is reserved in the invitation, HELCO may reduce the principal amount of the bonds to be offered and sold, and it may defer specifying the maturity date.

The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1958, between HELCO and The First National Bank of Boston, Successor Trustee, to be supplemented by a Nineteenth Supplemental Mortgage Indenture to be dated as of the first day of the month in which the bonds are to be issued. The terms shall include a provision that no bond shall be redeemed at the applicable general redemption price prior to a date approximately five years after issuance if such redemption is for the purpose of, or in anticipation of, refunding such bond through the use, directly or indirectly, of funds borrowed by HELCO at an effective interest cost to HELCO of less than the effective interest cost to HELCO of the bonds. The terms shall also provide that no more than 1% in principal amount of the bonds shall be redeemed with the use of sinking and improvement fund monies at the applicable special redemption price in any twelve-month period prior to five years from the first day of the month in which the bonds are issued.

The net proceeds from the issuance and sale of the bonds will be used to repay in part short-term borrowings which were incurred primarily to finance HELCO's construction program, to refund a $20 million first mortgage bond issue that matured in January 1982, and for general working capital purposes. As of March 1, 1982, HELCO's short-term borrowings were approximately $109,575,000.

HELCO believes that the sale of such securities may require the assistance of underwriters if market conditions at the time of the offering of the securities are unfavorable. Accordingly, HELCO may amend this application to seek an exemption from Rule 50 so that it may offer the bonds through a negotiated public offering. The price therefor and the underwriters' compensation would, if authorized by the Commission, be determined by negotiation with underwriters for such securities.

The application 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 19, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in the case of attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-8780 Filed 3-31-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12332; 812-4975]

Insuramerica Corp. (To Be Great-West Life & Annuity Insurance Co. as of April 1, 1982) and Maxim Series Account of Insuramerica Corp.; Filing of Application

March 26, 1982.

Notice is hereby given that Insuramerica Corporation (to be Great-West Life & Annuity Insurance Company as of April 1, 1982) ("Insuramerica"), Maxim Series Account of Insuramerica, Great-West Plaza, 1675 Broadway, Denver, Colorado 80202, a separate account registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, ("the Account"), and Great-West Life Assurance Company, the principal underwriter of the Account ("Great-West"), referred to collectively herein as "Applicants," filed an application on September 23, 1981 and amendments thereto on November 25, 1981, March 8, 1982, March 19, 1982, and March 25, 1982, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicants from provisions of sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the transactions described in the application and, pursuant to Section 11 of the Act, for Commission approval of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicants state that: (i) The Account will offer a single purchase payment individual variable annuity contract, with the option to make additional purchase payments during the first 30 contract months; (ii) a contract may be purchased by either application and cash payment to Insuramerica ("direct purchase") or surrender of a Great-West non-participating single premium deferred annuity and immediate application of the proceeds of the surrender to the purchase price of the contract ("indirect purchase"); (iii) purchase payments, less a deduction for premium taxes in several states will be allocated either to a sub-account for tax qualified contracts or a sub-account for non tax qualified contracts; (iv) the assets of the Account and each sub-account will be held by Insuramerica and kept physically segregated from the general account of Insuramerica; and (v) the contracts will be subject to the fees and contingent deferred sales charge structure described below.

According to Applicants the contracts will be subject to the following fees: (i) A daily charge against the net asset value of the Account in an amount equal to an annual rate of 1.25% of which 1.00% is allocable to mortality risk and .25% is allocable to expense risk; (ii) a contract maintenance fee of $30.00 deducted on the last valuation date of each contract year or upon total surrender, except that, if a contractowner also holds any variable annuity contract issued by a segregated investment account of Insuramerica prior to the issuance of a contract, the contract maintenance charge shall be reduced to $15.00 but may be increased from time to time, in the discretion of

Insuramerica, to not more than $30.00; (iii) a service charge of $30.00 on any exchange of a contract, acquired in a prior exchange, within 12 months of the acquisition of the contract exchanged; (iv) a service charge of $30.00 for reinstatement of a contract after a total surrender; and (v) a service charge of $8.00 on each partial surrender after the first surrender in any contract year.

Applicants intend to deduct a contingent deferred sales charge on all total surrenders and most partial surrenders made during the first six contract years. The charge will be in the amount of the rate for the contract year and purchase payment status indicated in Table B below, multiplied by the "charged amount" for the partial or total surrender. The charged amount is the amount of partial surrender requested (or Contract Value in the case of a total surrender), less the "free amount." The free amount for each partial surrender after the first in any contract year is zero. For all other surrenders, the free amount is the rate indicated in Table A below multiplied by the total purchase payment(s) under the contract, less the sum of the free amounts previously exhausted as a result of any previous partial surrenders.

TABLE A

Contract year	Purchase payment status	
	Direct	Indirect
1	.10	.10
2	.20	.20
3	.30	.30
4	.40	1.00
5	.50	1.00
6	.60	1.00
7 and later	1.00	1.00

TABLE B.—CONTINGENT DEFERRED SALES CHARGE RATES

Contract year	Purchase payment status	
	Direct	Indirect
1	.06	.01
2	.05	.01
3	.04	.01
4	.03	.00
5	.02	.00
6	.01	.00
7 and later	.00	.00

Exemptions for Sales Load and Other Charges

Certain provisions of the Act relating to the right of redemption that are discussed below are equally applicable to a contract maintenance charge which is charged without pro ration for the period of the contract year remaining after total surrender of the contract. Therefore, Applicants also request exemption from the provisions of sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 promulgated thereunder, to the extent necessary to permit deduction of the contract maintenance charge as described.

Section 2(a)(35) of the Act as here pertinent defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested by the issuer (or, in the case of a unit investment trust, by the depositor or trustee). Applicants assert that deferring the charge, and conditioning it upon the occurrence of an event which might not occur, does not change the basic nature of the charge, which is in every other respect a "sales charge." Nonetheless, because the nature of the charge raises a question whether it meets the technical definition of section 2(a)(35), Applicants hereby request an exemption from section 2(a)(35) to the extent necessary or appropriate to permit the offer of the contracts with the described contingent deferred sales charge arrangement.

Rule 22c–1, promulgated under section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to avoid any doubt about the possibility of an adverse interpretation of section 22(c) or Rule 22c–1, Applicants request an exemption from those provisions to the extent necessary or appropriate to permit the contracts with the described contingent deferred sales charge arrangement.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless it is a redeemable security. Applicants request an exemption from the provisions of sections 2(a)(32) and 27(c)(1), to the extent necessary to implement the proposed transaction.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants seek an exemption from the provisions of section 27(d), to the extent necessary to implement the proposed transactions.

Section 26(a)(2)(C) provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and administrative services of a character normally performed by the trustee or custodian. Section 27(c)(2) of the Act prohibits a registered investment company or any depositor or underwriter for such company from selling periodic payment plan certificates, unless, among other things, the proceeds of all payments other than sales load are held under an agreement containing, in substance, the provisions required by section 26(a)(2)(C) of the Act. In order to avoid any possibility that questions might be raised as to the potential applicability of sections 26(a)(2)(C) and 27(c)(2), Applicants request an exemption from the operation of the provisions of sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to implement the proposed transaction.

Applicants also request exemption from sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit the assessment of the contract maintenance and transaction charges and the deductions for premium taxes in the manner described above.

The Applicants consent that the foregoing requested exemptions from sections 26(a)(2)(C) and 27(c)(2) may be made subject to the following conditions: (1) That the deductions under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purposes; and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert

that the Commission has no authority to regulate the payment of such other sums and charges.

Exemption for Custodianship

Sections 26(a) and 27(c)(2) of the Act, as here pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held in trust under an indenture or agreement containing specified provisions.

Applicants seek an exemption from the provisions of sections 26(a) and 27(c)(2) of the Act to the extent necessary to allow Insuramerica rather than a bank or trustee to hold the assets of the Account on an open account basis and not under an agreement of trust.

Exemptions for Texas Optional Retirement Plan

Sections 22(e) and 27(c)(1) of the Act provide, respectively, in pertinent part, (1) that a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption, and (2) that a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15% of the gross payments made by the certificate holder.

Pursuant to Texas law, all Texas institutions of higher education make available to certain employees an Optional Retirement Program funded through fixed or variable annuity contracts. As interpreted in an opinion by the Attorney General of Texas, certain 1973 amendments to the legislation establishing the Program now prohibit provisions in a fixed or variable annuity contract issued in connection with the Program which provide for making available the redemption value of such contract prior to termination of employment, retirement, death, or total disability of the participating faculty member. Applicants request an order, pursuant to section 6(c) of the Act, exempting them from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with § 51.358 [now § 36.105] of the Texas Education Code so that redemption values under contracts issued to participants in the Optional Retirement Program may be made available, in accordance with the opinion of the Texas Attorney General cited above, only upon termination of employment in the Texas public institutions of higher education, retirement, death, or total disability of the participating faculty member.

If the requested order is granted, Applicants state that they will make appropriate reference in each prospectus used in the Texas Optional Retirement Program market, will instruct sales representatives to orally inform prospective investors of redemption restrictions and will require each participant, as a part of the determination that the sale of these contracts is suitable for that applicant, to sign a statement acknowledging such restriction. Great-West will ensure that the substance of the above disclosures is included in any sales literature used in the Optional Retirement Program market.

Approval of Offers of Exchange

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any basis other open-end investment company to exchange his security for a security in the same or another such company on any other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to offer contractowners the right to exchange the contract for contracts of Insuramerica Maxim Account B and Insuramerica Maxim Account C. Exchanges will be based on accumulation or annuity values accrued under the contract, and the contract value accrued under contracts supported by other segregated investment accounts, as of the valuation date for each separate contract immediately following Insuramerica's receipt of the request. If a contract acquired in exchange for another contract is itself exchanged within 12 months of its acquisition, a service charge of $30.00 will be assessed. The service charge will be deducted from the Contract Value of the exchanged contract before that value is allocated to the new contract(s). Two or more variable annuity contracts, funded by the Account or Maxim Accounts B or C may be exchanged for one such contract in the manner and circumstances described above so long as all exchanged contracts have been in force for more than six contract years, as determined for purposes of calculating the contingent deferred sales charge applied to surrenders of the exchanged contracts. Such a transaction will constitute a single exchange for purposes of determining the applicable service charge, which will be prorated evenly among the accounts funding the exchanged contract. For purposes of determining the contingent deferred sales load and the limitations on additional purchase payments applicable to a contract received in exchange for another contract, the transactions shall be treated as though the exchanged contract had remained in force, taking into account the effect of any other such transactions subsequent to the exchange. If the current contract was acquired as a result of a series of exchanges, these transactions shall be treated as though the contract originally exchanged was still in force, for these purposes. Applicants seek approval, pursuant to the provisions of section 11(a), to the extent necessary to implement the proposed transaction.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 20, 1982, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may

request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application as amended will be issued as of course following April 20, 1982, 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 notice of further developments 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. 82–8781 Filed 3–31–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 18599; File No. SR–MSRB–82–3]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

March 26, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 17, 1982, the Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, N.W., Suite 507, Washington, D.C. 20036, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend MSRB Rule G–9 to reduce the time period required for the retention of information concerning unfilled or unallocated orders received by a syndicate or similar account. Rule G–9 currently requires that these records be retained for at least a six year period; the proposed rule change would require that such records be kept only until the final settlement date of the syndicate or account, which typically is ninety days after sale. The MSRB believes that after a syndicate makes disclosure of the allocation of securities pursuant to MSRB Rule G–11(g), information concerning unfilled orders need be retained for review of syndicate allocation procedures only for a short period. The MSRB states that reduction of the retention period for such records would eliminate the burden of preserving a substantial amount of outdated information. This proposed rule change has been adopted by the MSRB pursuant to section 15B(b)(2)(G) of the Act, which requires and empowers the MSRB to prescribe records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records shall be preserved.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before April 22, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–MSRB–82–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–8783 Filed 3–31–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 18598; File No. SR–CBOE–82–6]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Chicago Board Options Exchange, Inc.

March 26, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 22, 1982, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed amendment to CBOE Rule 6.74 provides for a procedure by which member organizations may accomplish facilitation transactions with their public customers. A "facilitation order" is defined in the proposed amendment to Rule 6.53, subsection (m) as "an order for the proprietary account of a member organization which is only to be executed in whole or in part in a cross transaction with an order for a public customer of the member organization". The proposed rule change amending Rule 6.74 provides that a floor broker who holds an order for a public customer of a member organization may cross that order with a "facilitation order" from the same member organization subject to the following:

(i) The member organization must disclose on its option order ticket all of the terms of the public customer order, including any contingency involving either other options or underlying or related securities;

(ii) In accordance with his responsibilities for due diligence, the floor broker shall disclose any contingency respecting the public customer order, shall identify the order as being subject to facilitation, and then shall request bids and offers for the option series;

(iii) After providing an opportunity for such bids and offers to be made, the floor broker must, on behalf of the public customer, either bid above the highest bid in the market or offer below the lowest offer in the market. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer, the floor broker may cross all or any remaining part of the public customer order and the facilitation order at the public customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been

made, the public customer order has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order.

For purposes of proposed Rules 6.53(m) and 6.74(b) "public customer" is defined as a customer that is neither a member nor a broker-dealer. The rule changes are proposed pursuant to section 6(b)(5) of the Securities Exchange Act in order to allow public customers to receive executions on orders which may not have been executed under present rules.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before April 22, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–CBOE–82–6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–8782 Filed 3–31–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Companies; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective April 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR § 107.301(c) is 13.865% per annum.

Dated: March 24, 1982.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 82–8700 Filed 3–31–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82–035]

Memorandum of Understanding Between the United States Coast Guard and the American Bureau of Shipping Concerning Coast Guard Acceptance of Certificates of Admeasurement Issued by the American Bureau of Shipping

On February 1, 1982 the Coast Guard and the American Bureau of Shipping signed a Memorandum of Understanding which enables ABS to provide vessel admeasurement services as a supplement to the services now provided by the Coast Guard. As of that date the American Bureau of Shipping will undertake, at the request of a vessel owner, the admeasurement of ABS-classed vessels and the admeasurement under the simplified measurement systems. On or about June 1, 1982 ABS will also provide admeasurement services for unclassed vessels. Although such services will be provided to the public permissively, it is expected that many vessel owners will use these services, thereby reducing potential delays and costs. The costs to the Coast Guard will also be reduce proportionately. The Memorandum of Understanding became effective on February 1, 1982. The agreement in full reads as follows:

Dated: March 25, 1982.

Clyde Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

Memorandum of Understanding Between the United States Coast Guard and the American Bureau of Shipping Concerning the Admeasurement of Vessels

1. *Purpose.* The purpose of this memorandum is to set forth guidelines for cooperation in the admeasurement of vessels.

2. *Parties. a. United States Coast Gurad.* The United States Coast Guard has statutory authority under Title 46, Sections 71, 72, 74, 81, 83–83K, for the admeasurement of vessels and for the certifying of tonnages for vessels which are required or eligible to be documented as vessels of the United States.

It has the assigned regulatory authority to issue Special Tonnage Certificates for U.S. vessels which will transit the Panama Canal and the Suez Canal, the responsibility to issue Special Appendices to Registry for American Passenger Vessels when such vessels visit British ports and the capability to determine tonnages for all other U.S. vessels for which tonnage assignments are required.

b. *American Bureau of Shipping.* The American Bureau of Shipping is a classification society which provides voluntary classification services, including the admeasurement of foreign vessels classed by ABS, for ships and other marine vehicles and structures and is authorized by law to perform various functions in cooperation with, and on behalf of, the United States Coast Guard.

3. United States Coast Guard acceptance of ABS Admeasurement Certificates.

a. General. Admeasurement services, as detailed in Attachment (1), which are performed by employees of the American Bureau of Shipping may be accepted by the Officer in Charge, Marine Inspection without attendance by Coast Guard personnel.

b. Approval standards. The standards to be applied by the American Bureau of Shipping for the admeasurement of U.S. vessels will be strictly in accordance with the requirements of 46 U.S.C. 71, 75, 77, 83–83k and the applicable portions of 46 CFR, Subpart 69.

c. *Verification.* Unless specified otherwise, ABS certificates of admeasurement will be deemed to be in

compliance with Coast Guard requirements and certificates issued for U.S. vessels which will transit the Panama and Suez Canals will be deemed to have been issued under the aegis of the Coast Guard.

4. Appeals. Any action of the American Bureau of Shipping performed under this memorandum may be appealed in accordance with existing Coast Guard appeal procedures. In the event of an appeal resulting from such action the American Bureau of Shipping, upon request, will provide the Commandant with a statement concerning the status of the matter and will also provide the admeasurement case file when required.

5. Long-term Objectives. The Coast Guard and the American Bureau of Shipping will review further areas of cooperation. Discussions will include procedures for oversight, types of liaison, methods to communicate difficulties which may arise and provisions for amendments to this memorandum.

6. Savings Provisions. The Coast Guard will perform services as requested in accordance with law and regulations. Nothing in this memorandum shall be deemed to alter in any way the statutory or regulatory authority of the Coast Guard or the classification responsibilities of the American Bureau of Shipping.

7. Effective date. On or about 1 February 1982 this Memorandum shall apply to the admeasurement of ABS classed vessels and to vessels to which the simplified admeasurement systems will apply. On or about 1 June 1982 ABS will commence the phasing-in of the admeasurement of unclassed vessels.

8. Termination. This memorandum may be terminated by one party after written notice to the other party.

Signed at Washington, D.C., this 1st day of February 1982.

J. B. Hayes,

Commandant, U.S. Coast Guard.

Signed at New York, N.Y., this 27th day of January 1982.

L. J. Bates,

Executive Vice President, American Bureau of Shipping.

Attachment (1).—Areas of Coast Guard Acceptance of Admeasurement by the American Bureau of Shipping

Certificates of admeasurement and Special Tonnage Certificates as calculated under:

1. Optional Simplified Admeasurement Method for Pleasure Vessels (46 CFR 69.17);
2. Optional Simplified Admeasurement Method for Commercial Vessels (46 CFR 69.19 to take effect on or about 1 March 1982);
3. Standard System of Measurement (46 CFR 69.03);
4. Optional Dual-Tonnage Measurement Method for Measurement of Vessels (46 CFR 69.15);
5. Panama Canal Tonnage Certificates (46 CFR 69.01–7);
6. Suez Canal Tonnage Certificates (46 CFR 69.01–7); and
7. Special Appendix to Certificates of Registry of American Passenger Vessels (46 CFR 69.05–3);

for all vessels which are required or eligible to be documented as vessels of the United States.

[FR Doc. 82-8810 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-14-M

Maritime Administration

[Docket S-715]

Aeron Marine Shipping Co. et al.; Joint Application for Written Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended (Act)

In the matter of Aeron Marine Shipping Co., American Shipping Inc., Aquarius Marine Co., Aries Marine Shipping Co., Alas Marine Co., Pacific Shipping, Inc. and Worth Oil Transport Co.; joint application for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act)

Notice is hereby given that by letter of counsel of February 23, 1982, the subject companies (herein referred to as the Berger Group), each a holder of an operating-differential subsidy agreement, requested blanket written permission pursuant to section 805(a) of the Act "to be affiliated with any other operator which owns, operates or charters a vessel or vessels in the domestic coastwise or intercoastal service."

The Berger Group asserts that, to its knowledge, section 805(a) written permission has never been denied for the affiliation of a subsidized operator and a domestic trade operator, and states that there is no reasonable possibility that subsidy funds will be diverted to domestic operations or used to promote unfair competition in the domestic trade. The Berger Group advises that if permission is granted in the form requested, the need for repetitive, costly and time consuming processing of section 805(a) applications would be avoided. The application notes that none of the Berger Group of companies has any vessels under charter under Title VII of the Act, and none has applied for any such charter.

Written permission is required under section 805(a) of the Act notwithstanding the fact that a voyage on which the vessels engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Interested parties may inspect the foregoing application in the Office of the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on April 23, 1982 together with 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 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 No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Administrator.

Dated: March 25, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-8531 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-81-M

Establishment of the Maritime Advisory Committee

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice.

SUMMARY: MARAD announces the establishment of the Maritime Advisory Committee. This Committee will consult with and advise the Maritime Administrator with respect to the development and maintenance of a coordinated and comprehensive national maritime policy designed to promote the U.S. maritime industry required by our domestic and foreign commerce.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart R. Breidbart, Deputy Chief Counsel, Maritime Administration, MARAD 220, Room 7230a, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-5711.

Dated: March 29, 1982.

By order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-8809 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Nonconventional Source Fuel Credit; Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1981

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 1981 as required by section 44D(d)(2)(A) of the Internal Revenue Code (26 U.S.C. 44D(d)(2)(A)).

SUMMARY: The inflation adjustment factor and reference prices are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 44D of the Internal Revenue Code.

DATE: The 1981 inflation adjustment factor and reference prices apply to qualified fuels produced and sold during calendar year 1981.

FOR FURTHER INFORMATION CONTACT:

For the Inflation Factor—

Paul Grayson, PM:PFR:R, Room 403, Internal Revenue Service, 1201 E. Street, NW., Washington, D.C., 20224, Telephone Number (202) 376-0143 (not a toll-free number).

For the Reference Prices—

Noel J. Sheehan, CC:C:E, Room 5240, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Telephone Number (202) 566-4463 (not a toll-free number).

The inflation adjustment factor for calendar year 1981 is 1.1900.

The reference price for qualified fuels other than gas from Devonian shale is $32.19 per barrel for the 1981 calendar year.

For gas from Devonian shale, the reference price is $5.65 per MCF for the 1981 calendar year.

Gerald G. Portney,

Associate Chief Counsel (Technical).

[FR Doc. 82-8744 Filed 3-31-82; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Willamette National Cemetery, Portland, Oregon; Development of 12,000 Gravesites; Finding of no Significant Impact

The Veterans Administration has assessed the potential environmental impacts that may occur as a result of the development of 12,000 gravesites at the Willamette National Cemetery, Portland, Oregon.

The development of new burial areas will involve many necessary erosion control measures during and after construction. These are needed to reduce damage caused by intense storms which are characteristic of that part of the Pacific Northwest during the rainy season. The drainage system will be designed and located to mitigate the effects of storm water runoff. In addition, construction noise, dust and visual impacts will exist during development. These will be mitigated as necessary to insure minimal impacts on the human and natural environment.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff (005B), Room A-14, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: director, Environmental Affairs Staff (005B), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: March 25, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-8774 Filed 3-31-82; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 29, 1982, at 9:30 AM, the Newark Regional Office Station Committee on Educational Allowances shall at the Veterans Administration Building, 20 Washington Place, Fourth Floor Conference Room, Newark, New Jersey,

conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Jersey City State College, Jersey City, New Jersey, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 25, 1982.

James R. Purdy,

Director, VA Regional Office, 20 Washington Place, Newark, New Jersey.

[FR Doc. 82-8775 Filed 3-31-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 63
Thursday, April 1, 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 CREDIT CORPORATION

TIME AND DATE: 9 a.m. to 12 noon, April 5, 1982.

PLACE: Room 107-A Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open for public participation. Executive Assistant to the Secretary, Ray D. Lett will preside.

MATTER TO BE DISCUSSED: Availability of credit assistance to farmers with respect to the construction of on-farm commodity storage facilities.

CONTACT PERSON FOR MORE INFORMATION: Hoke Smith, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013: telephone (202) 447-8165.

Signed at Washington, D.C., on March 30, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[S-467-82 Filed 3-30-82; 3:18 pm]

BILLING CODE 3410-05-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 9, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-477-82 Filed 3-30-82; 3:21 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, April 6, 1982.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Ratification of Notation Votes on several FOIAs.
2. Freedom of Information Act Appeal No. 82-1-FOIA-31-SE, concerning a request for information from the closed file on an age discrimination charge.
3. Freedom of Information Act Appeal No. 81-1-FOIA-12, concerning a request for the names and addresses of persons who filed age discrimination charges in calendar year 1981.
4. Freedom of Information Act Appeal No. 82-1-FOIA-04-OK, concerning a request for intake notes, investigator's notes and intra-agency memoranda from a closed ADEA file.
5. Freedom of Information Act Appeal No. 82-01-FOIA-014-MK, concerning a request for access to a charge investigative file.
6. Proposed change in filing EEO-5 regulations (Elementary-Secondary Staff Information) from Annual to Biennial.
7. Simiannual Regulatory Agenda of the EEOC as required by Executive Order 12291 and the Regulatory Flexibility Act.
8. A report on Commission Operations by the Executive Director.

Closed to the public:

1. Proposed Withdrawal of Charge No. 5-DRLC-001.
2. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice issued March 30, 1982.

[S-478-82 Filed 3-30-82; 3:54 pm]

BILLING CODE 6570-06-M

4

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, April 1, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 1, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re: Amendment of Parts 2, 21, 22, 81, 87, 90 and 95 of the Commission's Rules to provide additional spectrum between 72 and 76 MHz for the radio control of model aircraft, boats, cars and other similar devices. *Summary:* The Commission will consider the petition (RM-3248) of the Academy of Model Aeronautics for spectrum relief in the 72 to 76 MHz band.

General—2—*Title:* Amendment of Part 13 of the Commission's Rules to Simplify Examination Procedures. *Summary:* The Commission will consider rule amendments to simplify commercial radio operator license examination procedures by redefining examination elements 1, 2, and 3, and allowing examination credit for the Marine Radio Operator Permit.

General—3—*Title:* In re General Docket 81-460 (RM-2364), for amendment of Parts 2, 22, 73, and 74 of the FCC's Rules and Regulations. *Summary:* On July 31, 1981, the Commission released a Notice of Proposed Rule Making in response to RadioCall, Inc.'s petition for reconsideration (RM-2364). In its Notice, the Commission proposed to reallocate UHF-TV Channel 17, in Hawaii, for common carrier control and repeater operations. The item before the Commission discusses the public's response to the proposed actions and concludes this proceeding.

General—4—*Title:* Report and Order to expand the frequencies available for use by Television pickup station. *Summary:* The Commission will consider the merits of Docket 81-415 to allocate the 38.6-40 GHz band for TV pickup stations on a secondary basis to fixed operations. Because of accelerated growth in Broadcast Auxiliary stations in the currently allocated bands for pickup usage, it has become necessary to consider a further allocation to alleviate the congestion of stations.

General—5—*Title:* Notice of Proposed Rule Making proposing to remove station log requirements and provide for additional utilization of the frequencies 122.050, 122.775 and 122.850 MHz in the Aviation Services. *Summary:* The FCC will consider whether to propose amending Parts 2 and 87, (1) to eliminate the requirement for stations in the Aviation Services to maintain logs, (2) to permit the frequency 122.050 MHz to be used by air carrier aircraft as well as private aircraft for enroute flight advisory service, and (3) to make the frequencies 122.775 and 122.850 MHz available for communications between aircraft on the ramp area of an airport and aviation service organizations located on the airport.

Private Radio—1—*Title:* Amendment of Part 90 of the Commission's Rules to Eliminate the Need for a Separate Authorization to Operate Speed Detection Devices in the Police and Local Government Radio Services. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to eliminate the requirement that police entities authorized in the Police and Local Government Radio Services must have a separate authorization to operate speed detection devices. Instead, the Commission will consider authorizing the operation of these devices as part of the land mobile communications systems authorized to police entities.

Private Radio—2—*Title:* Dismissal of Petition for Rule Making, RM-3388. *Summary:* The Commission will consider whether to adopt an Order dismissing a petition for rule making, RM-3388, that proposes operation of a radio homing device on 27.255 MHz.

Private Radio—3—*Title:* Amendment of the Commission's rules to provide for a Temporary Permit for additional users of authorized mobile relay stations (repeaters) in the General Mobile Radio Service (GMRS). *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rule Making to provide for issuance of a Temporary Permit.

Private Radio—4—*Title:* In the matter of amendment of the Commission's rules for the Amateur Radio Service, Subpart C, Part 97, to delete § 97.74, the frequency measurement and regular check rule. *Summary:* The FCC will consider whether to adopt an Order deleting § 97.74 of the Amateur Radio Service rules. The frequency measurement and regular check rule requires the licensee of an amateur radio station to provide for measuring the station's emitted carrier frequency and establish procedures for a regular check.

Private Radio—5—*Title:* In the matter of Amendment of Part 97, Subpart C of the Commission's rules to delete § 97.71, the transmitter power supply rule. *Summary:* The FCC will consider whether to adopt an Order deleting § 97.71 of the Amateur Radio Service Rules. The transmitter power supply rule requires the licensee of an amateur radio station operating below 144 MHz to use an "adequately filtered" DC plate power supply for the transmitter.

Private Radio—6—*Title:* Report and Order to provide for the use of automatic aviation weather observation systems at certain airports. *Summary:* The FCC will consider whether to amend Part 87 to provide for the use of automatic weather observation systems at airports with neither a full-time control tower nor a full-time FAA flight service station. These automatic observation systems are designed to provide pilots with such aeronautical information as the wind, weather, visibility, altimeter setting and other pertinent information.

Common Carrier—1—*Title:* Memorandum Opinion and Order, Amendment of Part 31, Uniform System of Accounts for Class A and B Telephone Companies, with respect to accounting for station connections, etc. *Summary:* The Commission will consider a petition for clarification filed by NARUC and a petition for reconsideration filed by the state of California and the California PUC. Both petitions raise the question of whether and to what extent our order in this proceeding limits the discretion of state commissions to follow different accounting and depreciation procedures for purposes of computing revenue requirements for intrastate telecommunications services.

Common Carrier—2—*Title:* Amendment to the Uniform System of Accounts to revise paragraph (e) of § 31.2-21 and § 31.100:4(c)(3) of Part 31 of the Commission's rules and regulations. *Summary:* The Commission will consider whether to raise the dollar criteria contained in the referenced paragraphs, retain the paragraphs as is, or eliminate the requirement entirely.

Common Carrier—3—*Title:* Application for review filed by Western Union International, Inc. (WUI) requesting the Commission to reverse a Bureau order relating to tariff revisions by the Western Union Telegraph Company. *Summary:* Western Union filed tariff revisions, effective March 22, 1981, by which it removed its concurrences in the IRCs' international telegraph service tariffs and established additional methods of providing domestic handling of inbound international telegrams. The Bureau denied WUI's petition for rejection or suspension of these revisions, and later dismissed its petition for reconsideration. WUI now seeks review of the Bureau's dismissal order.

Common Carrier—4—*Title:* Interconnection Arrangements Between and Among the Domestic and International Record Carriers (Docket No. 82-122). *Summary:* The Commission will consider whether or not to adopt an Interim Order prescribing an interconnection arrangement between and among domestic and international record carriers.

Common Carrier—5—*Title:* Petitions to suspend or reject Tariff Transmittal No. 13904 (Equalization Filing) of the American Telephone and Telegraph Co. *Subject:* The Commission will consider whether AT&T has adequately complied with the Commission's Interim Cost Allocation Manual which requires AT&T to equalize rates of returns between MTS, WATS and Private Line Service Categories.

Assignment and Transfer—1—*Title:* Petition to Deny the Application to Assign Station WCVB-TV, Boston, Massachusetts, from Boston Broadcasters, Inc., to Metromedia, Inc., by Christopher Bennett and Arklay F. King. *Summary:* The Commission will consider whether civil litigation brought by the petitioners against Boston Broadcasters, Inc., warrants deferral of a grant of the subject assignment application or its designation for hearing.

Renewal—1—*Title:* Amendment to § 0.281 of the Commission's rules, regarding delegation of authority to the Chief, Broadcast Bureau. *Summary:* The Commission considers an amendment to § 0.281 of the rules, delegating authority to the Chief, Broadcast Bureau to designate renewal and mutually exclusive construction permit applications for hearing and to act on petitions to deny filed against renewal, assignment or transfer of control applications when there are no new or novel issues or other matters presented warranting evidentiary hearing.

Renewal—2—*Title:* License renewal applications of The Evening New Association for Station WDVM-TV; National Broadcasting Company, Inc., for Station WRC-TV; and WJLA, Inc., for Station WJLA-TV, all of Washington, D.C.; and a petition to deny those license renewal applications filed by the Washington, Association for Televison and Children. *Summary:* Washington Association for Television and Children challenges the license applications of WDVM-TV, WRC-TV, and WJLA-TV, based on alleged inadequate children's programming.

Renewal—3—*Title:* License Renewal Applications of Certain Broadcast Stations Serving the Chicago Metropolitan Area. *Summary:* The Commission considers a petition to deny and informal objection by the Latino Committee on the Media, which challenges the renewal of licenses for 27 stations located within the Chicago metropolitan area, based on allegedly deficient employment practices regarding Hispanics.

Aural—1—*Title:* Application for Review filed by Rust Communications Group, Inc., licensee of FM Station WXKW, Allentown, Pennsylvania. *Summary:* The Commission will consider the assignment of the call letters WKXW and WKXW-FM to stations in Trenton, New Jersey.

Broadcast—1—*Title:* Requests by St. Pauls Broadcasting Company, Inc. and Tampa Bay Concert Radio, Inc. for assignment of call letter WNCR. *Summary:* The Commission will consider the matter of call letter requests received on the same date.

Broadcast—2—*Title:* FM Broadcast Station Blanketing Interference. *Summary:* The Commission will consider proposing rule changes to define an FM licensee's responsibility to resolve blanketing interference in response to a petition filed by the Association of Federal Communications Consulting Engineers (RM-3655).

Broadcast—3—*Title:* Implementation of the Final Acts of the Administrative

Conference on Medium Frequency Broadcasting in Region 2.

Broadcast—4—*Title:* Petition for Reconsideration, filed on December 7, 1979, of the Commission's November 9, 1979 Report and Order concluding its Fairness Doctrine Inquiry. *Summary:* Mr. Geller challenges the Commission's reasons for rejecting his ten-issue proposal for Fairness Doctrine enforcement. Additionally, he urges its adoption in light of the Commission's recent adoption of an issue approach for radio licensees with respect to ascertainment.

Complaints and Compliance—1—Application for Review of the National Conservative Political Action Committee (NCPAC). *Summary:* NCPAC seeks consolidated review of two Broadcast Bureau rulings. The Bureau denied NCPAC's request that it and other similarly situated independent committees be deemed to possess an affirmative right of access to broadcast their views. The Bureau also advised NCPAC that outside campaign periods broadcasters who air NCPAC advertisments may be obligated under the Fairness Doctrine to afford free response time for the presentation of contrasting views when paid sponsorship is unavailable.

Complaints and Compliance—2—*Title:* Complaint and petition to deny license renewal filed against A.D.S. Broadcasting Corporation, Inc. A.D.S. Broadcasting Corporation, Inc., (A.D.S.) licensee of radio station WADS, by the National Organization of Women (NOW) on May 15, 1978 and March 2, 1981 respectively. *Summary:* NOW claims the licensee violated the personal attack rule and the Commission's rules regarding the inspecton of public records, and made misrepresentations to the Commission. Since NOW's petition to deny A.D.S., license renewal is based on the allegations contained in the complaint, the Commission will consider both the complaint and the petition.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 25, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-468-82 Filed 3-30-82; 10:00 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting, Thursday, April 1, 1982

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, April 1, 1982, following the Open Meeting which is scheduled to commerce at 9:30 a.m. Room 856, at 1919 M Street N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Petition for Reconsideration and Clarification in the Buffalo, New York, comparative UHF television proceeding (BC Docket Nos. 81–56 and 81–60).

This item is closed to the public because it concerns Adjudicatory Matters (See CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants.
Managing Director and members of his staff.
General Counsel and members of his staff.
Chief, Office of Public Affairs and members of his staff.

Action by the Commission:

Hearing Item 1, March 24, 1982.
Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 25, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-469-82 Filed 3-30-82; 10:00 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From April 1st Open Meeting

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the April 1, 1982, Open Meeting and previously listed in the Commission's Notice of March 25, 1982.

Agenda, Item No., and Subject

Broadcast—4—*Title:* Petition for Reconsideration, filed on December 7, 1979, of the Commission's November 9, 1979 Report and Order concluding its Fairness Doctrine Inquiry. *Summary:* Mr. Geller challenges the Commission's reasons for rejecting his ten-issue proposal for Fairness Doctrine enforcement. Additionally, he urges its adoption in light of the Commission's recent adoption of an issue approach for radio licensees with respect to ascertainment.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 29, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-470-82 Filed 3-30-82; 10:00 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION

Clarification of Broadcast Items for Open Meeting April 1st

The Public Notice of March 25, 1982 (#3002) lists the items to be considered by the Commission at its Open Meeting of April 1, 1982. On page 10 the item listed below as number 1, Broadcast Agenda should have been added as number 4, Broadcast on page 9.

Agenda, Item No., and Subject

Broadcast—4—*Title:* Petition for Reconsideration, filed on December 7, 1979, of the Commission's November 9, 1979 Report and Order concluding its Fairness Doctrine Inquiry. *Summary:* Mr. Geller challenges the Commission's reasons for rejecting his ten-issue proposal for Fairness Doctrine enforcement. Additionally, he urges its adoption in light of the Commission's recent adoption of an issue approach for radio licensees with respect to ascertainment.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 26, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-471-82 Filed 3-30-82; 10:00 am]

BILLING CODE 6717-01-M

8

FEDERAL CROP INSURANCE CORPORATION

[NOM-82-4]

TIME AND DATE: 8:30 a.m., Wednesday, April 7–8, 1982.

PLACE: Room 201–W, Administration Building, USDA.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Reinsurance agreement.
2. Texas Citrus Tree Insurance.
3. Good Faith Reliance (2 cases).

CONTACT PERSON FOR MORE INFORMATION: Peter F. Cole, Secretary, 202–447–3325.

Dated: March 25, 1982.

Federal Crop Insurance Corporation.
Peter F. Cole,
Secretary.
[S-474-82 Filed 3-30-82; 11:11 am]
BILLING CODE 3410-08-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 29, 1982, the Corporation's Board of Directors 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 the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

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. 45,157-L (Addendum)—The Mission State Bank and Trust Company, Mission, Kansas.

The Board further determined, by the same majority vote, that Corporation business required that the following matters be moved from the "Summary Agenda" to the "Discussion Agenda" for consideration at the meeting:

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. 45,136-L—Franklin National Bank, New York, New York
Memoradum and Resolution re: The First National Bank and Trust Company of Tuscola, Tuscola, Illinois

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 29, 1982.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-472-82 Filed 3-30-82; 11:07 am]
BILLING CODE 6714-01-M

10

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 29, 1982, the Corporation's Board of Directors 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 the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Androscoggin Savings Bank, Lewiston, Maine, for consent to merge, under its charter and title, with Atlantic Federal Savings and Loan Association, Portland, Maine, upon its conversion to a state charter, and to establish the three offices of Atlantic Federal Savings and Loan Association as branches of the resultant bank.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania (two memorandums).
Freedom of Information Act Appeal of Arthur Wineburg.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 29, 1982.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-473-82 Filed 3-30-82; 11:07 am]
BILLING CODE 6714-01-M

11

FEDERAL ELECTION COMMISSION

[FR No. FR-S 436]

PREVIOUSLY ANNOUNCED DATE AND TIME: Wednesday, March 31, 1982 at 10:00 a.m.

CHANGE IN MEETING: The following matter has been added:

Status report on compliance, enforcement, and litigation

* * * * *

DATE AND TIME: Tuesday, April 6, 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:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, April 8, 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 AO 1982-12: Alan P. Dye, National Club Association
Draft AO 1982-13: Wright H. Andrews, Jr., Sutherland, Asbill & Brennan
Draft AO 1982-14: Philip Van Dam, Michigan Republican State Committee
Draft AO 1982-15: David C. Andersen, Sprik & Andersen
Draft AO 1982-17: Donald F. Michael, Indiana Democratic Party
Dissussion: American Bar Association, Administrative Law Section, Committee on Election Law, recommendations concerning Federal Election Commission Enforcement Procedures
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-475-82 Filed 3-30-82; 3:16 pm]
BILLING CODE 6715-01-M

12

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 7, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of Actions Taken Pursuant to Delegated Authority.
2. Agreement No. 8210–46: Modification of the Continental North Atlantic Westbound Freight Conference to provide for tariff rules concerning payment, currency, and credit conditions.
3. Agreement No. 10286–1: Extension and amendment of W.I.N.A.C. Pool Agreement to revise pool shares.
4. Agreement No. 10376–2: Extension of Lykes Bros.—China Ocean Shipping Co., Sailing and Discussion Agreement.
5. Informal Docket No. 1126(I): Singer Products Co., Inc. v. Delta Steamship Lines, Inc.—Review of Settlement Officer's decision.

Portions closed to the public:

1. Docket Nos. 81–30 and 81–31: The Boston Shipping Association, Inc. v. New York Shipping Association, Inc.—Consideration of request for oral argument and possible consideration of the record.
2. Docket No. 82–7: Agreement No. 150–70—Trans-Pacific Freight Conference of Japan/Korea Minority Rate Initiative—Consideration of the record.

CONTACT PERSONS FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–479–82 Filed 3–30–82; 3:57 pm]

BILLING CODE 6730–01–M

13

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the Week of April 5, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, April 6, 1982, at 10:00 a.m. An open meeting will be held on Wednesday, April 7, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4)(8)(9)(A) and (10) and 17 CFR 200.402(a) (4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 6, 1982, at 10:00 a.m., will be:

Institution of injunctive actions.
Institution and settlement of administrative proceedings of an enforcement nature.
Regulatory matters bearing enforcement implications.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, April 7, 1982, at 10:00 a.m. will be:

1. Consideration of whether to issue a release proposing revisions and amendments to Rule 17f–2 under the Securities Exchange Act of 1934. The proposed revisions and amendments to Rule 17f–2 would clarify the availbility of, and grant additional exemptions from the fingerprinting requirement and would eliminate the requirement to submit Notices claiming exemptions to the Commission for formal staff review and retention. For further information, please contact Thomas V. Sjoblom at (202) 272–2913.
2. Consideration of whether to authorize the publication of a staff report entitled, *An Analysis of The Use of Regulation A for Small Public Offerings.* For further information, please contact Hugh Haworth at (202) 523–5629.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2178.

March 29, 1982.

[S–467 Filed 3–29–82; 4:45 pm]

BILLING CODE 8010–01–M

federal register

Thursday
April 1, 1982

Part II

Department of Agriculture

Federal Grain Inspection Service

Grain Standard Inspection Points; Renewals, Terminations, and Request for Comments for Official Agencies

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Renewals of Designation of the Denver Grain Exchange Association, Lincoln Inspection Service, Inc., and Omaha Grain Inspection Service, Inc. and Amendment of Geographic Area of Hastings Grain Inspection, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the Denver Grain Exchange Association (Denver), Lincoln Inspection Service, Inc. (Lincoln), and Omaha Grain Inspection Service, Inc. (Omaha), as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act). An amendment to the assigned geographic area of the Hastings Grain Inspection, Inc. (Hastings), is also announced.

EFFECTIVE DATE: May 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, D.C. 20250, telephone (202) 447–8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The October 30, 1981, issue of the **Federal Register** (46 FR 54064) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Denver, Lincoln, and Omaha's designations were terminating on April 30, 1982, and requesting applications for designation as the agency to provide official inspection services within each specified assigned area. Applications were to be postmarked by November 30, 1981.

FGIS announced the names of the applicants for designation for each agency and requested comments on same in the December 30, 1981, issue of the **Federal Register** (46 FR 63170). Comments were to be postmarked by March 1, 1982.

No comments were received regarding the renewals of designation of Denver, Lincoln, and Omaha (the only applicants for each respective designation) as the official agency in each area cited in the October 30 issue of the **Federal Register.**

After considering all available information in relation to the criteria for designation in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Denver, Lincoln, and Omaha are able to provide official services in the geographic area for which their designation is being renewed. This assigned area is the entire geographic area as described in the October 30 issue of the **Federal Register.**

However, a modification is being made to Lincoln's boundary and to the corresponding boundary of Hastings, an adjacent official agency. The change in the boundaries is being made to include two locations, both in Chester, Thayer County, Nebraska, which Lincoln has always provided service to as part of its geographic area.

Citizens Grain inadvertently was not included in Lincoln's geographic area, but appeared in that of Hastings. This error is being corrected by the boundary changes reflected below. Chester Farmers Grain would now appear in Hastings' geographic area and not Lincoln's if the present mutual boundary (U.S. Route 81) is not changed to reflect that U.S. Route 81 was relocated.

As a result, the southern and western boundaries of Lincoln are changed (and the corresponding southern and eastern boundaries of Hastings are amended accordingly) as follows to include these two locations within Lincoln's contiguous geographic boundaries.

Southern boundary: The Nebraska-Kansas State line to *County Road 1 mile west of* U.S. Route 81;

Western boundary: *County Road 1 mile west of U.S. Route 81 north to State Highway 8; State Highway 8 east to U.S. Route 81;* U.S. Route 81 north to the northern Thayer County line; (etc.).

Italics were used above to indicate the changed mutual boundary between Lincoln and Hastings. Lincoln and Hastings both agreed to this change in their mutual boundary line.

Effective May 1, 1982, and terminating April 30, 1985, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to Denver, Lincoln, and Omaha, respectively.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may obtain a list of the specified service points by contacting the specific agencies at the following addresses:

Denver Grain Exchange Association, 6210 Brighton Boulevard, Commerce City, CO 80022

Lincoln Inspection Service, Inc., 505 Garfield Street, Box 2724, Station B, Lincoln, NE 68502

Omaha Grain Inspection Service, Inc., 1905 Harney Street, Omaha, NE 68102

Interested persons may also contact the Regulatory Branch, specified in the address section of this notice, to obtain the information concerning specified service points.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 24, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–8464 Filed 3–31–82; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to the Kankakee Grain Inspection Bureau, Inc., and Grain Inspection, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to the Kankakee Grain Inspection Bureau, Inc. (Kankakee), and Grain Inspection, Inc. (Jamestown). The designations terminate effective 12 p.m., July 31, 1982.

DATE: Comments to be postmarked on or before May 17, 1982.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–0231. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The January 29, 1982, issue of the Federal Register (47 FR 4470) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Kankakee and Jamestown, respectively. Applications were to be postmarked by March 1, 1982.

One applicant requested designation for all of the geographic area currently assigned to Kankakee. That applicant is Kankakee Grain Inspection Bureau, Inc., Kankakee, Illinois. One applicant requested designation for all of the geographic area currently assigned to Jamestown. That applicant is Grain Inspection, Inc., Jamestown, North Dakota. Kankakee and Jamestown both applied for renewals of designation for additional 3-year periods.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than May 17, 1982.

Consideration will be given to comments filed and to other informtion available before a final decision is made with respect to this matter. Notice of the final decision will be published in the Federal Register and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 stat. 2873 (7 U.S.C. 79))

Dated: March 24, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–8465 Filed 3–31–82; 8:45 am]

BILLING CODE 3410–EN–M

Termination of Designations of the Louisville Grain Inspection Services, Inc., Minot Grain Inspection, Inc., and Tri-State Grain Inspection Service, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the designations of three official agencies will terminate, in accordance with the U.S. Grain Standards Act, as amended, on September 30, 1982, and requests applications from parties interested in being designated as agencies to conduct official inspection services in the geographic areas currently serviced by each of the three agencies. The official agencies are the Louisville Grain Inspection Services, Inc., Minot Grain Inspection, Inc., and Tri-State Grain Inspection Service, Inc.

DATE: Applications to be postmarked on or before April 30, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447–8525. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection services in an assigned geographic area.

Louisville Grain Inspection Services, Inc. (Louisville), 1400 Oldham Street, Louisville, Kentucky 40210, was designated as an official agency under the Act for the performance of official grain inspection functions on April 15, 1979. Minot Grain Inspection, Inc. (Minot), 601 Third Avenue, SW., Box B, Minot, North Dakota 58701, was designated as an official agency under the Act for the performance of official grain inspection functions on February 1, 1979. Tri-State Grain Inspection Service, Inc. (Tri-State), 3906 River Road, Cincinnati, Ohio 45204, was designated as an official agency under the Act for the performance of official grain inspection functions on June 15, 1979. The agencies' designations will terminate on September 30, 1982. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the Federal Register (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Louisville in the States of Kentucky and Indiana pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation includes the following:

In Kentucky, these Counties: Allen, Anderson, Barren, Breckinridge, Bullitt, Butler, Carroll, Edmonson, Fayette, Franklin, Grayson, Hardin, Hart, Henry, Jefferson, Jessamine, Larue, Meade, Nelson, Oldham, Scott, Shelby, Simpson, Spencer, Trimble, Warren, and Woodford.

In Indiana, these Counties: Clark, Crawford, Floyd, Harrison, Jackson, Jennings, Jefferson, Lawrence, Martin, Orange, Scott, and Washington.

The geographic area presently assigned to Minot in the State of North Dakota pursuant to Section 7(f)(2)P of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In North Dakota, the area shall be:

Bounded: On the North by the North Dakota State line east to State Route 14;

Bounded: On the East by State Route 14 south to State Route 5; State Route 5 east to State Route 60; State Route 60 southeast to State Route 3; State Route 3 south to State Route 200;

Bounded: On the South by State Route 200 west to State Route 41; State Route 41 south to U.S. Route 83; U.S. Route 83 northwest to State Route 200; State Route 200 west to U.S. Route 85; U.S. Route 85 south to Interstate 94; Interstate 94 west to the North Dakota State line; and

Bounded: On the West by the North Dakota State line.

The following locations in North Dakota, which are outside of the foregoing contiguous geographic area and are presently assigned to Minot, are also part of the geographic area that may be assigned to the applicant selected for designation:

1. Farmers Elevator Company, Bottineau, Bottineau County;
2. Farmers Feed & Grain and Farmers Union, Harvey, Wells County;
3. Farmers Union, Rugby, Pierce County;
4. Farmers Elevator & Mercantile Co., and Coast Trading Company, Underwood, McLean County; and

5. Merle A. Larsen Elevator, Inc., Washburn, McLean County.

The geographic area presently assigned to Tri-State in the States of Ohio, Kentucky, and Indiana, pursuant to Section 7(f)(2) of the Act and which is the geograpic area that may be assigned to the applicant selected for designation is the following:

In Ohio, the area shall be:

Bounded: On the North by the northern Preble County line east; the western and northern Miami County lines east to State Route 296; State Route 296 east to State Route 560; State Route 560 south to the Clark County line; the northern Clark County line east to U.S. Route 68;

Bounded: On the East by U.S. Route 68 south to U.S. Route 22; U.S. Route 22 east to State Route 73; State Route 73 southeast to the Adams County line; the eastern Adams County line;

Bounded: On the South by the southern Adams, Brown, Clermont, and Hamilton County lines; and

Bounded: On the West by the western Hamilton, Butler, and Preble County lines.

In Kentucky, these Counties: Bath, Boone, Bourbon, Bracken, Campbell, Clark, Fleming, Gallatin, Grant, Harrison, Kenton, Lewis (west of State Route 59), Mason, Montgomery, Nicholas, Owen, Pendleton, and Robertson.

In Indiana, these Counties: Dearborn, Decatur, Franklin, Ohio, Ripley, Rush (south of State Route 244), and Switzerland.

Interested parties, including Louisville, Minot, and Tri-State, are hereby given opportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of Section 7(f) of the Act and section 800.196(b) of the regulations issued thereunder. The designations in each specified geographic area are for the period beginning October 1, 1982, and terminating September 30, 1985. Parties wishing to apply for any of these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than April 30, 1982, to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection services in the geographic areas, consideration will be given to all applications submitted and all other information available.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 24, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82-8466 Filed 3-31-82; 8:45 am]

BILLING CODE 3410-EN-M

federal register

Thursday
April 1, 1982

Part III

Department of The Interior

Bureau of Land Management

Outer Continental Shelf Central and Northern California, and South Atlantic, Lower Cook Inlet/Shelikof Strait and Mid-Atlantic; Proposed Oil and Gas Lease Sale No. RS-2

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Central and Northern California, South Atlantic, Lower Cook Inlet/
Shelikof Strait and Mid-Atlantic

Proposed Oil and Gas Lease Sale No. RS-2

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. RS-2 in the waters offshore Central and Northern California, South Atlantic, Lower Cook Inlet/Shelikof Strait and Mid-Atlantic. This is a proposed re-offering sale of tracts previously offered for which bids were not received or high bids were rejected as being inadequate. This notice is hereby published as a matter of information to the public.

Included among the tracts proposed for re-offering offshore California are 10 tracts currently in litigation, which had been offered in OCS Sale No. 53 (R53-129, R53-132, R53-135, R53-139, R53-140, R53-148, R53-149, R53-152, R53-153 and R53-158). These tracts are included at this stage so that if by the time of the final notice of sale the litigation has been resolved in a manner favorable to the Federal Government, the tracts can be offered. The Secretary is currently enjoined from awarding leases on these tracts. If this injunction has not been lifted by the time of the decision on the final notice of sale for Sale No. RS-2, these tracts will not receive further consideration for lease in conjunction with this sale, and will not be included in the final notice of sale.

James M. Parker
Acting Director, Bureau of Land Management

MAR 1 . 1982

Date: MAR 26 1982

Approved:

Under Secretary of the Interior

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the authorized officer _____ Bureau of Land Management, U.S. Department of the Interior, 18th & C Streets, N.W., Washington, D.C. _____. Bids may be delivered, in person, to the above address until July __, 1982, 4:30 p.m., or _____, between the hours of 8:30 a.m., e.s.t. and 9:30 a.m., e.s.t., July __, 1982. Bids received by the authorized officer later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the authorized officer prior to 9:30 a.m., e.s.t., July __, 1982. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 47 FR _____, _____.

3. Method of Bidding. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., July __, 1982," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. It is suggested that bidders submitting joint bids state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, and joint bidders must submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Leases awarded under 4(a), (b), (c), and (d) will provide for a minimum annual royalty of $8 per hectare or fraction thereof. The following systems will be utilized.

a) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts R53-129, R53-132, R53-135, R53-139, R53-140, R53-148, R53-152, R53-156, R53-157, R53-158, R53-162, R53-164, R53-169, R53-170, R53-171, R53-176, R53-190, R53-191, R56-189 thru R56-286, R60-1 thru R60-17, R60-19, R60-21, R60-22, R60-23, R60-26 thru R60-72, R60-86 thru R60-110, R60-112, R60-113, R60-115, R60-116, R60-153, R59-1, R59-25, R59-62, and R59-222 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof due at the end of each lease year beginning with the first lease year following a discovery on the lease.

b) Bonus Bidding with 33-1/3 Percent Royalty. Bids on tracts R53-149 and R53-153 must be on a cash bonus basis with a fixed royalty of 33-1/3 percent.

(c) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on tracts R56-22, R56-26, R56-27, R56-30, R56-33 thru R56-39, R56-46 thru R56-51, R56-53 thru R56-66, R56-69 thru R56-71, R56-73 thru R56-76, R56-78, R56-79, R56-162 thru R56-173, R59-2, R59-3, R59-5 thru R59-9, R59-11 thru R59-13, R59-16 thru R59-20, R59-24, R59-26 thru R59-28, R59-31 thru R59-35, R59-38 thru R59-42, R59-45 thru R59-50, R59-53 thru R59-56, R59-60, R59-61, R59-63 thru R59-65, R59-69 thru R59-71, R59-76, R59-77, R59-82 thru R59-84, R59-88 thru R59-94, R59-97 thru R59-102, R59-105, R59-114, R59-123, R59-196, R59-197, R59-198, R59-202 thru R59-206, R59-209 thru R59-212, R59-215 thru R59-221, R59-223 thru R59-233, R59-237, R59-238, R59-239, R59-242 thru R59-244, R59-248 thru R59-250, R59-252 and R59-253 must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

d) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts R53-197, R53-198, R53-199, R53-204, R53-205, R53-211, R53-212, R53-213, R53-218, R53-219, R53-220, R53-221, R53-225, R53-226, R53-227, R53-231, and R53-233 must be submitted on a cash bonus bid basis with the percent royalty due, in amount or value of production saved, removed or sold, fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $14.787863 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.787864 million, but less than or equal to $1197.206141 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

When the adjusted quarterly value of production is equal to or greater than $1197.206142 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.000000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 17.10773 percent). This

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

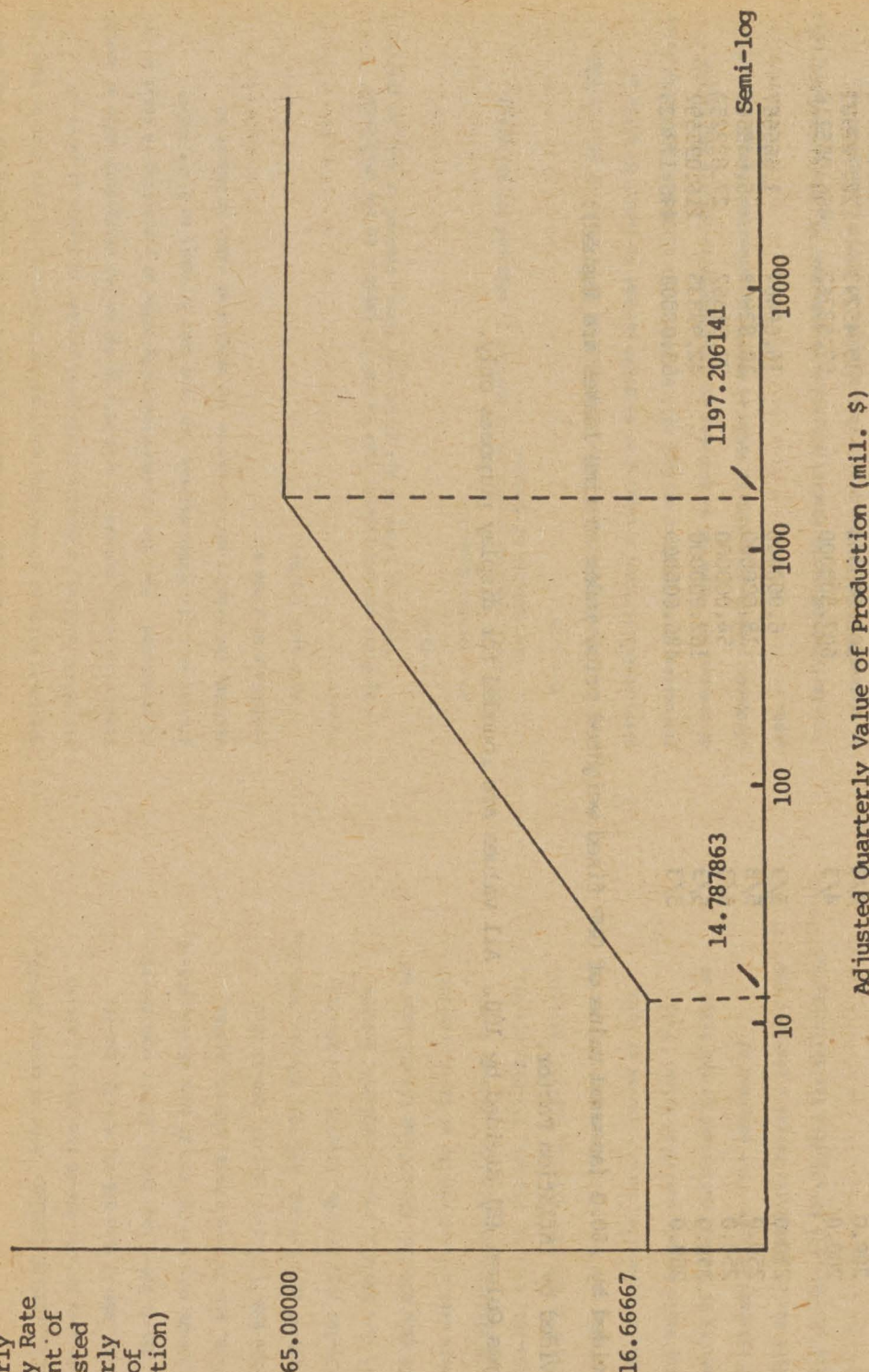
(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.28346	6.385039
90.000000	200.0	4/3	67.500000	33.36819	30.031378
270.000000	200.0	4/3	202.500000	45.45293	122.722921
810.000000	200.0	4/3	607.500000	57.53767	466.055118
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	18.82888	5.648665
90.000000	250.0	5/3	54.000000	30.91362	27.822257
270.000000	250.0	5/3	162.000000	42.99835	116.095557
810.000000	250.0	5/3	486.000000	55.08308	446.173028

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

Figure 1
Form of the Sliding Royalty Schedule



calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding June, 1981. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

e) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts R56-80 thru R56-83, R56-85 thru R56-99, R56-102, R56-103, R56-105, R56-106, R56-109 thru R56-124, R56-127, R56-128, R59-106 thru R59-109, R59-115 thru R59-118, R59-124 thru R59-128, R59-133 thru R59-137, R59-142 thru R59-145, R59-150, R59-151, R59-157, R59-158, R59-163, R59-164, R59-169 thru R59-171, R59-176 thru R59-178, R59-182 thru R59-184, R59-188 thru R59-191, and R59-195 must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a 1.50 capital recovery factor.

Tracts R56-131 thru R56-161, R56-175 thru R56-181, R56-185, R56-186 and R56-188 must be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a 0.50 capital recovery factor.

Tracts R60-73 thru R60-85, R60-117, R60-119, R60-121 thru R60-123, R60-125, R60-127 thru R60-131, R60-133 thru R60-138, and R60-141 thru R60-152 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 0.75 capital recovery factor.

The net profit share payment shall be calculated according to the regulation in 10 CFR 390.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., July __, 1982, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Section 14 "Information to Lessees."

6. Bid Opening. Bids will be opened on July __, 1982, beginning at 10 a.m., e.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July __, 1982, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available at a cost of $2.00 each from:

(a) the Manager, Pacific Outer Continental Shelf Office, 1340 W. 6th Street, Room 200, Los Angeles, California 90017,

NI 10-3 San Luis Obispo

NI 10-6 Santa Maria

(b) the Manager, New York Outer Continental Shelf Office, Suite 32-120, 26 Federal Plaza, New York, New York, 10278,

NJ 18-11 Currituck Sound

NI 18-2 Manteo

NI 18-5

NI 18-7 Cape Fear

NI 17-12 James Island

NH 17-6

NH 17-2 Brunswick

NH 17-5 Jacksonville

NJ 18-3 Hudson Canyon

NJ 18-6 Wilmington Canyon

NJ 18-8 Chincoteague

NJ 18-9 Baltimore Rise

(c) the Manager, Alaska Outer Continental Shelf Office, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510,

NO 5-1, Iliamna

NO 5-2, Seldovia

NO 5-3, Mt. Katmai

NO 5-4, Afognak

12. Tract Descriptions.

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statements may not be included in this notice.

The tracts offered for bids are as follows:

OCS OFFICIAL PROTRACTION DIAGRAM, SAN LUIS OBISPO, NI 10-3
(Approved March 26, 1976)

Tract	Block	Description	Hectares
R53-129	589	All	2304.00
R53-132	633	All	2304.00
R53-135	677	All	2304.00
R53-139	721	All	2304.00
R53-140	722	All	2304.00
R53-148	811	All	2304.00
R53-149	812	All	2304.00
R53-152	855	All	2304.00
R53-153	856	All	2304.00
R53-156	897	All	2304.00
R53-157	898	All	2304.00
R53-158	899	All	2304.00
R53-162	941	All	2304.00
R53-164	943	All	2304.00
R53-169	985	All	2304.00
R53-170	986	All	2304.00
R53-171	987	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, SANTA MARIA, NI 10-6
(Approved March 26, 1976)

Tract	Block	Description	Hectares
R53-176	16	All	2304.00
R53-190	105	All	2304.00
R53-191	106	All	2304.00
R53-197	150	All	2304.00
R53-198	151	All	2304.00
R53-199	152	All	2304.00
R53-204	195	All	2304.00
R53-205	196	All	2304.00
R53-211	239	All	2304.00
R53-212	240	All	2304.00
R53-213	241	All	2304.00
R53-218	283	All	2304.00
R53-219	284	All	2304.00
R53-220	285	All	2304.00
R53-221	286	All	2304.00
R53-225	328	All	2304.00
R53-226	329	All	2304.00
R53-227	330	All	2304.00
R53-231	373	All	2304.00
R53-233	375	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, MANTEO NI 18-2
(Approved October 31, 1974)

Tract	Block	Description	Hectares
R56-22	555	All	2304.00
R56-26	641	All	2304.00
R56-27	642	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, NI 18-5
(Approved August 1, 1975)

Tract	Block	Description	Hectares
R56-30	751	All	2304.00
R56-33	754	All	2304.00
R56-34	794	All	2304.00
R56-35	795	All	2304.00
R56-36	796	All	2304.00
R56-37	837	All	2304.00
R56-38	838	All	2304.00
R56-39	839	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, CAPE FEAR NI 18-7
(Approved June 11, 1975; Revised January 27, 1976; Revised June 3, 1976)

Tract	Block	Description	Hectares
R56-46	175	All	2304.00
R56-47	176	All	2304.00
R56-48	219	All	2304.00
R56-49	220	All	2304.00

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
R56-50	262	All	2304.00
R56-51	263	All	2304.00
R56-53	306	All	2304.00
R56-54	307	All	2304.00
R56-55	308	All	2304.00
R56-56	350	All	2304.00
R56-57	351	All	2304.00
R56-58	352	All	2304.00
R56-59	393	All	2304.00
R56-60	394	All	2304.00
R56-61	395	All	2304.00
R56-62	396	All	2304.00
R56-63	437	All	2304.00
R56-64	438	All	2304.00
R56-65	439	All	2304.00
R56-66	440	All	2304.00
R56-69	483	All	2304.00
R56-70	484	All	2304.00
R56-71	524	All	2304.00
R56-73	526	All	2304.00
R56-74	527	All	2304.00
R56-75	528	All	2304.00
R56-76	568	All	2304.00
R56-78	570	All	2304.00
R56-79	571	All	2304.00
R56-80	611	All	2304.00
R56-81	612	All	2304.00
R56-82	613	All	2304.00
R56-83	614	All	2304.00
R56-85	654	All	2304.00
R56-86	655	All	2304.00
R56-87	656	All	2304.00
R56-88	657	All	2304.00
R56-89	658	All	2304.00
R56-90	698	All	2304.00
R56-91	699	All	2304.00
R56-92	700	All	2304.00
R56-93	701	All	2304.00
R56-94	702	All	2304.00
R56-95	741	All	2304.00
R56-96	742	All	2304.00
R56-97	743	All	2304.00
R56-98	744	All	2304.00
R56-99	745	All	2304.00
R56-102	785	All	2304.00
R56-103	786	All	2304.00
R56-105	788	All	2304.00
R56-106	789	All	2304.00

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
R56-109	828	All	2304.00
R56-110	829	All	2304.00
R56-111	830	All	2304.00
R56-112	831	All	2304.00
R56-113	832	All	2304.00
R56-114	834	All	2304.00
R56-115	872	All	2304.00
R56-116	873	All	2304.00
R56-117	874	All	2304.00
R56-118	875	All	2304.00
R56-119	876	All	2304.00
R56-120	916	All	2304.00
R56-121	917	All	2304.00
R56-122	918	All	2304.00
R56-123	919	All	2304.00
R56-124	960	All	2304.00
R56-127	963	All	2304.00
R56-128	1004	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, JAMES ISLAND NI 17-12
(Approved June 11, 1975)

Tract	Block	Description	Hectares
R56-131	242	All	2304.00
R56-132	243	All	2304.00
R56-133	244	All	2304.00
R56-134	245	All	2304.00
R56-135	246	All	2304.00
R56-136	247	All	2304.00
R56-137	285	All	2304.00
R56-138	286	All	2304.00
R56-139	287	All	2304.00
R56-140	288	All	2304.00
R56-141	289	All	2304.00
R56-142	290	All	2304.00
R56-143	291	All	2304.00
R56-144	329	All	2304.00
R56-145	330	All	2304.00
R56-146	331	All	2304.00
R56-147	334	All	2304.00
R56-148	335	All	2304.00
R56-149	373	All	2304.00
R56-150	374	All	2304.00
R56-151	800	All	2304.00
R56-152	841	All	2304.00
R56-153	842	All	2304.00
R56-154	843	All	2304.00
R56-155	844	All	2304.00
R56-156	885	All	2304.00

Tract	Block	Description	Hectares
R56-157	886	All	2304.00
R56-158	887	All	2304.00
R56-159	888	All	2304.00
R56-160	929	All	2304.00
R56-161	930	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, STETSON MESA NH 17-6
(Approved June 11, 1975)

Tract	Block	Description	Hectares
R56-162	181	All	2304.00
R56-163	182	All	2304.00
R56-164	224	All	2304.00
R56-165	225	All	2304.00
R56-166	226	All	2304.00
R56-167	268	All	2304.00
R56-168	269	All	2304.00
R56-169	312	All	2304.00
R56-170	313	All	2304.00
R56-171	355	All	2304.00
R56-172	356	All	2304.00
R56-173	357	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK NH 17-2
(Approved April 29, 1975; Revised September 1, 1978)

Tract	Block	Description	Hectares
R56-175	256	All	2304.00
R56-176	257	All	2304.00
R56-177	298	All	2304.00
R56-178	299	All	2304.00
R56-179	300	All	2304.00
R56-180	301	All	2304.00
R56-181	341	All	2304.00
R56-185	345	All	2304.00
R56-186	386	All	2304.00
R56-188	388	All	2304.00
R56-189	695	All	2304.00
R56-190	696	All	2304.00
R56-191	697	All	2304.00
R56-192	738	All	2304.00
R56-193	739	All	2304.00

Tract	Block	Description	Hectares
R56-194	740	All	2304.00
R56-195	741	All	2304.00
R56-196	781	All	2304.00
R56-197	782	All	2304.00
R56-198	783	All	2304.00
R56-199	825	All	2304.00
R56-200	826	All	2304.00
R56-201	827	All	2304.00
R56-202	910	All	2304.00
R56-203	911	All	2304.00
R56-204	914	All	2304.00
R56-205	916	All	2304.00
R56-206	917	All	2304.00
R56-207	952	All	2304.00
R56-208	953	All	2304.00
R56-209	954	All	2304.00
R56-210	955	All	2304.00
R56-211	960	All	2304.00
R56-212	961	All	2304.00
R56-213	962	All	2304.00
R56-214	993	All	2304.00
R56-215	994	All	2304.00
R56-216	995	All	2304.00
R56-217	996	All	2304.00
R56-218	997	All	2304.00
R56-219	998	All	2304.00
R56-220	999	All	2304.00
R56-221	1000	All	2304.00
R56-222	1002	All	2304.00
R56-223	1006	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE NH 17-5
(Approved April 29, 1975)

Tract	Block	Description	Hectares
R56-224	24	All	2304.00
R56-225	27	All	2304.00
R56-226	28	All	2304.00
R56-227	29	All	2304.00
R56-228	30	All	2304.00
R56-229	31	All	2304.00
R56-230	32	All	2304.00
R56-231	33	All	2304.00

JACKSONVILLE NH 17-5 (continued)

Tract	Block	Description	Hectares
R56-232	37	All	2304.00
R56-233	69	All	2304.00
R56-234	70	All	2304.00
R56-235	71	All	2304.00
R56-236	72	All	2304.00
R56-237	73	All	2304.00
R56-238	74	All	2304.00
R56-239	79	All	2304.00
R56-240	80	All	2304.00
R56-241	113	All	2304.00
R56-242	114	All	2304.00
R56-243	115	All	2304.00
R56-244	116	All	2304.00
R56-245	117	All	2304.00
R56-246	124	All	2304.00
R56-247	158	All	2304.00
R56-248	159	All	2304.00
R56-249	160	All	2304.00
R56-250	161	All	2304.00
R56-251	162	All	2304.00
R56-252	203	All	2304.00
R56-253	204	All	2304.00
R56-254	205	All	2304.00
R56-255	206	All	2304.00
R56-256	207	All	2304.00
R56-257	247	All	2304.00
R56-258	248	All	2304.00
R56-259	249	All	2304.00
R56-260	250	All	2304.00
R56-261	251	All	2304.00
R56-262	253	All	2304.00
R56-263	292	All	2304.00
R56-264	293	All	2304.00
R56-265	294	All	2304.00
R56-266	295	All	2304.00
R56-267	296	All	2304.00
R56-268	340	All	2304.00
R56-269	382	All	2304.00
R56-270	426	All	2304.00
R56-271	431	All	2304.00
R56-272	432	All	2304.00
R56-273	465	All	2304.00
R56-274	470	All	2304.00
R56-275	475	All	2304.00
R56-276	476	All	2304.00
R56-277	509	All	2304.00

JACKSONVILLE NH 17-5 (continued)

Tract	Block	Description	Hectares
R56-278	513	All	2304.00
R56-279	514	All	2304.00
R56-280	515	All	2304.00
R56-281	516	All	2304.00
R56-282	561	All	2304.00
R56-283	601	All	2304.00
R56-284	602	All	2304.00
R56-285	645	All	2304.00
R56-286	646	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ILIAMNA NO 5-1
(Approved March 20, 1975)

Tract	Block	Description	Hectares
R60-1	484	All	2304.00
R60-2	527	All	2304.00
R60-3	615	All	2304.00
R60-4	659	All	2304.00
R60-5	703	All	2304.00
R60-6	748	All	2304.00
R60-7	836	All	2304.00
R60-8	880	All	2304.00
R60-9	923	All	2304.00
R60-10	924	All	2304.00
R60-11	968	All	2304.00
R60-12	1011	All	2304.00
R60-13	1012	All	2304.00
R60-14	1055	All	2304.00
R60-15	1056	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, SELDOVIA NO 5-2
(Approved March 20, 1975)

Tract	Block	Description	Hectares
R60-16	93	1/	588.65
R60-17	94	All	2304.00
R60-19	138	All	2304.00
R60-21	182	All	2304.00
R60-22	186	All	2304.00
R60-23	224	All	2304.00
R60-26	228	All	2304.00
R60-27	229	All	2304.00
R60-28	230	All	2304.00

1/ Seaward of the three geographical mile line.

SELDOVIA NO 5-2 (continued)

Tract	Block	Description	Hectares
R60-29	268	All	2304.00
R60-30	269	All	2304.00
R60-31	270	All	2304.00
R60-32	271	All	2304.00
R60-33	272	All	2304.00
R60-34	273	All	2304.00
R60-35	312	All	2304.00
R60-36	313	All	2304.00
R60-37	314	All	2304.00
R60-38	315	All	2304.00
R60-39	316	All	2304.00
R60-40	317	All	2304.00
R60-41	359	All	2304.00
R60-42	360	All	2304.00
R60-43	361	All	2304.00
R60-44	404	All	2304.00
R60-45	405	All	2304.00
R60-46	487	All	2304.00
R60-47	533	All	2304.00
R60-48	580	All	2304.00
R60-49	621	All	2304.00
R60-50	625	All	2304.00
R60-51	661	All	2304.00
R60-52	662	All	2304.00
R60-53	663	All	2304.00
R60-54	664	All	2304.00
R60-55	665	All	2304.00
R60-56	666	All	2304.00
R60-57	669	All	2304.00
R60-58	705	All	2304.00
R60-59	706	All	2304.00
R60-60	707	All	2304.00
R60-61	713	All	2304.00
R60-62	751	All	2304.00
R60-63	756	All	2304.00
R60-64	757	All	2304.00
R60-65	793	All	2304.00
R60-66	795	All	2304.00
R60-67	800	All	2304.00
R60-68	837	All	2304.00
R60-69	838	All	2304.00
R60-70	881	All	2304.00
R60-71	882	All	2304.00
R60-72	925	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, MT. KATMAI NO 5-3
(Approved July 3, 1975)

Tract	Block	Description	Hectares
R60-73	43	All	2304.00
R60-74	44	All	2304.00
R60-75	88	All	2304.00
R60-76	131	E1/2E1/2	576.00
R60-77	132	All	2304.00
R60-78	176	All	2304.00
R60-79	219	NE1/4,SE1/4NW1/4, E1/2NE1/4NW1/4, S1/2 1/	1752.09
R60-80	220	All	2304.00
R60-81	263	1/	2176.96
R60-82	264	All	2304.00
R60-83	306	1/	2163.71
R60-84	307	All	2304.00
R60-85	308	All	2304.00
R60-86	350	All	2304.00
R60-87	351	All	2304.00
R60-88	352	All	2304.00
R60-89	394	All	2304.00
R60-90	395	All	2304.00
R60-91	396	All	2304.00
R60-92	438	All	2304.00
R60-93	439	All	2304.00
R60-94	479	All	2304.00
R60-95	480	All	2304.00
R60-96	481	All	2304.00
R60-97	482	All	2304.00
R60-98	483	All	2304.00
R60-99	522	All	2304.00
R60-100	523	All	2304.00
R60-101	524	All	2304.00
R60-102	525	All	2304.00
R60-103	526	All	2304.00
R60-104	565	All	2304.00
R60-105	566	All	2304.00
R60-106	567	All	2304.00
R60-107	568	All	2304.00
R60-108	569	All	2304.00
R60-109	570	All	2304.00
R60-110	607	All	2304.00
R60-112	609	All	2304.00
R60-113	610	All	2304.00
R60-115	612	All	2304.00
R60-116	613	All	2304.00
R60-117	651	All	2304.00

1/ Seaward of the three geographical mile line.

MT. KATMAI NO 5-3 (continued)

Tract	Block	Description	Hectares
R60-119	653	All	2304.00
R60-121	655	All	2304.00
R60-122	656	All	2304.00
R60-123	695	All	2304.00
R60-125	697	All	2304.00
R60-127	699	All	2304.00
R60-128	737	E1/2,E1/2W1/2	1728.00
R60-129	738	All	2304.00
R60-130	739	All	2304.00
R60-131	740	All	2304.00
R60-133	742	All	2304.00
R60-134	781	All	2404.00
R60-135	782	All	2304.00
R60-136	783	All	2304.00
R60-137	784	All	2304.00
R60-138	785	All	2304.00
R60-141	827	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, AFOGNAK NO 5-4
(Approved July 3, 1975)

Tract	Block	Description	Hectares
R60-142	48	All	2304.00
R60-143	90	All	2304.00
R60-144	91	All	2304.00
R60-145	92	All	2304.00
R60-146	133	All	2304.00
R60-147	134	All	2304.00
R60-148	135	All	2304.00
R60-149	177	All	2304.00
R60-150	178	All	2304.00
R60-151	221	All	2304.00
R60-152	265	All	2304.00
R60-153	309	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, HUDSON CANYON NJ 18-3
(Approved October 31, 1974)

Tract	Block	Description	Hectares
R59-1	686	All	2304.00
R59-2	689	All	2304.00
R59-3	691	All	2304.00
R59-5	694	All	2304.00
R59-6	733	All	2304.00
R59-7	734	All	2304.00
R59-8	735	All	2304.00
R59-9	736	All	2304.00
R59-11	775	All	2304.00
R59-12	776	All	2304.00
R59-13	777	All	2304.00
R59-16	780	All	2304.00
R59-17	781	All	2304.00
R59-18	818	All	2304.00
R59-19	819	All	2304.00
R59-20	820	All	2304.00
R59-24	824	All	2304.00
R59-25	856	All	2304.00
R59-26	862	All	2304.00
R59-27	863	All	2304.00
R59-28	864	All	2304.00
R59-31	867	All	2304.00
R59-32	904	All	2304.00
R59-33	905	All	2304.00
R59-34	906	All	2304.00
R59-35	907	All	2304.00
R59-38	910	All	2304.00
R59-39	911	All	2304.00
R59-40	948	All	2304.00
R59-41	949	All	2304.00
R59-42	950	All	2304.00
R59-45	953	All	2304.00
R59-46	954	All	2304.00
R59-47	990	All	2304.00
R59-48	991	All	2304.00
R59-49	992	All	2304.00
R59-50	993	All	2304.00
R59-53	996	All	2304.00
R59-54	997	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, WILMINGTON CANYON NJ 18-6
(Approved October 31, 1974)

Tract	Block	Description	Hectares
R59-55	22	All	2304.00
R59-56	23	All	2304.00
R59-60	27	All	2304.00
R59-61	28	All	2304.00
R59-62	63	All	2304.00
R59-63	65	All	2304.00
R59-64	66	All	2304.00
R59-65	67	All	2304.00
R59-69	71	All	2304.00
R59-70	108	All	2304.00
R59-71	109	All	2304.00
R59-76	114	All	2304.00
R59-77	152	All	2304.00
R59-82	157	All	2304.00
R59-83	194	All	2304.00
R59-84	196	All	2304.00
R59-88	200	All	2304.00
R59-89	235	All	2304.00
R59-90	236	All	2304.00
R59-91	237	All	2304.00
R59-92	238	All	2304.00
R59-93	239	All	2304.00
R59-94	240	All	2304.00
R59-97	243	All	2304.00
R59-98	279	All	2304.00
R59-99	280	All	2304.00
R59-100	281	All	2304.00
R59-101	282	All	2304.00
R59-102	283	All	2304.00
R59-105	286	All	2304.00
R59-106	322	All	2304.00
R59-107	323	All	2304.00
R59-108	324	All	2304.00
R59-109	325	All	2304.00
R59-114	330	All	2304.00
R59-115	365	All	2304.00
R59-116	366	All	2304.00
R59-117	367	All	2304.00
R59-118	368	All	2304.00
R59-123	373	All	2304.00
R59-124	408	All	2304.00
R59-125	409	All	2304.00
R59-126	410	All	2304.00

WILMINGTON CANYON NJ 18-6 (continued)

R59-127	411	All	2304.00
R59-128	412	All	2304.00
R59-133	417	All	2304.00
R59-134	452	All	2304.00
R59-135	453	All	2304.00
R59-136	454	All	2304.00
R59-137	455	All	2304.00
R59-142	460	All	2304.00
R59-143	496	All	2304.00
R59-144	497	All	2304.00
R59-145	498	All	2304.00
R59-150	503	All	2304.00
R59-151	540	All	2304.00
R59-157	546	All	2304.00
R59-158	584	All	2304.00
R59-163	589	All	2304.00
R59-164	627	All	2304.00
R59-169	632	All	2304.00
R59-170	669	All	2304.00
R59-171	670	All	2304.00
R59-176	712	All	2304.00
R59-177	713	All	2304.00
R59-178	714	All	2304.00
R59-182	755	All	2304.00
R59-183	756	All	2304.00
R59-184	757	All	2304.00
R59-188	761	All	2304.00
R59-189	798	All	2304.00
R59-190	799	All	2304.00
R59-191	800	All	2304.00
R59-195	804	All	2304.00
R59-196	841	All	2304.00
R59-197	842	All	2304.00
R59-198	843	All	2304.00
R59-202	883	All	2304.00
R59-203	884	All	2304.00
R59-204	885	All	2304.00
R59-205	886	All	2304.00
R59-206	887	All	2304.00
R59-209	927	All	2304.00
R59-210	928	All	2304.00
R59-211	929	All	2304.00
R59-212	930	All	2304.00
R59-215	933	All	2304.00
R59-216	971	All	2304.00
R59-217	972	All	2304.00
R59-218	973	All	2304.00
R59-219	974	All	2304.00
R59-220	975	All	2304.00
R59-221	976	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, CHINCOTEAGUE NJ 18-8
(Approved December 2, 1976)

Tract	Block	Description	Hectares
R59-222	41	All	2304.00
R59-223	129	All	2304.00
R59-224	216	All	2304.00
R59-225	217	All	2304.00
R59-226	260	All	2304.00
R59-227	261	All	2304.00
R59-228	304	All	2304.00
R59-229	305	All	2304.00
R59-230	347	All	2304.00
R59-231	348	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, BALTIMORE RISE NJ 18-9
(Approved December 6, 1976)

Tract	Block	Description	Hectares
R59-232	2	All	2304.00
R59-233	3	All	2304.00
R59-237	45	All	2304.00
R59-238	46	All	2304.00
R59-239	47	All	2304.00
R59-242	50	All	2304.00
R59-243	89	All	2304.00
R59-244	90	All	2304.00
R59-248	133	All	2304.00
R59-249	134	All	2304.00
R59-250	135	All	2304.00
R59-252	177	All	2304.00
R59-253	178	All	2304.00

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for tracts R56-22, R56-26, R56-27, R56-30, R56-33 thru R56-39, R56-46 thru R56-51, R56-53 thru R56-66, R56-69, R56-70, R56-71, R56-73 thru R56-76, R56-78 thru R56-83, R56-85 thru R56-99, R56-102, R56-103, R56-105, R56-106, R56-109 thru R56-124, R56-127, R56-128, R56-162 thru R56-173, R59-3, R59-5, R59-7 thru R59-9, R59-11 thru R59-13, R59-16 thru R59-20, R59-24, R59-26 thru R59-28, R59-31 thru R59-35, R59-38 thru R59-42, R59-45 thru R59-50, R59-53 thru R59-56, R59-60, R59-61, R59-63 thru R59-65, R59-69 thru R59-71, R59-76, R59-77, R59-82 thru R59-84, R59-88, R59-91 thru R59-94, R59-97, R59-100, R59-101, R59-102, R59-105, R59-108, R59-109, R59-114, R59-117, R59-118, R59-123, R59-126, R59-127, R59-128, R59-133, R59-136, R59-137, R59-142 thru R59-145, R59-150, R59-151, R59-157, R59-158, R59-163, R59-164, R59-169 thru R59-171, R59-176 thru R59-178, R59-182 thru R59-184, R59-188 thru R59-191, R59-195 thru R59-198, R59-202 thru R59-206, R59-209 thru R59-212, R59-215 thru R59-221, R59-224 thru R59-233, R59-237, R59-238, R59-239, R59-242 thru R59-244, R59-248 thru R59-250, R59-252 and R59-253 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of five years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Outer Continental Shelf Offices listed in paragraph 11, above.

(b). For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(d), Form 3300-1 will be amended as follows:

Sec. 6 Royalty on Production. (a) The lessee agrees to pay the lessor royalty of that percent in amount or value of production saved, removed or sold

from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $14.787863 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.787864 million, but less than or equal to $1197.206141 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

When the adjusted quarterly value of production is equal to or greater than $1197.206142 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 17.10773 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit i.e., to the nearest dollar (for example, 15.392847 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(e), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of __ percent with a ___ capital recovery factor, calculated pursuant to 10 CFR 390.

(d) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. It is intended that each tract will be offered with the same stipulations and conditions as previously offered in Sale Nos. 53, 56, 60 and 59. In the following stipulations the term DMM or DMMOFO refers to the Regional Deputy Minerals Manager, Offshore Field Operations, Minerals Management Service (formerly Deputy Conservation Manager, Field Operations, U.S. Geological Survey) and the term Manager refers to the Manager of the OCS Field Office of the Bureau of Land Management.

Stipulation No. 1

If the DMMOFO has reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource," may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DMMOFO and the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfactioin of the DMMOFO, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DMMOFO, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DMMOFO and the Manager for their review. Should the DMMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DMMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DMMOFO and make every reasonable effort to preserve and protect the cultural resource from damage until the DMMOFO has given directions as to its preservation.

Stipulation No. 2

To be included only in leases resulting from this sale for all tracts with the prefix R53-.

(a) If the DMMOFO has reason to believe that biological populations or habitats exist and require protection, he shall give the lessee notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements. Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the DMMOFO and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones.

(2) A species of limited regional distribution that may be adversely affected by any lease operations.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the resources identified; or (2) establish to the satisfaction of the DMMOFO, on the basis of the site specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The DMMOFO will review all data submitted and determine, in writing, whether a special biological resource exists and whether it may be significantly affected by the lessee's operations. The lessee may take no action until the DMMOFO has given the lessee written directions on how to proceed.

(b) The lessee agrees that if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DMMOFO, and make every reasonable effort to preserve and protect the biololgical resource from damage until the DMMOFO has given the lessee directions with respect to its protection.

Stipulation No. 3

(a) To be included in any lease resulting from this sale for tracts: R53-156, R53-157, R53-158, R53-162, and R53-164.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portion of

this lease block unless or until the lessee has demonstrated to the DMMOFO's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DMMOFO may also require soil testing before exploration and production operations are allowed.

(b) To be included in any lease resulting from this sale for tracts: R53-226, R53-227, R53-231, and R53-233.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas or emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DMMOFO's satisfaction that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of submarine canyons or channels, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DMMOFO may also require soil testing before exploration and production operations are allowed.

Stipulation No. 4

To be included only in leases resulting from this sale for: all tracts with the prefix R53-; tracts R56-22 and R56-30 through R56-39, R56-46 thru R56-286; tracts R59-5, R59-17, R59-32, R59-33, R59-40, R59-41, R59-42, R59-47 thru R59-50, R59-55, R59-56, R59-60 thru R59-65, R59-69 thru R59-71, R59-76, R59-77, R59-82 thru R59-84, R59-94, R59-97 thru R59-102, R59-105 thru R59-128, R59-133 thru R59-137, R59-142 thru R59-145, R59-150, R59-151, R59-157, R59-158, R59-163, R59-164, R59-169, R59-202, R59-209, R59-210, R59-216, R59-217, R59-218, R59-222 thru R59-244, R59-248 thru R59-250, R59-252, and R59-253.

In this stipulation, the relevant military facilities are as follows for the tracts specified. All tracts with the prefix R53-: the Western Space and Missile Center (WSMC), Vandenberg AFB, Lompoc, California; The Pacific Missile Test Center (PMTC), Pt. Mugu, California; and the Fleet Area Control and Surveillance Facility (FACSFAC), San Diego, California. Tracts R56-22 through R56-27: Fleet Area Control and Surveillance Facility, Virginia Beach, Virginia. Tracts R56-30 thru R56-39, R56-46 thru R56-128 and R59-5, R59-17, R59-32, R59-33, R59-40, R59-41, R59-42, R59-47 thru R59-50, R59-55, R59-56, R59-60 thru R59-65, R59-69 thru R59-71, R59-76, R59-77, R59-82 thru R59-84, R59-88 thru R59-94, R59-97 thru R59-102, R59-105 thru R59-128, R59-133 thru R59-137, R59-142 thru R59-145, R59-150, R59-151, R59-157, R59-158, R59-163, R59-164, R59-169, R59-202, R59-209, R59-210, R59-216, R59-217, R59-218, R59-222 thru R59-244, R59-248 thru R59-250, R59-252 and R59-253: Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia. Tracts R56-131 thru R56-161: Charleston Operating Area Coordinator, Charleston, South Carolina. Tracts R56-162 through R56-286: Fleet Area Control and Surveillance Facility, Jacksonville, Florida.

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the relevant military facility.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander of the relevant military facility to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a

lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commander of the relevant military facility on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 5

To be included only in leases resulting from this sale for tracts with the prefix R53-.

The lessee, recognizing that mineral exploration and exploitation and recovery operations of the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, and appropriate sheltering of personnel not evacuated (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances), will come into effect upon the order of the DMMOFO, after consultation with the Commander, Western Space and Missile Center (WSMC), Vandenberg AFB, Lompoc, California, the Commander, Pacific Missile Test Center (PMTC), Pt. Mugu, California, and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), San Diego, California, or other appropriate military agency, or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed 72 hours; however, any such suspension may be extended by order of the DMMOFO. During such periods equipment may remain in place.

Stipulation No. 6

To be included only in leases resulting from this sale for all tracts with the prefix R53-.

(a) Pipelines will be required: 1) if pipeline rights-of-way can be determined and obtained; 2) if laying of such pipelines is technologically feasible and environmentally preferable; and 3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State and local governments and the industry.

(b) Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DMMOFO.

(c) Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221 et. seq.).

Stipulation No. 7

To be included only in leases resulting from this sale for all tracts with the prefix R53-.

(a) Wells. Subsea well heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawling gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DMMOFO. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 meters) at 200 miles (322 kilometers).

(b) Pipelines. All pipelines, unless buried, including gathering lines, shall have a smooth surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other structures, those irregular surfaces shall be protected in such a manner as to allow trawling gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 8

To be included only in the leases resulting from this sale for all tracts with the prefix R53-.

The lessee shall include in his exploration and development plans, submitted under 30 CFR 250.34, a proposed fisheries training program for review and approval by the DMMOFO. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations), and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, the potential conflicts between fishing operations and offshore oil and gas activities, the locations of marine mammal and bird rookery sites in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the Federal laws that have been established to protect endangered and threatened species from harassment and injury. The program shall be formulated and implemented by qualified instructors.

Stipulation No. 9

To be included only in the leases resulting from this sale for the 33-1/3 percent royalty tracts and the fixed sliding scale royalty tracts identified in paragraph 4(b) and 4(d) of this notice.

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Acting Director, Minerals Management Service may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 10

This stipulation shall be effective for each tract to which it applies only if the Secretary of the Interior and the Governor of the State of California, prior to the approval of a development and production plan for that tract by the Department of the Interior, enter into an agreement pursuant to Section 8(g) of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. section 1337(g). If such agreement has been entered into, this stipulation is to be applied to leases resulting from this sale for tracts R53-149 and R53-233.

(1) No producing well may be drilled where the well bore in the producing intervals is closer to the seaward boundary of the State of California than the distance agreed to between the State and the Department based on analysis of pertinent site-specific data, except that in no event shall the agreed distance be further than 750 feet from the seaward boundary of the State. In the absence of an agreed distance, no well shall be drilled closer than 500 feet to the seaward boundary of the State.

(2) The constraint in paragraph (1) shall not apply:

(a) If oil or gas pools or fields underlying both the Outer Continental Shelf and lands subject to the jurisdiction of California are included in a production unit entered into by the relevant lessees and approved by the lessors, or in a production unit entered into by the Federal lessee and the State of California when it is a carried, non-operating owner.

(b) If, in the absence of a production unit as described in (a) above, the State of California permits production from State lands from a point closer than 750 feet from the Federal-State boundary. In the event that such production from State lands does occur, the Federal lessee shall be allowed to produce from offset wells equally close to the boundary in the area of Federal jurisdiction.

Stipulation No. 11

To be included only in leases resulting from this sale for all tracts with the prefix R56-.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DMM as part of his exploration and/or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of the proposed exploration or production activity site.

For the purpose of this stipulation, live bottom areas are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, an other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DMM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DMM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 12

To be included only in leases resulting from this sale for tracts R56-27, R56-117 through R56-119, R56-122 and R56-123.

Portions of this lease may be subject to mass movement of sediments related to unstable slopes with associated shallow faulting. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block until the lessee has demonstrated to the DMM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellhead and pipelines can be safely designed to protect

the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structues (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DMM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 13

To be included in any lease resulting from this sale for tracts R56-167, R56-169, R56-171, and R56-172.

The lessee shall conduct remote sensing and/or other surveys as specified by the DMM to determine the existence of any unexploded ordnance. The lessee's report to the DMM should document all indications of magnetic or side scan sonar anomalies on the sea floor.

Stipulation No. 14

To be included in leases resulting from this sale for all tracts with the prefix R56-.

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DMM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a).

Stipulation No. 15

To be included only in leases resulting from this sale for tracts with the prefix R60-.

If the DMM, having reason to believe that significant biological populations or habitats requiring additional protection may exist within the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

Prior to the commencement of any drilling activity, or construction or placement of any structure for exploration or development activity, the lessee shall conduct site-specific environmental surveys or studies, including sampling as approved by the DMM, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed operations on the populations or habitats which might require additional protective measures. The nature and extent of any such surveys or studies will be determined by the DMM on a case-by-case basis.

Based on any surveys or studies which the DMM may require of the lessee, the DMM may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DMM that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the DMM may also require of the lessee, the DMM may require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the DMM, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DMM provides written directions to the lessee with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DMM provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 16

To be included only in leases resulting from this sale for all tracts with the prefix R60-.

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DMM. The program shall be designed to inform each person

working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated by qualified instructors experienced in each pertinent field of study, and shall employ effective methods to insure that personnel are informed of archaeological, geological, and biological resources, to include bird and sea mammal rookeries, to identify the importance of avoidance and non-harassment of wildlife resources.

The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating and shall include information concerning avoidance of conflicts with commercial fishing operations and with commercial fishing gear.

The lessee shall also provide for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 17

To be included only in leases resulting from this sale for tracts with the prefix R60-.

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local governments and industry.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, fisheries trawling gear, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DMM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act (46 U.S.C.391a) and the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221 et seq.).

Stipulation No. 18

To be included only in leases resulting from this sale for all tracts with the prefix R60-.

(a) Well and Pipeline Stipulation. Subsea wellheads and temporary abandoments, or suspended operations that leave protrusions above the seafloor shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the Deputy Minerals Manager, Offshore Field Operations, Alaska Region, Minerals Management Service. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 m) at 200 miles (322 km).

(b) All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes, or other structures, it shall, as appropriate, be protected in such a manner as to allow trawling gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 19

To be included only in the leases resulting from this sale for all tracts with the prefix R59-.

If biological populations or habitats which may require additional protection are identified by the Deputy Minerals Manager, Offshore Field Operations (DMMOFO) in the leasing area, the DMMOFO will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the DMMOFO, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The DMMOFO shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys or studies will be determined by the DMMOFO on a case-by-case basis.

Based on any surveys or studies which the DMMOFO may require of the lessee, the DMMOFO may require the lessee to: (1) relocate the site of operations so as not to adversely affect the biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DMMOFO that such operations will not adversely affect the biological populations or habitats deserving protection.

Operations, including siting, must be conducted to insure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

The lessee shall submit all data obtained in the course of such surveys to the DMMOFO, with the locational information for drilling or other activity. The

lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DMMOFO provides written directions to the lessee, with regard to permissible actions.

In the event that biological populations or habitats deserving protection are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DMMOFO provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 20

To be included only in leases resulting from this sale for tracts with the prefix R59-.

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Intergovernmental Planning Program for Outer Continental Shelf Oil and Gas Leasing, Transportation and Related Facilities, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Deputy Minerals Manager, Offshore Field Operations. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Stipulation No. 21

To be included only in the leases resulting from this sale for all tracts with the prefix R59-.

The Deputy Minerals Manager, Offshore Field Operations (DMMOFO) may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the DMMOFO, or by transporting the material to disposal sites approved and permitted by appropriate regulatory agencies. After consultation with the appropriate regulatory agencies, the DMMOFO shall determine the method of disposal based upon review of relevant sources of information.

Based upon the composition of produced formation waters the site-specific environmental conditions in a leasing area, and data from relevant sources, the DMMOFO may require the lessee to reinject formation waters. The DMMOFO shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 22

To be included only in leases resulting from this sale for tracts R59-47 through R59-253.

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risk of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the NASA, Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the Deputy Minerals Manager, Offshore Field Operations (DMMOFO), to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within 48 hours or within such longer period as may be specified by the DMMOFO. The DMMOFO shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than 72 hours; however, such period of time may be extended by subsequent notice from the DMMOFO. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA, Wallops Flight Center.

Stipulation No. 23

Leases for the following tracts will include this stipulation, which will apply only to operations within the designated portions of such tracts:

Tracts Showing Evidence of Mass Movement

Tracts	NJ 18-3 (Hudson Canyon)	
R59-6	- 733	NW1/4SW1/4, S1/2SE1/4, NE1/4SE1/4
R59-7	- 734	W1/2SW1/4
R59-8	- 735	SW1/4
R59-13	- 777	N1/2NE1/4
R59-16	- 780	S1/2NW1/4, W1/2SW1/4
R59-17	- 781	SE1/4, E1/2SW1/4, SW1/4SW1/4, S1/2NE1/4, SE1/4NW1/4
R59-24	- 824	S1/2, S1/2N1/2
R59-31	- 867	SE1/4NW1/4, NE1/4SW1/4, S1/2NE1/4, N1/2SE1/4
R59-38	- 910	W1/2NW1/4, NE1/4NW1/4, NE1/4, SE1/4, SE1/4SW1/4
R59-39	- 911	S1/2, S1/2NW1/4, NW1/4NW1/4, S1/2NE1/4, NE1/4NE 1/4
R59-45	- 953	S1/2NE1/4, N1/2SE1/4
R59-46	- 954	NW1/4SW1/4, NE1/4NW1/4, N1/2NE1/4, SE1/4NE1/4
R59-49	- 990	SW1/4NW1/4, N1/2SW1/4
R59-50	- 993	NE1/4SE 1/4
	NJ 18-6 (Wilmington Canyon)	
R59-55	- 22	E1/2NE1/4
R59-56	- 23	S1/2NW1/4, NW1/4NW1/4, N1/2SW1/4, W1/2SE1/4
R59-61	- 28	SE1/4SE1/4
R59-62	- 63	NE1/4SE1/4
R59-70	- 108	SW1/4NE1/4, NW1/4SE1/4
R59-76	- 114	SW1/4SW1/4
R59-82	- 157	NE1/4NE1/4
R59-135	- 453	SE1/4
R59-136	- 454	S1/2NW1/4
R59-143	- 496	NE1/4SE1/4
R59-144	- 497	NW1/4, NW1/4NE1/4, NW1/4SW1/4
R59-157	- 546	S1/2SW1/4, NE1/4SW1/4
Tracts	NJ 18-6 (Wilmington Canyon)	
R59-164	- 627	N1/2NW1/4
R59-191	- 800	SW1/4SE1/4
R59-198	- 843	E1/2NW1/4
R59-220	- 975	SW1/4SW1/4
	NJ 18-8 (Chincoteague)	
R59-228	- 304	SE1/4SE1/4
R59-229	- 305	SW1/4SW1/4
R59-231	- 348	E1/2E1/2
	NJ 18-9 (Baltimore Rise)	
R59-242	- 50	N1/2NE1/4
R59-244	- 90	SE1/4SW1/4
R59-248	- 133	E1/2NE1/4, NE1/4SE1/4
R59-249	- 134	N1/2, N1/2SW1/4, NW1/4SE1/4

Tracts Showing Evidence of Shallow Faults

	NJ 18-3 (Hudson Canyon)	
R59-28	- 864	SE1/4NE1/4
R59-38	- 910	S1/2NE1/4, W1/2NW1/4, NW1/4SE1/4
R59-39	- 911	NE1/4NE1/4, S1/2NE1/4, SW1/4SW1/4, E1/2SW1/4, NW1/4SE1/4
R59-45	- 953	NW1/4SW1/4, SW1/4NW1/4, NW1/4NE1/4
R59-46	- 954	NE1/4NE1/4
	NJ 18-6 (Wilmington Canyon)	
R59-114	- 330	N1/2SW1/4, SW1/4SW1/4
R59-123	- 373	NE1/4NE1/4

Portions of this tract may be subject to unstable slopes or shallow faults, (mass movement of sediments). Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Minerals Manager's satisfaction that mass movement of sediment is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. The extension of these surveys may be required outside of the leased block. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The

Deputy Minerals Manager, Offshore Field Operations also may require soil testing before exploration and production operations are allowed.

Stipulation No. 24

To be included only in leases resulting from this sale for tracts R59-60, R59-61, R59-69, and R59-215.

If the Deputy Minerals Manager, Offshore Field Operations (DMMOFO) believes any undetonated explosives may exist in a leased tract, the lessee shall conduct surveys as specified by the DMMOFO to determine the location of any undetonated explosives. Upon completion of any such surveys, the lessee shall forward a report and all pertinent data to the DMMOFO for review. Should the DMMOFO determine that the existence of such devices may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, the lessee shall take no action until the DMMOFO has given directions as to the conduct of that operation.

Stipulation No. 25

To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(e) of this notice.

The net profit share payment specified in Sec. 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, no more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Sec. 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

14. Information to Lessees. With respect to tracts with the prefix R53-, the Department of the Interior will seek the advice of the State of California and other Federal agencies to identify areas of special biological or cultural resources.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Such areas might be established, among other reasons, for the purpose of protecting commercial fisheries. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate, or a royalty rate based on a sliding scale, or a fixed net profit share.

With respect to leases resulting from this sale for all tracts with the prefix R53-, to reduce the impacts of aircraft disturbances at seabird colonies and marine mammal rookeries along the coast, a distance of at least one mile from the coastline and an altitude of 1,000 feet should be maintained, consistent with aircraft safety, from specific areas to be identified by the DMMOFO. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the California Department of Fish and Game, as appropriate, for disposition.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 F.R. 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease

form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

Notice is hereby given that portions of tracts R53-199, R53-205, R53-212, R53-213, R53-219, R53-221, R53-227, and R53-233 may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Deputy Minerals Manager's (DMMOFO) satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate that all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

In implementing stipulation 8, the DMMOFO will require that training programs include the locations of marine mammal and bird rookery sites in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the Federal laws that have been established to protect endangered and threatened species from harassment and injury.

With respect to tracts with the prefix R56-, the Department of the Interior will seek the advice of the States of North Carolina, South Carolina, Georgia, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources. If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Minerals Manager for Offshore Field Operations, MMS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

With respect to leases resulting from this sale for all tracts with the prefix R56-, bidders are advised that the West Indian manatee is a marine mammal which is officially listed as an Endangered Species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531-1543), and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979, (44 FR 60963) Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, the Florida Manatee Sanctuary Act of 1978 declares the entire State of Florida a "refuge and sanctuary for the manatees." A cooperative agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar cooperative agreement with the State of Georgia became effective on October 6, 1977.

For those tracts listed in paragraph 13(a) above providing for leases with

an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to MMS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year for tracts with the prefix R56-, and prior to the end of the ninth lease year for tracts with the prefix R59-.

With respect to leases resulting from this sale for all tracts with the prefix R60-, bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. Violations of these Acts and Treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate. The lessee or his contractors should be aware that disturbance of wildlife could be determined to constitute harassment, and thereby be in violation of existing laws. Behavioral disturbance of most birds and mammals found in or near the sale 60 area would be unlikely if ocean vessels and aircraft maintained at least a 1-mile distance from observed wildlife or known wildlife concentration areas such as bird colonies or marine mammal rookeries. Therefore, in concurrence with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed wildlife or known wildlife concentration areas. Human safety will take precedence at all times over distances recommended herein for avoidance or disturbance of wildlife. Maps locating major wildlife concentration areas are available through the DMM and appropriate resource agencies.

With respect to leases resulting from this sale for all tracts with the prefix R60-, bidders are advised that the State of Alaska will be consulted by the BLM and MMS throughout the stages of OCS development. In addition to State involvement in the Intergovernmental Planning Program (IPP), the Scientific Committee of the OCS Advisory Board, and the review of exploration and development plans, the DMM may involve the State in the implementation of Stipulation 15.

With respect to leases resulting from this sale for all tracts with the prefix R59-, bidders are advised that: In the enforcement of Stipulation No. 19, the Deputy Minerals Manager, Offshore Field Operations (DMMOFO) will receive recommendations from the Biological Task Force (BTF) composed of designated representatives of the Bureau of Land Management, Fish and Wildlife Service, Minerals Management Service, the National Marine Fisheries Service, and the Environmental Protection Agency. The task force may consult with representatives of the affected States before making recommendations to the DMMOFO. It is intended that this BTF will remain in existence throughout the operating life of the field. The DMMOFO will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys by lessees, and on the appropriate course of action after the surveys have been conducted. In a memorandum to the DMMOFO (April 9, 1980), the Biological Task Force identifed submarine canyons as areas of biological concern for which it may recommend biological surveys or other monitoring programs. Lack of available "site-specific" information precludes the identification at this time of specific lease tracts for which such studies will or will not be recommended. Based on information generated from on-going canyon studies and on the level of drilling activity at a given time, the Task

Force will determine on a case-by-case basis whether or not to recommend biological studies or monitoring programs prior to or during exploration and/or production-related OCS operations in or adjacent to submarine canyons.

With respect to leases resulting from this sale on tracts R59-33, R59-34, R59-35, R59-38, R59-39, R59-41, R59-42, R59-45, R59-46, R59-50, R59-53, R59-54, R59-60, R59-61, R59-69, R59-75, R59-76, and R59-82, the following requirement will apply: At least 20 days prior to moving a rig on-site, the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Suite 1642, New York, New York 10278, in writing, stating on what date a rig is to be moved on-site.

With respect to leases resulting from the sale for all tracts with the prefix R59-, lessees are encouraged to include a fisheries training program in their exploration and development plans. This training program should be designed to familiarize platform and shore based supervisors and persons involved in vessel operations with the value of the commercial fishing industry, the methods of offshore fishing operations, and the potential hazards, conflicts, and impacts resulting from offshore oil and gas activites. This program should be formulated and implemented by qualified and experienced instructors in fishing activities, methods of communication, and navigational safety.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all relevant OCS Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

[FR Doc. 82-8698 Filed 3-31-82; 8:45 am]
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federal register

Thursday
April 1, 1982

Part IV

Department of Transportation

Office of the Secretary

Regulatory Agenda and Review List; Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. I

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I–VI

[OST Docket No. 59; Notice 80–2]

Department Regulations Agenda and Review List; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda and Review List.

SUMMARY: The Regulations Agenda is a semi-annual summary of each pending proposed regulation that the Department of Transportation ("Department") has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Regulations Review List is a semi-annual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. The Agenda and the Review List provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, S.W., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–4723.

Specific

For further information about any particular item on the Agenda or the Review List, contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Appendix A—Instructions for Obtaining Copies of Regulatory Documents

Appendix B—General Rulemaking Contact Persons

Appendix C—Public Rulemaking Dockets

Appendix D—Innovative Regulatory Techniques

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation" 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Department Regulations Agenda for publication in the **Federal Register.** The Agenda summarizes each pending proposed regulation that the Department has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Executive Order and the Regulatory Policies and Procedures also include a requirement that the Department prepare a semi-annual list of existing regulations it has selected for review and possible revocation or revision for publication in the **Federal Register.**

The Agendas and Review Lists are based on reports submitted by the initiating offices by the beginning of February and August each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda and Review List is prepared and published in the **Federal Register.** The Department's last Regulations Agenda and Review List was published in the **Federal Register** on October 1, 1981 (46 FR 48422).[1] The next one is scheduled for publication in the **Federal Register** on October 4, 1982.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96–354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading C "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexibility Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Review List in this and future Agendas will include those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in

[1] The Maritime Administration (MARAD) was made an operating administration of the Department of Transportation on August 6, 1981. At that time, development of the Department's October 1, 1981 Agenda was already underway and it was too late to include the MARAD regulatory actions. Therefore, a supplemental Department Agenda was published on November 19, 1981 (46 FR 56988) to cover MARAD's regulatory actions.

fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda and the Review List cover all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary—

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the Federal Register; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that (1) is likely to result in:

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

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

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

(d) 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; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Regulations Agenda

The Regulations Agenda is divided by initiating offices. For each initiating office the Agenda lists: (1) significant regulations, which are subdivided into two subcategories—major significant regulations and other significant regulations, (2) nonsignificant regulations, and (3) routine and frequent nonsignificant regulations. For each proposed and final regulation, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; (3) the earliest expected date for a decision on whether to issue the proposed or final regulation; (4) a contact office official who can provide additional information, including advice on how to obtain documents referenced in the Agenda; and (5) the related regulatory citation in the Code of Federal Regulations. If final action has been taken on an item included on the previous semi-annual Agenda, that item is still contained in this Agenda and the final action is indicated under the "Summary" column of that item.

For a significant regulation, the summary includes: (1) a description of the proposed or final regulation; (2) a brief statement as to why it is considered significant; (3) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), Regulatory Flexibility Analysis, and an Urban Impact Analysis; (4) a brief statement of the objectives—why the regulation is needed; (5) the legal basis for the action being taken; (6) the past and anticipated chronology of the development of the regulation including any final action taken since the last semi-annual Agenda and (7) the related regulatory citation in the Code of Federal Regulations. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation.

For nonsignificant regulations issued routinely and frequently as part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Earliest Expected Decision Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the Federal Register would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to

review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

Explanation of Information on the Regulations Review List

The Regulations Review List is divided by initiating offices. For each office, it provides the following information: (1) a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; (2) a brief description of the reasons for each selection; (3) a contact office or official who can provide additional information; and (4) the target date for completing the review and determining the corrective course of action to be taken. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures. If final action has been taken on an item included on the previous semi-annual Review List, that item is still contained in this Review List and the final action is indicated under the "Reasons for Selection" column for that item.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda or Review List retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda or Review List and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda or Review List is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the eight Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We have, for example, tried to give as many **Federal Register** and Code of Federal Regulations citations as possible so that the public can easily check source documents when they are needed for more information; we also have tried to maintain the same order in the list of the regulations in the Agenda, adding new items at the end and putting new information in italics so that it would be easier for the public to follow the development of a regulation from one Agenda to the next. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda and the Review List is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included on our Review List; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly

interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations listed in the Review portion of the Agenda that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

It should be noted that in February 1981, the Department initiated a systematic review of over 40 of its most costly and controversial existing regulations for possible revision/rescission. *Most of these reviews are now completed and a second group of Department of Transportation regulations have been selected for priority review treatment. Regulations selected for either the first or second round of this priority review* process are identified by a bullet ("•") in the left margin preceding the title. Several of the selected regulations are also included either in the Agenda or review portion of this notice; however, selection for priority review will ensure that they will receive special expedited attention and that they will be reviewed in a systematic fashion.

Innovative Regulatory Techniques

The Department of Transportation is reviewing its regulations for regulatory areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

Particular techniques that have shown promise throughout the federal government are (1) the creation of marketable rights; (2) the use of economic incentives; (3) the use of performance standards; (4) the use of market-oriented compliance measures; (5) the enhancement of competition; (6) the use of information disclosure; (7) the use of voluntary standards; and (8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above. Additional information on the innovative techniques program can be obtained by contacting Neil R. Eisner, whose address appears above.

Purpose

The Department is publishing this Regulations Agenda and Review List in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible.

This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda or the Review List, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on March 2, 1982.

Andrew L. Lewis,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST — Office of the Secretary

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Allocation of "Slots" at Washington National Airport.	**A. Description:** Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. **B. Why Significant:** This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. **C. Analysis:** Regulatory Impact Analysis..... **D. Need:** The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary. **E. Legal Basis:** Sections 103, 306, 307 (a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1347, 1348 (a), (b), and (c), and 1354(a)); § 6(c) DOT Act (49 U.S.C. § 1655(c)); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 688. **F. Chronology:** The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract. On August 15, 1980, the Secretary of Transportation issued a Policy for the Operation of Washington National Airport (WNA). The policy and implementing regulations were published in the **Federal Register** on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued an emergency regulation for the temporary allocation of slots at WNA for the period December 1, 1980 until April 26, 1981, because of the failure of the scheduling committee to come to an agreement for that period. The emergency regulation was published in the **Federal Register** on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). **G. Citation:** 14 CFR pt. 93		
Nondiscrimination on the Basis of Handicap.	**A. Description:** *The Department's section 504 rule is one of those selected for priority review. In addition, a May 1981 Federal Court of Appeals decision said that section 504 of the Rehabilitation Act of 1973 did not authorize the Department's rule as it affects mass transit. The Department published an interim final rule changing the transit portion of the rule on July 20, 1981 (46 FR 37488) to conform to the Court's decision. Other parts of the rule will be revised in light of the decision and as part of the priority review of the regulation, with an NPRM to be issued proposing any appropriate changes.* **B. Why Significant:** The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. *The mass transit section of the rule is controversial and* changes to the rule will be of considerable interest to the public.	Robert C. Ashby, (202) 426–4723	*FR (Interim Amendment) issued. Action completed. NPRM (comprehensive revision) April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	C. Analysis: Regulatory Evaluation. *(Interim amendment); Regulatory Impact Analysis (NPRM for comprehensive revision).* **D. Need:** *These regulatory actions are necessary in order to make the rule consistent with the Court's decision and the Administration's regulatory policy.* **E. Legal Basis:** Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); *Section 16(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612(a)); section 165(b) of the Federal-aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.).* **F. Chronology:** The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442). *Interim final rule published July 20, 1981 (46 FR 37488).* **G. Citation:** 49 CFR pt. 27		

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Title VI Civil Rights Regulation	**A. Description:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4). **B. Why Significant:** Substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. **C. Analysis:** Regulatory Evaluation **D. Need:** The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. *This rule is undergoing a priority regulatory review within the Department, and changes may be proposed based on the results of this review.* **E. Legal Basis:** 42 U.S.C. 2000d–4 **F. Chronology:** NPRM published in the **Federal Register** January 19, 1981. *No further action will be taken on this NPRM pending the outcome of the priority regulatory review.* (46 FR 5588). Comment period closed April 20, 1981. **G. Citation:** 49 CFR pt. 21	*Doresy Thomas, (202) 426–4509*	Further action to be determined.
Minority Business Enterprise Program (Direct Contracting).	**A. Description:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement programs.	Robert Ashby, (202) 426–4723	*To be withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST — Office of the Secretary

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: Substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement programs. **C. Analysis:** Regulatory Evaluation **D. Need:** To implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the Order. To supplement the 1978 amendments to the Small Business Act. **E. Legal Basis:** Executive Order 11625; Executive Order 12138; 45 U.S.C. 803 P.L. 95-507. **F. Chronology:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). *The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.* **G. Citation:** 49 CFR pt. 23		
†**Review:** Minority Business Enterprise Program (Financial Assistance Programs).	**A. Description:** The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). **B. Why Significant:** This regulation has been very controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis (for NPRM). **D. Need:** As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider substantial revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule. The NPRM will include a provision pertaining to UMTA MBE requirements for transit vehicle manufacturers replacing material contained in an UMTA rulemaking that UMTA previously terminated. **E. Legal Basis:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); Title 23 of the U.S.C.; 49 U.S.C. 1730; 45 U.S.C. 906; 49 U.S.C. 1615. **F. Chronology:** Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule, published March 12, 1981 (46 FR 16282). Comment period closed March 26, 1981. Final rule for interim amendment *published April 27, 1981 (46 FR 16202). Proposed revision of entire rule anticipated April 1982.* **G. Citation:** 49 CFR pt. 23	Robert Ashby, (202) 426-4723	*FR (Interim Amendment) issued. Action completed. NPRM (Comprehensive Revision)* April 1982.
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	**A. Description:** This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings.	Sam Podberesky, (202) 426-4723	*Action to be terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Office of the Secretary

Significant Regulations: Other—Continued

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Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This issue concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary. **C. Analysis:** Regulatory Evaluation **D. Need:** This rule would substantially increase the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules. **E. Legal Basis:** The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 et seq., and related statutes. **F. Chronology:** On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1981 appropriations. The Department's FY 1981 Appropriations Act prohibited the funding of public participation in the Departmental rulemaking proceedings. **G. Citation:** 49 CFR pt. 5		
Public Availability of Information	**A. Description:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. **B. Why Significant:** Substantial public interest **C. Analysis:** Regulatory Evaluation **D. Need:** Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **E. Legal Basis:** 5 U.S.C. 552 (Freedom of Information Act) **F. Chronology:** The regulations were last revised in 1975. (40 FR 7915) A new revision is currently under internal development. **G. Citation:** 49 CFR pt. 7	Rebecca Lima Dailey, (202) 426-4542	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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OST — Office of the Secretary

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—State Transportation Agencies' EEO Affirmative Action Programs.	**A. Description:** The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. **B. Why Significant:** This proposed regulation would affect the equal opportunity employment programs of all State transportation agencies. **C. Analysis:** Regulatory Evaluation..... **D. Need:** OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort. **E. Legal Basis:** Section 22(a) of the Federal-Aid Highway Act of 1968, as amended; Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976; Section 19 of the Urban Mass Transportation Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973. **F. Chronology:** The proposed regulation was forwarded to EEOC for review and coordination. *The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.* **G. Citation:** 23 U.S.C. 140(a), 45 U.S.C. 801, 49 U.S.C. 1615, 49 CFR 1.48(c), 2.49(u), 1.51(a).	Shirley Lloyd, (202) 426-6070	*Further action to be determined.*

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Consolidation of Transportation Grants to U.S. Territories.	The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. NPRM was published on 1/8/79 (44 FR 1765) (49 CFR pt. 29).	Don Ryan, (202) 426-9605	*Further action to be determined.*
Rulemaking procedures.....	Amendments to the Office of the Secretary regulations on notice-and-comment rulemaking. (49 CFR pt. 5).	Sam Podberesky, (202) 426-4723	Action terminated.
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. NPRM published on October 22, 1979 (44 FR 60946).	Leslie Baldwin, (202) 426-4388	Further action to be determined.
Real Property Appraisal and Appraisal Review Regulation.	This regulation would prescribe requirements for the appraisal of property to be acquired pursuant to Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	Lynne Adams-Whitaker, (202) 426-4723	NPRM Early 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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OST — Office of the Secretary

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Award of Fees and Expenses to Successful Litigants.	This regulation would provide for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings pursuant to the Equal Access to Justice Act. (49 CFR pt. 6). Interim final rule issued October 1981 (46 FR 49878). Final rule anticipated April 1982.	Lynne Adams-Whitaker, (202) 426-4723	FR April 1982.
Minority Business Enterprise Program (Financial Assistance).	This regulation would change the definition of the term "Hispanic" to include persons of European hispanic origin. (49 CFR pt. 23). Interim final rule published (46 FR 60458).	Robert C. Ashby, (202) 426-4723	*Action complete.*
*Suspension and Debarment of Contractors.	This regulation would establish procedures for imposition of debarment and other sanctions against contractors when it is demonstrated DOT funds are improperly used.	Lynne Adams-Whitaker (202) 426-4723	NPRM March 1982.

USCG — U.S. Coast Guard

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†**Review:** Proposed Design Standards for Tank Barges (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).	**A. Description:** This action would encompass two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges. **B. Why Significant:** Considered significant due to substantial Congressional and public interest. **C. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement/Regulatory Flexibility Analysis. **D. Need:** Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area, have made improved design standards important as a means of reducing the possibility of pollution. **E. Legal Basis:** Sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a). **F. Chronology:** The upgrade of tank barge construction standards was published as an NPRM in the **Federal Register** of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges. In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken.	LCDR Spackman, (202) 426-4431; LCDR Rock, (202) 426-2183	To be withdrawn.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new barge construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). An NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). Public hearings were held on August 2, 1979 (Washington, D.C.); August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). The comment period ended September 30, 1979. The comment period was extended to December 1, 1979. Supplemental Notice published March 13, 1980 (45 FR 16438) announced a National Academy of Sciences (NAS) study which was conducted from February 15, 1980 through July 1981. Rulemaking has been deferred until review of the NAS study is completed. **G. Citation:** 46 CFR pts. 32–40		
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77–069).	**A. Description:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the Intergovernmental Maritime Consultative Organization (IMCO). These amended regulations would also increase safety levels of existing ships carrying gas. **B. Why Significant:** This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and because it is the subject of substantial public interest. **C. Analysis:** Regulatory Impact Analysis **D. Need:** Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them. **E. Legal Basis:** R.S. 4417(a) as amended by section 5, P.L. 95–474 (46 U.S.C. 391a); See 6(d)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)). This rulemaking is also the Port and Tanker Safety Act of 1978. **F. Chronology:** An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action was taken pursuant to the Port and Tanker Safety Act of 1978. **G. Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154	LCDR McGowan, (202) 426–2160	NPRM *November 1982.*
Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (Docket No. CGD 80–159).	**A. Description:** Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. **B. Why Significant:** This project would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry. **C. Analysis:** Regulatory Impact Analysis	Mr. Granholm,- (202) 426–2187	*ANPRM August 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: Due to lack of subdivision in the cargo hold, catastrophic sinkings of Great Lakes bulk carriers can occur very rapidly and with little or no warning, thus precluding the use of survival gear. Unique features of Great Lakes geography and shipping may permit application of unusual alternatives such as route modifications to increase the safety of existing vessels. **E. Legal Basis:** RS 4405 (46 U.S.C. 375); R.S. 4417 (46 U.S.C. 391); R.S. 4462 (46 U.S.C. 416). **F. Chronology:** January 7, 1981, work plan approved..... **G. Citation:** 46 CFR Parts 45 and 93.....		

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
†**Review:** Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (Docket No. CGD 79-116 and 79-116a).	**A. Description:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. **B. Why Significant:** Considered significant because this is the result of a Presidential initiative. **C. Analysis:** Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement/Regulatory Flexibility Analysis. **D. Need:** Most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified. **E. Legal Basis:** 86 Stat. 427, as amended (46 U.S.C. 391a); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(4). **F. Chronology:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). Public hearings held in January and February 1981. **G. Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157.	CDR Arnet, (202) 426-2251	FR July 1983
Review: Pollution Prevention, Vessels and Oil Transfer Facilities (Docket No. CGD 75-124a).	**A. Description:** Would reduce accidental or intentional discharge of oil or oily wastes during vessel operations.	*LCDR Gregory, (202) 755-1354*	NPRM indefinite.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG **U.S. Coast Guard**

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why significant: This regulation is the significant part of Docket No. CGD 75-124. Substantive changes to the NPRM are proposed so that a supplemental NPRM is needed. It is considered significant due to opposition from the owners/operators of offshore marine service vessels and inland waterways vessels to the oil-water separator requirements of 33 CFR 155.330. Also, considerable expense may be incurred by the towing service to install separators and monitors or alarms, if alternative measures are not used. Without these sections, the remainder of CGD 75-124 is nonsignificant and was published as a final rule on January 31, 1980 (45 FR 7156). The Coast Guard is presently attempting to determine whether a significant number of small entities would be affected by this rulemaking; a Regulatory Flexibility Analysis may be required. **C. Analysis:** Regulatory Evaluation **D. Need:** (1) Necessity to reduce the number of oil spills. (2) Clarification of existing rules. (3) Additional requirement for oil-water separators under the 1973 International Convention for the Prevention of Pollution from Ships. **E. Legal Basis:** Section 311(i)(1) (C) and (D) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(i)(1) (C) and (D)). **F. Chronology:** NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public hearings held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C., 11/28/77. **G. Citation:** 33 CFR 155.330-155.410		
†**Review:** Licensing of Pilots (Docket No. CGD 77-084).	**A. Description:** This proposal would require: recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). **B. Why Significant:** Considered significant because there is substantial interest among marine personnel about this matter and because opposition is expected from Federal pilots. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** Increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule will allow use of simulator training for these kinds of vessels. **E. Legal Basis:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **F. Chronology:** A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. Revisions to the NPRM are planned as a result of the hearings. **G. Citation:** 46 CFR pt. 10	Mr. J. Hartke, (202) 755-8683	Supplemental NPRM April 1982.

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).	**A. Description:** This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss. **B. Why Significant:** This is considered a significant rulemaking due to Congressional and public interest. In addition, it may generate controversy among the public, environmentalists, and the oil industry. **C. Analysis:** Regulatory Evaluation, Environmental Impact Statement. **D. Need:** To reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers so as to reduce the risk of collision or grounding. **E. Legal Basis:** Port and Waterways Safety Act (33 U.S.C. 1221). **F. Chronology:** Secretary Adams signed a 180-day Interim Rule on March 14, 1978, prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20-21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June 11-14, 1979. The interim navigation rule will remain in effect until cancelled (44 FR 36174). The Puget Sound rulemaking has been broken into three parts: 78-041 Tank Vessel Operations, 78-041a Puget Sound VTS Service Area, and 78-041b, Puget Sound VTS General Rules. 78-041b, the General Rules, were published as a final rule on July 21, 1980 (45 FR 48822). On August 11, 1980, the effective date was deferred until October 1, 1980, and a correction to the interim final rule was published August 11, 1980 (45 FR 53135). An editorial correction to the August 11, 1980, publication was published November 10, 1980 (45 FR 74471). The Puget Sound VTS Service Area portion (78-041a) was reclassified as nonsignificant and future issues of the agenda will list it in the nonsignificant section. A supplemental notice on the new nonsignificant portion was published on July 21, 1980 (45 FR 48826). The Tank Vessel Operations (78-041) portion remains significant. A supplemental NPRM announcing tanker/tug risk analysis tests was published on July 21, 1980 (45 FR 48827). *Notice of the availability of studies and tanker/tug tests was published on October 22, 1981 (46 FR 51779). Interim rule to be cancelled. Final rule to be issued in April, 1982.* **G. Citation:** 33 CFR pts. 160, 161	Mr. Ziegfeld, (202) 755-5116	*FR April 1982.*

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Title	Summary	Contact	Earliest expected decision date
Vessel Traffic Service (VTS), Berwick Bay, La. (Docket 73-186).	Would codify certain operating procedures now being done under local order. (33 CFR pt. 161).	*LCDR Edwards,* (202) 426-5116	NPRM *April 1982.*
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	Would make mandatory a now voluntary vessel traffic service. NPRM published September 18, 1980 (45 FR 62158). (33 CFR pt. 161).	*LCDR Edwards,* (202) 426-5116	FR *May 1982.*
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	Would generally revise and update the electrical regulations to conform to latest technology and to include steering requirements for vessels other than tank vessels. This project was downgraded from significant. Supplemental NPRM published March 3, 1980 (45 FR 13982).	LCDR Mowery, (202) 426-2206	FR *March 1982.*
Pilot Ladders and Powered Pilot Hoists (Docket No. CGD 74-140).	Would establish new regulations for pilot hoists and revise regulations for pilot ladders and chain ladders. NPRM published July 23, 1979. (44 FR 43016). *Final rule published December 31, 1981 (46 FR 63280).* (46 CFR pts. 160, 163).	Mr. R. Markle, (202) 426-1445	*Action complete.*
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. (46 CFR 162.029).	Mr. K. Wahle, (202) 426-1444	NPRM *April 1982.*
Elevators and Dumbwaiters (Docket No. CGD 75-001).	Would adopt the 1978 American National Standards Institute (ANSI) code with certain modifications for vessel construction. NPRM published April 5, 1976 (41 FR 14386). (46 CFR pt. 58).	LT(jg) Cairns, (202) 426-2206	*To be withdrawn.*
Opening Signals for Drawbridges (Docket No. 75-237).	If approved, would establish uniform signals for opening drawbridges. NPRM published June 1, 1980 (45 FR 43226). *Final rule published December 3, 1981 (46 FR 58665).* (33 CFR pt. 117).	Mr. Teuton, (202) 426-1380	*Action complete.*
†**Review:** Stability Standards for Towing and Offshore Vessel Hull Forms (Docket No. CGD 76-018).	Would establish intact stability standards for both towing and free-route modes of subject vessels. ANPRM published April 12, 1976 (41 FR 15349). (46 CFR pt. 42).	Mr. F. Perrini, (202) 426-2187	*Further action to be determined.*
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-053).	Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. (46 CFR pts. 73, 74). *NPRM published August 20, 1981 (46 FR 42300).*	Mr. J. Howell, (202) 426-2187	FR *March 1982.*
†Pilotage Requirements (Docket No. CGD 76-060).	Would clearly delineate when and in what areas pilots are required. (46 CFR 157.20-40).	CDR McCowen, (202) 426-2240	Further action to be determined.
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. NPRM published December 10, 1979 (44 FR 70791). (46 CFR pt. 93).	Mr. W. Cleary, (202) 426-2187	*FR March 1983.*
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	Proposed requirements for installation and use of cargo monitors. NPRM published June 27, 1977 (42 FR 32684). (33 CFR pt. 157).	LCDR Cool, (202) 426-4431	Supplemental NPRM *March 1982.*
Review: Casualty Reporting (Docket No. CGD 76-170).	Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments, a revised NPRM was published. NPRM published October 19, 1978 (43 CFR 48982). Correction published October 23, 1978 (43 FR 49316). NPRM published December 3, 1979 (44 FR 69308). Interim final rule published November 24, 1980 (45 FR 77439). *(Comment period extended to January 1, 1982. Notice of extension published October 8, 1981 (46 FR 49877).* (46 CFR 4.05).	Capt Blomquist, (202) 426-1455	FR *April 1982.*

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	Would require specialized training in use of radar equipment. NPRM published November 6, 1980 (45 FR 73716). (48 CFR pt. 10).	CDR Arnet, (202) 426-2251.	*FR May 1982.*
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	Proposed operational requirements for fumigation procedures on vessels. (46 CFR pt. 147a).	Mr. J. McAnulty, (202) 426-1577	*NPRM February 1983.*
Review: Marine Safety Investigations (Docket No. CGD 77-018).	Would implement investigation authority under Ports and Waterways Safety Act. NPRM published January 25, 1979 (44 FR 5368). (33 CFR pt. 168).	LCDR Gregory, (202) 755-1354	*To be withdrawn.*
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	Would apply damage stability requirements for chemical vessels to ocean chemical barges. (46 CFR 151.10-10).	Mr. F. Perrini, (202) 426-2187	*Further action to be determined.*
Review: Designation of Oceanographic Vessels (Docket No. CGD 77-081).	Would establish standard procedures for designating oceanographic research vessels and allow their exemption from certain manning requirements. NPRM published December 22, 1980 (45 FR 84104). *FR published November 16, 1981. (46 FR 56200).* (46 CFR pt. 188).	CDR McCowen, (202) 426-2240	*Action complete.*
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	Establishes regulations for vessel traffic service in New York Harbor. NPRM published February 16, 1978 (43 FR 6906). Final Rule published August 2, 1979 (44 FR 45381). Effective date suspended indefinitely September 24, 1979 (45 FR 50005) (44 FR 2133). (33 CFR pt. 161).	LT Burnette, (202) 426-5716	Effective date to be established.
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. NPRM published December 29, 1980 (45 FR 85475). (33 CFR pt. 179).	Mr. Ellison, (202) 426-1065	Further action to be determined.
Review: Waterfront Facilities (Docket No. CGD 77-128).	Would revise waterfront facility regulations by consolidating and updating general regulations. ANPRM published April 10, 1978 (43 FR 15108). (33 CFR pts. 126-32).	LCDR Gregory, (202) 755-1354	NPRM *October 1981.*
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	Would provide editorial improvement and clarification of existing regulations. NPRM published January 26, 1981 (46 FR 8030). (33 CFR pt. 81).	Mr. C. Llana, (202) 426-5116	FR *April 1982.*
Review: Miscellaneous Changes to 46 CFR 56 (Docket No. CGD 77-140).	Would update Title 46, Subchapter F—Marine Engineering. (46 CFR pt. 56).	*LT(jg) Jackson, (202) 426-2160*	NPRM May 1982.
Review: Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" Pressure Vessels (Docket 77-147).	Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. NPRM published December 29, 1980 (45 FR 85488). (46 CFR Part 54).	Mr. H. Hime, (202) 426-2160	FR *April 1982.*
Revision of Navigation Safety Regulations (Docket No. CGD 77-196).	This docket was previously titled "Designation of Confined or Congested Waters." 33 CFR Part 164 is being revised. This revision would amend existing navigation safety regulations and incorporate changes in electronic position fixing devices and electronic relative motion analyzers, delete references to confined or congested waters, and resolve certain other ambiguities. (33 CFR pt. 164).	Mr. T. Falvey, (202) 426-5116	Further action to be determined.
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel. This project has been redocketed and will appear in future agendas under the number CGD 77-202. Redocketed from No. CGD 75-033. (46 CFR Subchapters D, H, I, T, and Q).	Mr. R. Markle, (202) 426-1445	NPRM *July 1982.*

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Title	Summary	Contact	Earliest expected decision date
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	Would allow able seaman service on ocean going vessels to be credited toward second class towboat license. NPRM published May 25, 1978. (43 FR 22653). (46 CFR pt. 10).	CDR Struck, (202) 426-2240	*To be withdrawn.*
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	Would allow Halon 1301 for specific types of installations. (46 CFR 164.035).	Mr. R. Eberly, (202) 426-2197	*Further action to be determined.*
Navigation Lights for Small Vessels (Docket No. CGD 77-233).	Would specify approval procedures and installation requirements for International Rules navigation lights for small vessels. NPRM published September 7, 1978 (43 FR 39946). Supplemental NPRM published December 29, 1980 (45 FR 85468). *Notice of rule termination published January 1982 (47 FR 821).* (33 CFR pt. 89).	Mr. L. Gray, (202) 426-4027	*Action complete.*
†Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. ANPRM published August 3, 1978 (43 FR 34362). Will merge with CGD 77-128. Supplemental ANPRM published March 8, 1979 (44 FR 12693). (33 CFR pt. 126).	LCDR Gregory, (202) 755-1354	*Indefinite.*
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. NPRM published January 5, 1981 (46 FR 946). Comment period extended on February 19, to May 15, 1981 (46 FR 12987). (33 CFR pt. 161).	Mr. E. LaRue, (202) 426-*5116*	FR *May 1982.*
Notification of Marine Casualties (Docket No. CGD 78-098).	If approved, would require vessels within a certain distance of United States coasts to notify the Coast Guard of certain casualties. Further action on this project depends on the outcome of a study suggested in response to the ANPRM. ANPRM published April 16, 1979 (44 FR 22476). (33 CFR pt. 124 transferred to 161). *Withdrawn. Notice of withdrawal August 20, 1981. (46 FR 42288).*	LCDR Gregory, (202) 755-1354	*Withdrawn.*
Aluminum Hatch Covers Aboard Tank Ships (Docket No. CGD 78-121).	Would prohibit aluminum hatch covers on tank ships, because they can melt down in ship-board fires. NPRM published October 27, 1980 (45 FR 70918). (46 CFR 32.60-1).	Mr. R. Eberly, (202) 426-2197	*FR April 1982.*
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	Would update and revise standards for self-propelled vessels carrying hazardous liquid. (46 CFR pt. 153). NPRM published July 17, 1980 (45 FR 48058).	LT Gormanson, (202) 426-1217	FR *April 1982.*
Inland Waters Navigation Regulations—Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	Would modernize existing regulations. (33 CFR pt. 162).....	Mr. LaRue, (202) 426-*5116*	NPRM *April 1982.*
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	Would clarify and consolidate the requirements for marking of obstructions. (33 CFR pt. 64). *NPRM published November 19, 1981 (46 FR 56829).*	LT Johnson, (202) 426-1974	*FR April 1982.*
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	Would codify and clarify the aids to navigation regulations concerning State and private aids to navigation. (33 CFR pt. 66).	*ENS Bittner,* (202) 426-1974	Further action to be determined.
Review: Mandatory Markings for Artificial Islands, Installations, and other Devices (Docket No. CGD 78-158).	Would revise the marking regulations to bring them into agreement with the latest procedures. (33 CFR pt. 67).	LT Johnson, (202) 426-1974	Further action to be determined.

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Review: Aids to Navigation—General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	Would codify, revise and clarify the existing regulations. (33 CFR pts. 60, 62, 66, 70, 74, and 76).	*ENS Bittner, (202) 426-1973*	Further action to be determined.
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. NPRM published May 1, 1980 (45 FR 29072). (33 CFR pt. 140).	LT Cashman, (202) 472-5160	FR *April 1982.*
Review: Termination of Windsurfer Exemption (Docket No. CGD 78-163).	Would determine whether to continue an exemption that allows operators of windsurfer boats to not carry personal flotation devices. ANPRM published March 29, 1979. NPRM published July 17, 1980 (45 FR 47876). (33 FR pt. 175). *Withdrawal of NPRM published August 20, 1981 (46 FR 42288).*	Mr. Franseen, (202) 426-*1080*	*Action complete.*
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	Would establish performance standards for inflatable PFDs and procedures for granting product approval to these devices. ANPRM published March 15, 1979. (46 CFR pt. 160).	LT Weiss, (202) 426-1444	*Further action to be determined.*
Offshore Oil Lightering (Docket No. CGD 78-180).	Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. NPRM published May 31, 1979 (44 FR 31486). (33 CFR pt. 156).	LCDR Hendrickson, (202) 426-9578	Supplemental NPRM *Indefinite.*
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. NPRM published December 29, 1980 (45 FR 85476). (33 CFR pt. 181).	Mr. Ellison, (202) 426-1065	Further action to be determined.
Review: Stability Subchapter (Docket No. CGD 79-023).	Would bring together all the existing stability regulations and identifiable past practices into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use, and special types.	LCDR Feeney, (202) 426-2167	NPRM April 1982.
Port and Tanker Safety Act Delegations Under Section 9. Ports and Waterways Safety Act (Docket No. CGD 79-026).	Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. (33 CFR pt. 160). NPRM published December 3, 1979 (44 FR 69306). (33 CFR pt. 160). *Supplemental NPRM published June 11, 1981* (46 FR 30835).	*LCDR Edwards, (202) 426-5116*	FR June 1982.
Installation, Maintenance and Inspection of Pilot Accommodation and Chain Ladders, and Powered Pilot Hoists (Docket No. CGD 79-032).	Would establish inspection procedures and timetables for embarkation apparatus.	LT Murray, (202) 426-*2183*	Further action to be determined.
Limited Access Areas (Docket No. CGD 79-034).	Would realign limited access area regulations in 33 CFR. (33 CFR pts. 125, 127, 128, and 165).	*LTJG Powers,* (202) *755-1354*	FR *May 1982.*
Steering Gear, Drills and Tests (Docket No. CGD 79-038).	Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and to conduct log emergency steering drills. Docket No. CGD 79-038a incorporates changes to Title 46 CFR and CGD 79-038b incorporates changes to Title 33 CFR.	Mr. Falvey, (202) 426-*4958*	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. ANPRM published January 10, 1980 (45 FR 2052). (33 CFR pt. 146 and 46 CFR pt. 92).	Mr. R. Barr, (202) 472-5160	*NPRM June 1982.*
†Marine Personnel Safety Standards (Docket No. CGD 79-065).	Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and offshore facilities. (Subchapter V).	LT Gold, (202) 426-2183 LT F. Whipple, (202) 426-5160	*Further action to be determined.*
†Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket No. CGD 79-077).	This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf (33 CFR Subchapter No. 46 CFR Subchapter 1A and V.) Notice of meeting published March 5, 1981 (46 FR 15402). Correction published March 19, 1981 (46 FR 17702).	LT Cashman, (202) 471-5150	*Further action to be determined.*
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. Interim FR Published April 7, 1980 (45 FR 23425).	CDR D. Struck, (202) 426-2240	Further action to be determined.
Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	Would establish minimum manning levels for foreign tank vessels while operating on U.S. navigable waters. NPRM published November 17, 1980 (45 FR 75712).	CDR D. Struck, (202) 426-2240	*Supplemental NPRM September 1, 1982.*
Amendment to Application of Vessel Numbers (Docket No. 79-087).	Would delete date of birth and citizenship data from application for vessel number. NPRM published August 21, 1980. (45 FR 55768). (33 CFR pt. 174). *Action complete FR Published February 25, 1982 (47 FR 8175).*	*LCDR Schmeedt* (202) 426-4176	*FR February 1982.*
Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79-095).	Would establish requirements for transportation of bulk hazardous wastes. NPRM published October 14, 1980 (45 FR 67708).	Mr. R. M. Query, (202) 426-1217	*To be withdrawn.*
U.S. Coast Guard Reserve (Docket No. CGD 79-105).	Would update the administrative regulations pertaining to the Coast Guard reserve.	Mr. Cotter, (202) 426-2348	*Further action to be determined.*
Inland Waterways Navigation Thimble Shoals (Docket No. CGD 79-120).	Would make two existing regulations consistent. (33 CFR pts. 128 and 162). NPRM published June 4, 1981 (46 FR 29904). *Final rule published August 31, 1981 (46 FR 43663).*	ENS Le Blanc, (202) 426-*5116*	*Action complete.*
Joint U.S.-Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. (33 CFR pt. 161).	*Mr. A. Whittom, (202) 426-1940*	NPRM *March 1982.*
Shipboard Noise Abatement (Docket No. CGD 79-134).	Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V).	LT Murray, (202) 426-2183	*Further action to be determined.*
Start-in-Gear Protection (Docket No. CGD 79-137).	Would establish a requirement for manufacturers of outboard engines producing more than 115 pounds of thrust to have a feature that would prevent the engine from being started while the transmission was in gear. NPRM published March 24, 1980 (45 FR 18987); comment due July 24, 1980. FR published January 15, 1981 (46 FR 3514); scheduled to go into effect on August 1, 1982, subject to review under E.O. 12291 (33 CFR 181 and 183).	*Mr. R. Franceen, (202) 426-1080*	Undergoing Executive Order 12291 review.
Review: Load Line Equivalent Regulations (Docket No. CGD 79-153).	Would rearrange existing regulations in 46 CFR 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX). *NPRM published February 4, 1982 (47 FR 5266).*	*Mr. W. Cleary,* (202) 426-2187	*FR October 1982.*

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Title	Summary	Contact	Earliest expected decision date
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites. (33 CFR pts. 137.150). NPRM published October 2, 1980 (45 FR 67708).	Mr. F. Martin, (202) 472-5052	FR *April 1982.*
Review: Tank Stop Valves (Docket No. CGD 79-159).	Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems. ANPRM published 16 April 1981 (46 FR 220).	LCDR Mowery, (202) 426-2160	*To be withdrawn.*
Modification to Line Throwing Device Requirements (Docket No. CGD 79-160).	Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. NPRM published December 11, 1980 (45 FR 81616).	LT Gold, (202) 426-2183	*FR July 1982.*
Use of Dangerous Articles as Ship's Stores (Docket No. CGD 79-166).	Would establish acceptance, handling, and use of dangerous articles as products approved for use on board vessels. (46 CFR pt. 147).	Mr. J. McAnulty, (202) 426-1577	*Further action to be determined.*
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	Would require life floats and buoyant apparatus to have painters that are secured to the vessel. *NPRM published on October 8, 1981. (46 FR 49914).*	Mr. R. Markle, (202) 426-1444	*FR May 1982.*
Launching Devices for Liferafts (Docket No. CGD 79-168).	Proposed specification for approval of devices used for launching inflatable liferafts. (46 CFR pts. 160 and 163).	LT(jg) Girton, (202) 426-1445	NPRM *May 1982.*
Review: License in Temporary Grades (Docket No. CGD 79-173).	Would provide for licenses in temporary grades or special endorsements or licenses to permit temporary service. NPRM published August 18, 1980 (45 FR 54776).	CDR D. Struck, (202) 426-2240	*To be withdrawn.*
Disclosure of Safety Standards and Country of Registry (Docket No. CGD 79-180).	Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b).	*CDR Dele Nardis,* (202) 426-2183	NPRM June 1982.
†Shipboard Asbestos Standards (Docket No. CGD 79-181).	Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V).	LT Fust, (202) 426-2183	*Further action to be determined.*
Update of Subchapter O Cargo List (Docket No. CGD 80-001).	Would update the subchapter O cargo table in 46 CFR 151.05. NPRM published July 3, 1980 (45 FR 45327). *FR published December 31, 1981 (46 FR 63274).*	Mr. J. Jakabcin, (202) 426-6260	*Action complete.*
Tank Vessels, Corrections and Clarifications to Title 33 CFR (Docket No. CGD 80-09).	Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition it would eliminate confusion in tank barge security and smoking regulations.	LT Murray, (202) 426-2183	NPRM *May 1982.*
Emergency Position Indicating Radiobeacons (EPIRB) (Docket No. 80-24).	Would require use of EPIRB's on vessels operating on the Great Lakes.	Mr. Markle, (202) 426-1444	NPRM *April 1982.*
Review: Coast Guard Claims regulations (Docket No. CGD 80-33).	This proposal would update the regulations pertaining to claims made against the Coast Guard. (33 CFR pt. 25). *Final rule published May 18, 1981. (46 FR 27107).*	LCDR Bissell, (202) 426-2245	*Action complete.*
Valve Inspection for Thermal Fluid Heaters (Docket No. 80-64).	Would clarify the inspection standards for valves on thermal heaters.	*LCDR Strasser,* (202) 426-2183	NPRM *August 1982.*
Carriage of Liquefied Gases (Docket No. 80-65).	Would reconcile the existing regulations with the IMCO (International Maritime Consultative Organization) Gas Code (46 CFR 38.05).	LT P. Wieczynski, (202) 426-1217	*Withdrawn.*
Regulated Navigation Area, Tomlinson Bridge, New Haven, Conn. (Docket No. CGD 80-069).	Would include a portion of the waters of New Haven Harbor around the Tomlinson Bridge as a Regulated Navigation Area. NPRM published June 16, 1980 (45 FR 40621). (33 CFR pt. 128). *Final rule published November 16, 1981 (46 FR 56181).*	*LCDR Gregory,* (202) 755-1354	*Action complete.*

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Title	Summary	Contact	Earliest expected decision date
Loran C Position Transmitting System (Docket No. CGD 80–093).	Would require an automatic position transmitting capability of deep draft ships approaching Hinchen Brook Entrance and in the lower portion of Prince William Sound, Alaska. (33 CFR pt. 161).	*Mr. A. Whittum,* (202) 426–4958	*NPRM May 1982.*
Mooring and Fleeting of Tows on Snake Island, Texas (Docket No. 80–094).	Would prohibit the mooring and fleeting of tows on Snake Island, Texas. (33 CFR 128). *NPRM published July 13, 1981 (46 FR 35941).*	*LCDR Edwards,* (202) 426–*5116*	*FR March 1982.*
Documentation of Vessels (Docket No. CGD 80–107).	Would revise 46 CFR parts 66 and 67 to implement the provisions of Public Law 96–594. Project number CGD 80–108 has been incorporated into this project. *NPRM published November 16, 1981 (46 FR 56318).*	Mr. P. Carnilla, (202) 426–1492	NPRM *November* 1981. *FR June 1982.*
Inflatable Liferaft Stability (Docket No. CGD 80–113).	Would provide specific rules for function, size, and placement of stability appendages. ANPRM published June 29, 1981 (46 FR 33341).	Mr. M. Daniels, (202) 426–1445	*NPRM July 1982.*
Portable Deadlights on Great Lakes Vessels (Docket No. CGD 80–116).	Would permit inside portable deadlights on deckhouse and companion way doors as alternatives to hinged inside deadlights. *NPRM published July 20, 1981 (46 FR 37292). FR published November 17, 1981 (46 FR 56788).*	Mr. F. Thompson, (202) 426–2174	*Action complete.*
Proposed Changes to Puget Sound VTS Rules (Docket No. CGD 80–119).	Would solicit public comment on determining appropriate means to reduce conflicts between various areas of Puget Sound and adjacent waterways (33 CFR pt. 161). ANPRM published April 14, 1981 (46 FR 22207).	*Mr. A. Whittum, (202) 426–1940*	*Open conference items under review NPRM January 1983.*
Revocation of certain Load Line Regulations (Docket No. CGD 80–120).	Would revoke obsolete load line regulations and revise other regulations accordingly (46 CFR pt. 43). Final rule revocation published February 8, 1982 (47 FR 5720).	Mr. F. Thompson, (202) 426–2174	*Action complete.*
Vessel Navigational Visibility (Docket No. CGD 80–134).	Would identify constraints on operation and recommend effective procedures to eliminate or reduce inadequate bridge visibility. ANPRM published May 11, 1981 (46 FR 26086).	LCDR Henry, (202) 426–2197	*Further action to be determined.*
Fire test for carpets (Docket No. 80–135).	Would clarify "equivalent fire resistive" carpet and specify limitations on use of carpet aboard commercial vessels other than passenger vessels.	Mr. W. Boyce, (202) 426–2197	*Further action to be determined.*
Maneuvering Performance Regulations (Docket No. CGD 80–136).	Would establish performance standards for new tank vessels; and possibly all vessels in response to mandates in Port and Tanker Safety Act. ANPRM published September 14, 1981 (46 FR 45631).	Mr. P. Cojeen, (202) 426–2197	*NPRM September 1982.*
Colregs Demarcation Lines—Savannah River, GA. Amelia Island, FLA (Docket 80–142).	Would move the Colregs lines along the coast of Georgia to coincide with the Georgia Dept. of Natural Resources fishing lines. (33 CFR pt. 80). NPRM published July 27, 1981 (46 FR 38378).	*Mr. C. Llana,* (202) 426–5116	FR *June 1982.*
Load Line Survey Fees (Docket No. CGD 80–143).	Would permit American Bureau of Shipping (ABS) to set fees without Coast Guard regulatory action. *NPRM published November 9, 1981 (46 FR 55278). 46 CFR pt 42.*	Mr. Granholm, (202) 426–2188	FR *May 1982.*
Review: Revocation of Obsolete Specifications (Docket No. 80–155).	Would revoke approval specifications for cork and balsa ring life buoys and material specifications for cork and balsa. NPRM published July 20, 1981 (46 FR 37290).	Mr. F. Thompson, (202) 426–2174	*FR April 1982.*
Amendments to Regulations allowing cork and balsa wood rings buoys (Docket 80–155a).	Would amend regulations in 33 CFR parts 144, 149 and 175 that allow cork and balsa wood ring buoys on artificial islands, fixed offshore structures and recreational boats. NPRM published July 20 (46 FR 37386). This regulatory project was split from Docket No. 80–155.	Mr. F. Thompson, (202) 426–2174	FR *April 1982.*

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Title	Summary	Contact	Earliest expected decision date
Inland Navigation Rules Certificates of Alternative Compliance (Docket 80-157).	Would set out procedures by which a vessel can receive a certificate of alternative compliance which recognizes the inability of a vessel of particular construction to comply with a particular provision of the Inland Rules. NPRM published May 14, 1981 (46 FR 26661). (33 CFR pt. 96).	Mr. C. Llana, (202) 426-5116	FR *April 1982.*
Annex V to Inland Navigation Rules Pilot Rules (Docket 80-158).	Would set out pilot rules of special applicability to supplement the new Inland Navigation Rules. (33 CFR pt. 88). NPRM published July 16, 1981 (46 FR 37012).	Mr. C. Llana, (202) 426-5116	FR *April 1982.*
Material Standards for Fixed Structures (CGD 80-160).	Description: Would revise and update 33 CFR, Subchapter N, including lifesaving and firefighting equipment.	Lt. *Cashman,* 472-5160	*Further action to be determined.*
Ocean Thermal Energy Conversion (OTEC) Facility and Plantship Requirement (Docket 80-161).	Would establish minimal rules mandated under the OTEC Act for marine environmental protection and safety of life and property at sea (33 and 46 CFR). *NPRM published October 5, 1981 (46 FR 49078).*	Mr. F. Martin, (202) 472-5052	FR *April 1982.*
Annex II to Inland Navigation Rules—Additional Signals for Fishing Vessels Fishing in Close Proximity (Docket 81-006).	Would provide trawlers and purse seiners with standardized signals to indicate when they are handling their nets (33 CFR pt. 85). NPRM published July 16, 1981 (46 FR 37006). Final rule published December 21, 1981. (46 FR 61845).	Mr. C. Llana, (202) 426-5116	*Action complete.*
Annex IV to Inland Navigation Rules—Distress Signals (Docket 81-007).	Would provide the marine community with standardized signals for vessels to be used exclusively for indicating distress and the need for assistance (33 CFR pt. 87). NPRM published July 16, 1981 (46 FR 37002). *Notice of public hearing published December 7, 1981 (46 FR 59883).*	Mr. C. Llana, (202) 426-5116	*FR May 1982.*
Annex I to Inland Navigation Rules—Positioning and Technical Details of Lights and Shapes (Docket 81-008).	Would set out the technical details for navigation lights and shapes for vessels (33 CFR pt. 86). NPRM published July 16, 1981 (46 FR 37002). *Final rule published December 24, 1981 (46 FR 62443).*	Mr. C. Llana, (202) 426-5116	*Action complete.*
Annex III to Inland Navigation Rules Technical Construction Details for Sound Signal Appliances (Docket 81-009).	Would provide technical details for navigation lights and shapes for vessels (33 CFR pt. 86). NPRM published July 16, 1981 (46 FR 37008). *Final rule published December 21, 1981 (46 FR 61845).*	Mr. C. Llana, (202) 426-5116	*Action complete.*
Servicing Inflatable Liferafts (Docket 81-010).	Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors.	LT(jg) Delikat, (202) 426-1445	NPRM *June 1982.*
Automated Main and Auxiliary Machinery (Docket 81-030).	Would implement the provisions for periodically unattended machinery spaces in the "Recommendation Concerning Regulations for Machinery and Electrical Installations on Cargo and Passenger Vessels" adopted by IMCO and the guidance on system design in Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery.	*LCDR Miante,* (202) 426-2160	NPRM *March 1983.*
Optional Simplified Admeasurement of Commercial Vessels (Docket 81-032).	Would implement Public Law 96-594, a bill to simplify admeasurement of commercial vessels of less than 24 meters (79 feet), and non-self propelled vessels of any size which are not engaged or intending to engage in international voyages by sea. *NPRM published January 14, 1982 (47 FR 2131).*	Mr. Higgins, (202) 426-2192	FR *April 1982.*
Delete Fifth District Merchant Marine Technical Office Address from Regs (Docket 81-039).	Would remove Fifth District Merchant Marine Technical Office from regulations.	LCDR Anderson, (202) 426-2197	FR *April 1982.*
Transfer of Corps of Engineers Gulf of Mexico Shipping Fairway Regulations to Coast Guard (Docket 81-040).	Would transfer the Army Corps of Engineers regulations designating Shipping Fairways in the Gulf of Mexico to the Coast Guard (33 CFR pt. 74).	Mr. C. Young, (202) 426-5116	*FR April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Licensing of Officers of Inspected Vessels of less than 100 gross tons (Docket 81-043).	Would amend 46 CFR parts 157, 175, 185, 186 and 187 to reflect statutory intent of P.L. 96-378 concerning the licensing of officers, and manning of inspected vessels of less than 100 gross tons.	CDR McCowen, (202) 426-2240	NPRM *April 1982.*
Charge for Coast Guard's aid to navigation work (Docket 81-051).	Would delete the buoy and vessel costs currently listed in 33 CFR 74 and direct the owner to contact the Coast Guard for a list of reimbursable service charges (33 CFR pt. 74).	*LTJG Gan,* (202) 426-1974	NPRM *April 1982.*
General Bridge Permit Regulations (Docket 81-057).	Would establish rules for issuing general bridge permits (33 CFR pt. 115).	Mr. J. Schwartz, *(202) 755-7620*	*NPRM April 1982.*
*Safety Rules for self-propelled vessels carrying hazardous liquids and bulk liquefied gases (CGD 81-052).	Would revise application and examination procedures for new foreign vessels carrying chemicals and liquefied gases in bulk. Eliminates requirement for these vessels to obtain a Letter of Compliance (LOC).	LCDR W. S. Jones, 426-1217	NPRM March 1982.
*Relocation of Boundary Lines (CGD 81-058).	Would relocate boundary lines in Part 46 CFR Part 7 in Accordance with PL-324.	LCDR B. Turlo, (202) 426-1464	NPRM June 1982.
*Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket CGD 81-059).	Would amend the licensing regulations to simplify administration and improve readability to public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses.	LCDR Naccara, 426-6259, G-MVP	NPRM September 1982.
*Update of 46 CFR part 153 (CGD No. 81-078).	Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMCO Chemical Code.	LCDR J. W. Gormanson, 426-1217	NPRM June 1982.
*Acceptance of ASME Boilers with ASME S,E,A, and H stamps (Docket No CGD 81-079).	Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S,E,A, or H symbol stamps. (46 CFR Parts 52 and 53).	Mr. D. Lemon, 426-2160, G-MMT-2	NPRM July 1983.
*General revision of 46 CFR 151, Barges carrying certain bulk dangerous cargoes. (CGD No. 81-082).	Would revise the rules for barges carrying bulk cargoes.....	R. M. Query, 426-1217	NPRM July 1983.
*Great Lakes Pilotage Rates (Docket No. CGD 81-088).	Would increase the basic pilotage rates by nine percent in the U.S. Great Lakes pilotage system, eliminate the smallest category in the "range of pilotage units" table, and permit temporarily registered pilots to hold financial interests in pilot organizations.	Mr. J. Hartke, 755-8683	NPRM *April 1982.*
*Change references in various Subchapters from Solas 74 and Update Lifesaving and Fire Fighting Requirements (CGD 81-090).	Would incorporate changes required by Solas 74.....	LT Gold, 426-2183	NPRM September 1982.
*Miscellaneous Amendments to Electrical and Fuel System Regulations for Recreational Boats. (CGD No. 81-092).	Would revoke unnecessary electrical and fuel system regulations. (33 CFR 183).	Mr. Alston Colihan, (202) 426-4027	NPRM *April 1982.*
*Implementation of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973 (CGD No. 81-101).	Would limit and restrict the discharge of noxious liquid substances made by chemical tankers.	F. Wybenga, 426-1217	ANPRM December 1982.
*Regulated Navigation Area Ice Season, COTP Baltimore Zone (Docket No. CGD 81-067).	Would establish a Regulated Navigation Area in the Baltimore MD COTP Zone during the ice season (33 CFR pt. 128).	LCDR Edwards, (202) 426-4958	NPRM June 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG

U.S. Coast Guard

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Fairways, Fairway Anchorages and Traffic Separation Scheme at harbor entrances in the Gulf of Mexico (Docket No. CGD 81-080).	Would establish fairways, fairway anchorages and a Traffic Separation Scheme in the Gulf of Mexico implementing the result of a Port Access Route Study (33 CFR pt. 162).	Mr. C. Young, (202) 245-0108	NPRM June 1982.
*Electronic Position Fixing Devices (Docket No. CGD 81-081).	Would allow the use of satellite navigation receivers without a continually tracking complementary system to meet the requirements for carriage of an electronic position fixing device on vessels 1600 gross tons and more entering U.S. waters (33 CFR pt. 164).	Mr. T. Falvey, (202) 426-4958	NPRM April 1982.
*Fairways on the Southern Coast of Alaska (Docket No. CGD 81-103).	Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study (33 CFR pt. 162).	Mr. C. Young, (202) 426-5116	NPRM June 1982
*Suspension and Revocation Proceedings (CCGD 82-002).	Would revise and amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions, (2) improve clarity and conciseness, (3) make substantive procedural changes.	LCDR T. E. Hart, 426-6256	NPRM June 1982.
*Offshore Supply Vessel Subchapter (CGD 82-004).	Would create new 46 CFR subchapter governing Offshore Supply Vessels Pub. L. 96-378.	LCDR Feeney, 426-2187	ANPRM May 1982.
*Subchapter "D" & "O" Barges—Internal Inspections (CGD 82-007).	Would change Subchapter "O" Regulation on Internal Inspection to coincide with Drydocking.	LCDR Strasser, 426-2183	NPRM June 1982.
*Visual Distress Signal Equipment Requirements (Docket No. CGD 81-038-A).	Would amend to clarify language, provide definition of "Coastal waters", allow continued use of existing flare launchers, & lessen requirement for carriage by some boats. 33 CFR 175.	LCDR Schmecht, (202) 426-4176	NPRM *April 1982.*
*Personal Flotation Devices (Docket No. CGD-81-023).	Would revoke an obsolete provision & make several editorial changes 33 CFR 175, 33 CFR 181.	LCDR Schmecht, (202) 426-4176	NPRM *April 1982.*
*Review: Electrical and Fuel Systems in recreational boats (Docket No. CGD-81-092).	After review of existing regulations, several areas were identified to lessen the regulatory burden on boat manufacturers. Would revoke certain sections and amend others. 33 CFR 183.	Mr. L. Gray, (202) 426-4027	NPRM May 1982.

Routine and Frequent Nonsignificant Regulations

Title	Total	Contact	Decision date
Safety/Security Zone Regulations	15	Mr. Ziegfeld, (202) *426-5116*	*April 1982-April 1983.*
Anchorage Area Regulations	12	Mr. Ziegfeld, (202) *426-5116*	*April 1982-April 1983.*
Drawbridge Regulations	50	Mr. F. Teuton, (202) 426-1380	*April 1982-April 1983.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administration

Significant Regulations: Other

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Parts Manufacturer Approvals (Docket No. 17147).	**A. Description:** Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. **B. Why Significant:** The proposed revision is considered to be significant because it is controversial. **C. Analysis:** Regulatory Evaluation **D. Need:** Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **E. Legal Basis:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1421, and 1423). **F. Chronology:** This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). **G. Citation:** 14 CFR Pt. 21	William J. Sullivan, (202) 755-8716	FR *May 1982.*
Review: Operations Review Notice No. 14.	**A. Description:** Would establish regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs. **B. Why Significant:** This proposal is considered a significant regulation because there is substantial public interest in it. **C. Analysis:** Regulatory Evaluation	William J. Sullivan, (202) 755-8716	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA

Federal Aviation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties. **E. Legal Basis:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. These proposals are undergoing review in accordance with EO 12291 to determine whether rulemaking should be initiated. **G. Citation:** 14 CFR Pts. 121 and 123		
Wind Shear (Docket No. 19110)	**A. Description:** Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. **B. Why Significant:** This action is considered a significant project because it will generate substantial public interest and will be controversial. **C. Analysis:** Regulatory Evaluation **D. Need:** As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **E. Legal Basis:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. The ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. *This project is being considered in connection with the review of the air carrier certification, operating and maintenance rules (14 CFR Parts 121 & 135).* **G. Citation:** 14 CFR Pt. 121	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Metropolitan Washington Airports Policy *(Docket No. 21955).*	**A. Description:** Develops and implements a comprehensive policy and regulations (1) defining the respective roles of Washington National and Dulles International Airports, and (2) governing the future use, operation, development and maintenance of those airports. **B. Why Significant:** The proposed policy is of substantial interest to the public, potentially affecting State and local governments and the aviation community. **C. Analysis:** Regulatory Evaluation	*Edward P. Faberman, (202) 426-3235*	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA **Federal Aviation Administration**

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: The lack of a firm, long-range policy has substantially hindered maximum effective and efficient management of the airports. Planning and funding processes have necessarily been limited to relatively short-term objectives. Efforts to lessen the impact of the airports on surrounding communities continue to be hampered by the absence of well-defined policy goals and guidelines. Aircraft operators using the airports have been similarly disadvantaged with respect to long-term planning and objectives. **E. Legal Basis:** Sections 103, 307, 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 and 1354); Sections 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington National Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655). **F. Chronology:** A Notice of Proposed Policy was published March 23, 1978 (43 FR 12141). The NPRM was published January 21, 1980 (45 FR 4314). The comment period closed April 15, 1980. The Amendments were published September 18, 1980 (45 FR 62406). Effective date extended to April 26, 1981, published October 27, 1980 (45 FR 11251). Notice proposing additional extension of effective date until October 25, 1981, published on March 5, 1981 (46 FR 15458). On July 13, 1981, an NPRM was published proposing to withdraw the Amendments (46 FR 36068). The comment period closed August 31, 1981. *The Final Rule was published November 27, 1981 (46 FR 580367).* **G. Citation:** 14 CFR Pts. 93 and 159		
*Hang Gliding (Docket No. 21631).	**A. Description:** This proposed addition to the Federal Aviation Regulations would designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. **B. Why Significant:** The proposed addition regulates a new user segment and is of substantial public interest. **C. Analysis:** Regulatory Evaluation **D. Need:** As a result of increased hang glider operations, reported near miss incidents with certified aircraft, and airspace/airport intrusions, regulation of hang glider and ultralight activities is necessary. **E. Legal Basis:** Secs. 307, 313(a), 601(a), 602, and 603, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421(a), 1422, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c); and 14 CFR 11.45). **F. Chronology:** In 1974, the FAA issued an advisory circular recommending safety parameters for the operation of hang gliders. The FAA then began to monitor more closely the operation of hang gliders, with particular emphasis on their compatibility with other airspace users. Compromises in airspace safety were identified and, in response, an NPRM was issued on July 27, 1981 (46 FR 3847). The comment period closed November 25, 1981. **G. Citation:** 14 CFR Pt. 101	Hal Becker, (202) 426-3656	FR May 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Medical Standards and Certification; Issuance of Airman Medical Certificates for Certain Conditions (Docket No. 21130).	**A. Description:** The FAA has proposed exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. It has also proposed to revise the medical standard for applicants who have a history or clinical diagnosis of heart disease. **B. Why Significant:** Comments on the proposed amendments indicate that they should be considered controversial. **C. Analysis:** Regulatory Evaluation **D. Need:** The proposed amendments are needed to clearly set forth the criteria for obtaining an exemption, as they apply to particular kinds of diseases. Revision of the standard applicable to heart disease is needed to ensure that all individuals who may be subject to the adverse health effects of heart disease are screened during the intitial application process for a medical certificate and that aviation safety is not compromised by the certification of any individual whose cardiovascular status represents an unacceptable risk. **E. Legal Basis:** Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1422); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.45). **F. Chronology:** On December 1, 1980, the FAA issued Notice 80-24 (45 FR 80296; December 4, 1980), proposing these amendments. A public hearing on the proposals was held February 3 and 4, 1981. **G. Citation:** 14 CFR Part 67	William H. Hark, M.D., (202) 426-3802	FR April 1982.
*Flight Crewmembers: Limitations on Use of Services.	**A. Description:** The FAA has established a project to determine the need to revise that provision of Part 121 which prohibits certificate holders from using the services of any person as a pilot flight crewmember if that person has reached his or her 60th birthday and to extend the rule to cover all flight crewmembers in air carrier operations. **B. Why Significant:** The "Age 60" rule has been objected to by pilots flying in Part 121 operations since its adoption. Any action that the FAA proposes can be expected to generate significant concern over the economic and career consequences to flight crewmembers and to air carriers. **C. Analysis:** Regulatory Evaluation **D. Need:** This project is needed in light of a recent government study on the "Age 60 Rule" and air carrier experience involving down-bidding of age 60 pilots to flight engineer positions. **E. Legal Basis:** Section 313(a), 601, 602, and 604, Federal Aviation Act of 1958 (49 U.S.C. Sections 1354(a), 1421, 1422, 1423): Section 6(c) Department of Transportation Act (49 U.S.C. Section 1655(c)).	Joseph Sirkis, (202) 426-3857	ANPRM June 1982.

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FAA — Federal Aviation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: Public Law 96–171 (7/18/79) directed the National Institutes of Health (NIH) to conduct a study to determine if the "age 60 rule" is warranted. The report, issued August 1982, recommends retaining the rule, extending it to cover Part 135 operations, and implementing a study to collect data to possibly relax the current rule. **G. Citation:** 14 CFR Part 121.....		

Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Aircraft Engine Regulations Notice (Docket No. 16919).	Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. The NPRM No. 80–21 was published November 20, 1980 (45 FR 76872). The comment period closed February 18, 1981. (14 CFR Pts. 23, 25, 27, 29, and 33).	William J. Sullivan, (202) 755–8716	*FR March 1982.*
Review: Operations Review Notice No. 11 (Docket No. 21269).	This proposal features provisions providing for the use of "mini-evacuation" tests, requirements for the elimination of the three-pointer altimeter in turbojet-powered airplanes, and allows for the use of "blocked seats" under certain conditions. The NPRM was published January 19, 1981. *(46 FR 5484).* The comment period closed April 20, 1981. (14 CFR Pts. 121, 145, and 183). *The rules allowing "mini-evacuation" tests were adopted, and the proposal to allow use of "blocked seats" was withdrawn on November 10, 1981 (46 FR 61450).*	William J. Sullivan, (202) 755–8716	*FR March 1982 (remainder of NPRM).*
Review: Operations Review Notice No. 12 (Docket No. 21071).	Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. *NPRM No. 80–22* was published November 20, 1980 (45 FR 76894). The comment period closed February 18, 1981. (14 CFR Pts. 43 and 91).	William J. Sullivan, (202) 755–8716	*FR March 1982.*
Review: Operations Review Program Close-out Notice No. 13.	Notice announcing the disposition of all proposals not addressed in previous Operations Review Notices and the availability of an index of the disposition of all Operations Review proposals.	William J. Sullivan, (202) 755–8716	*FR February 1982.*
Review: Part 91 Notice (Docket No. 16431).	The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. (14 CFR Pt. *91*).	Hal Becker, (202) 426–3656	*Further action to be determined.*
Review: Part 91 Review Lost Communications (Docket No. 16431).	Proposed amendment to simplify lost communications procedures.	Hal Becker, (202) 426–3656	NPRM *June 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA

Federal Aviation Administation

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	Would revise and reorganize 14 CFR Part 77 in a more logical sequence and presentation of regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation. Notice of Review was published on 6/19/78 (43 FR 26322). (14 CFR Pt. 77). Review Conference held December 4–8, 1980.	Keith Potts, (202) 426–3731	NPRM *July 1982.*
Civil Helicopter Noise Certification (Docket No. 13410).	Would establish noise certification levels and procedures for civil helicopters. An ANPRM was published 12/28/73, (38 FR 35487). The NPRM was published 7/19/79 (44 FR 42410). The comment period was extended until March 5, 1981 (46 FR 931) (14 CFR Pt. 36). *The Withdrawal of this proposal was published December 17, 1981 (46 FR 61486).*	Richard Tedrick, (202) 755–9027	*Withdrawn.*
Implementation of Energy Policy (Docket No. 16617).	Implementation of the Energy Policy and Conservation Act. The NPRM was published on 3/31/77. (42 FR 17135). *The Withdrawal of this proposal was published November 18, 1981 (46 FR 56205).* (14 CFR Pt. 11).	David Winer, (202) 755–9717	*Withdrawn.*
Review: Update of Part 139.....	Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. (14 CFR Pt. 139).	Jose Roman, (202) 426–3087	Further action to be determined.
Pilot Oxygen Mask Use Requirements (Formerly "Supplemental Oxygen").	Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. (14 CFR Pts. 25, 29, 37, 91, and 121).	William J. Sullivan, (202) 755–8716	NPRM *March 1982.*
Review: Metropolitan Washington Airports Regulations.	Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. (14 CFR Pt. 159).	Edward S. Faggen, (703) 557–8123	Further action to be determined.
Miscellaneous Minor Amendments (Docket No. 21129).	Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. The NPRM No. 80–23 was published December 4, 1980. *(45 FR 80450).* The comment period closed February 4, 1981. (14 CFR Pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121).	William J. Sullivan, (202) 755–8716	FR *March 1982.*
Review: Revision of Part 91 (Formerly Aircraft Owners and Pilots Association (AOPA) Petition) (Docket No. 18334).	This review deals with the air traffic and general operating rules in Part 91—the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. *(Phase I).* A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. *(Phase II).* AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79–2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). *NPRM 79–2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79–2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79–2A will form a basis for proceeding with Phase II.* (14 CFR Part 91).	William J. Sullivan, (202) 755–8716	*Further action to be determined.*
Foreign Airman Certification	Proposed amendments to establish priorities for processing applications by foreign airmen for U.S. Airman Certificates. (14 CFR Pts. 61, 63, 65, and 67).	William J. Sullivan, (202) 755–8716	*Project cancelled.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA — Federal Aviation Administration

Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Recording of Aircraft Titles and Security Documents—Notice of Lien (Docket No. 14236).	Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. The NPRM was published January 13, 1975 (40 FR 2445). (14 CFR Part 49).	Virginia Swimmer, (405) 686-2284	Further action to be determined.
Cessna Finance Petition (Docket No. 17311).	Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. The ANPRM was published 10/20/77 (42 FR 55891). The NPRM was published May 22, 1980 (45 FR 34826). The comment period was extended to August 21, 1980. (14 CFR Pt. 47).	Virginia Swimmer, (405) 686-2284	*April 1982.*
Use of Alcohol or Drugs (Formerly "Blood Alcohol Level Tests") (Docket No. 21631).	Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. The NPRM No. *81-9* was published July 27, 1981 (46 FR 38480). The comment period closed November 25, 1981. (14 CFR Pts. 61 and 91).	William J. Sullivan, (202) 755-8716	*FR* July 1982.
Microwave Landing System (MLS).	The rule recongizes the MLS selected by ICAO and prescribes measuring standards and procedures for the approval, installation, operation, and maintenance of such systems on non-Federal navigation facilities. The NPRM was published September 8, 1980. (45 FR 59256). The comment period closed November 7, 1980. *The Amendment was published December 17, 1981 (46 FR 61560).* (14 CFR Pt. 171).	William Redeen, (202) 426-8634	*Action complete.*
Revision of Applicability of Part 139.	Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers. The NPRM was published June 12, 1980. (45 FR 39857). The comment period closed August 11, 1980. (14 CFR Part 139).	Jose Roman, Jr., (202) 426-3087	Further action to be determined.
Review: Rotorcraft Review Notice No. 1 Certification, IFR, and Deicing (Docket No. 21180).	This notice proposes to add new airworthiness standards and update existing criteria in the areas of instrument flight rules (IFR) certification and ice protection certification. It also proposes revisions to the applicability of sections of Part 27 and 29 which allow for increased productivity for rotorcraft engaged primarily in utility or cargo operations and provides additional protection for rotorcraft carrying 10 or more passengers. The NPRM No. 80-25 was published December 18, 1980. The comment period closed April 17, 1981 (45 FR 83424). A public meeting was held August 18-20, 1980. (14 CFR Parts 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755-8716	FR *March 1982.*
Inoperative Instruments or Equipment (Formerly "Minimum Equipment Lists (MEL)"). Docket No. 22320.	This notice proposes to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation. *NPRM No. 81-14 was published on October 26, 1981 (46 FR 52278). The comment period closed Janaury 25, 1982.* (14 CFR Parts 43, 91, 121, 125, and 135).	William J. Sullivan, (202) 755-8716	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA

Federal Aviation Administation

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Hang Gliding (Docket No. 21631)...	Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. The NPRM was published July 27, 1981 (46 FR 38472). The comment period closed November 25, 1981. (14 CFR Part 101). This entry has been reclassified as significant. See significant regulations other, portion of Agenda.	Hal Becker, (202) 426-3656	*FR May 1982.*
Parachute Jumping, Notice and Authorization Requirements.	Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area (14 CFR Part 105).	Hal Becker, (202) 426-3656	NPRM *July 1982.*
Terminal Control Areas (TCA's): Phoenix.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published April 7, 1980 (45 FR 23457). A Supplemental NPRM was published June 15, 1981, (46 FR 31269). The comment period closed July 30, 1981. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Further action to be determined.
Terminal Control Areas (TCA's): Fort Lauderdale / Miami. Docket No. 186905/80-R30-4.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published September 22, 1980. (45 FR 62839). The comment period closed December 22, 1980. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Further action to be determined.
Size of Registration Marks—(Formerly Modification of Aircraft Registration Markings) (Docket No. 20424).	Proposed amendment to increase height of markings from 3 inches to 12 inches on certain fixed-wing aircraft, decrease height of markings from 20 inches to 3 inches on airships and balloons, and retain the 3-inch height of markings on experimental amateur-built, and experimental exhibition aircraft. NPRM published July 31, 1980 (45 FR 50810). The comment period was extended until November 28, 1980 (45 FR 64207). *The Amendment was published October 1, 1981 (46 FR 48600). (14 CFR Part 45).*	William J. Sullivan, (202) 755-8716	*Action complete.*
Special Airport Traffic Area and Communication Rule. *Docket No. 19497.*	Proposed amendments to establish special airport traffic areas for certain Canadian airports that are adjacent to the U.S.-Canadian border and which have operating air traffic control towers; the amendments would also require aircraft communications with those towers while operating in the area. The NPRM was published April *30*, 1981 (46 FR 24199). The comment period closed June 30, 1981. *The Amendment was published December 10, 1981 (46 FR 60420).* (14 CFR Part 93).	Hal Becker, (202) 426-3656	*Action complete.*
Export Airworthiness Approvals (Docket No. 17502).	*Responds to a petition* for rulemaking to amend § 21.339(a) to allow restricted category aircraft to be eligible for special export airworthiness approvals and to amend the restricted category civil aircraft operating limitations. The NPRM *No. 80-20* was published November 20, 1980 (45 FR 76868). The comment period closed January 19, 1981. *The Amendment was published September 8, 1981 (46 FR 44735).* (14 CFR Part 21).	William J. Sullivan, (202) 755-8716	*Action complete.*
Pitot Heat Indication Systems (Docket No. 18904).	Petition to amend the rules to require installation of pitot heat indicating systems only on transport category airplanes operated for hire. A summary of the petition was published on October 18, 1979 (44 FR 60107). The comment period closed November 14, 1979. The NPRM No. 80-27 was published January 2, 1981 (46 FR 00076). The comment period closed March 5, 1981. *The amendment was published August 31, 1981 (46 FR 43804). (14 CFR Parts 91, 121, 123, and 135).*	William J. Sullivan, (202) 755-8716	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Acoustical Change Definition (Docket No. 20026).	*The Amendment responds* to ATA petition (published March 6, 1980) to define "acoustical change" and to limit its applicability in maintenance situations. *NPRM 81-3 was published January 26, 1981 (46 FR 4347). The comment period closed March 27, 1981. The Amendment was published January 7, 1982 (47 FR 756).*	Richard Tedrick, (202) 755-9027	*Action complete.*
Terminal Control Area (TCA) New York (Modification).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published January 8, 1981 (46 FR 2088). The comment period closed April 8, 1981. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Further action to be determined.
Terminal Control Area (TCA) Honolulu (Modification). (Docket No. 18605/80-APC-6).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published April 23, 1981 (46 FR 23065). The comment period closed June 8, 1981. *The amendment was published October 8, 1981 (46 FR 49834).* (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	*Action complete.*
Terminal Control Area (TCA) Las Vegas (Modification).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Further action to be determined.
Flight Operations Control Systems (Docket No. 18591).	Based upon a Transamerica Airlines (TIAS) and World Airways (WRLS) joint petition for rule making, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. *Advance* Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed. Comment period closed Jan. 7, 1981. (14 CFR 121).	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Standards and Certification for Issuance of Airman Medical Certificate (Docket No. 21130).	Proposes exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. The NPRM No. 80-24 was published January 2, 1980 (45 FR 80296). The comment period on NPRM 80-24 closed Feb. 4, 1981. A public hearing was held Feb. 3-4, 1981. *This entry has been reclassified as significant. See Significant Regulations Other: Portion of Agenda.* (14 CFR Part 67).	William J. Sullivan, (202) 755-8716	FR *April 1982.*
Review: Rotorcraft Review Notice No. 2—Systems.	This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft. (14 CFR Parts 27, 29, and 91).	William J. Sullivan, (202) 755-8716	NPRM *March 1982.*
Review: Rotorcraft Review Notice No. 3—Powerplants.	This notice is the third of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the engine and related equipment certification requirements in Parts 27 and 29 of the Federal Aviation Regulations. (14 CFR Parts 27 and 29).	William J. Sullivan, (202) 755-8716	NPRM *July 1982.*
Review: Rotorcraft Review Notice No. 4—Airframe.	This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations. (14 CFR Parts 27 and 29).	William J. Sullivan, (202) 755-8716	NPRM *July 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA

Federal Aviation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Rotorcraft Review Notice No. 5—Operations and Maintenance.	This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination. (14 CFR Parts 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755-8716	NPRM *April 1982.*
Added Instrument Rating (Docket No. 22051).	This amends the rules governing the requirements for the issuance of an original or additional instrument rating onto an airman certificate. The proposal would delete the requirement for an individual to acquire cross-country experience in a specific category of aircraft. The NPRM was published August 10, 1981 (46 FR 40646). The comment period closed October 10, 1981. *The amendment was published January 25, 1982 (47 FR 3486).* (14 CFR Part 61).	William J. Sullivan, (202) 755-8716	*Action complete.*
Transport Category Airplanes—Cabin Ozone Concentration.	This proposed amendment would exempt operators of "cargo-only" aircraft and narrow-body two- and three-engine aircraft from installing ozone equipment or establishing ozone avoidance procedures. *NPRM 81-15 was published November 23, 1981 (46 FR 57442). The comment period closed January 22, 1982.* (14 CFR Parts 25 and 121).	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Major Repairs (Docket No. 21988).	This notice proposes certain actions which will improve understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. NPRM 81-10 was published July 23, 1981 (46 FR 38054). *The comment period was reopened until May 21, 1982 (46 FR 57322).* (14 CFR Part 43).	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Airman and Repair Station Certification for Foreign Nationals.	This proposed rule would establish a regulatory needs requirement and schedule of fees for issuance of airmen and repair station certificates to foreign nationals at overseas locations. (14 CFR Pts. 61, 63, 65, 67, 145 and 187). The NPRM was published August 10, 1981 (46 FR 40529). The comment period closed 10/10/81.	Kathleen W. Gorman, (202) 426-3230	FR *April 1982.*
Flight Crewmember Flight Time Limitations and Rest Requirements.	Proposed amendment to revise the flight time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators, air taxi operators, and scheduled air carriers with helicopters. The complexity of the current rule has required numerous interpretations and has been a burdensome requirement. A proposal is to be developed which is both less complex and less burdensome in compliance with Executive Order 12291. (14 CFR Parts 121 and 135).	William J. Sullivan, (202) 755-8716	NPRM *March 1982.*
*Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes.	Would revise the aircraft/aircraft engine emissions standards to ensure compliance with revisions being made to the EPA standards.	E. Ballenzweig, (202) 755-8933	NPRM Sept. 1982.
*Temporary Flight Restrictions.....	This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations.	Hal Becker, (202) 426-3656	NPRM Feb. 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administation

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Southlake Aviation Cross-Country Requirements (Docket No. 21371).	Petition to amend Part 61 to require one cross-country flight with landings at three points, each of which is 75 nautical miles from each of the other two points. The three legs must be more than 100 nautical miles in total length. NPRM 81-16 was published December 12, 1981 (46 FR 62638). The comment period closed February 22, 1982. (14 CFR Part 61).	William J. Sullivan, (202) 755-8716	Further action to be determined.
*One-Engine Inoperative Ferry Flight Authorization (Docket No. 22530).	This notice would alow Part 125 certificate holders to conduct ferry flights with one-engine inoperative without a special flight authorization. NPRM 81-17 was published in the **Federal Register** on January 7, 1982 (47 FR 818). (14 CFR Part 91).	William J. Sullivan, (202) 755-8716	Further action to be determined.
*Air Transport Association—Number of Attendants at Intermediate Stops (Docket No. 20843).	This action would reduce by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. Current regulations are interpreted as providing that the required number of flight attendants must remain on board during these stops. NPRM 82-1 was published on January 21, 1982 (47 FR 3068). The comment period closed on March 22, 1982. (14 CFR Part 121).	William J. Sullivan, (202) 755-8716	Further action to be determined.
*General Aviation Manufacturers Association—Flightcrew Requirements (Docket No. 21727).	Petition to allow certain operations of large airplanes certificated under SFAR 41 with one pilot instead of two if the airplane is found safe for operation with one pilot. NPRM 82-2 was published on January 28, 1982 (47 FR 4092). The comment period closed March 29, 1982. (14 CFR Part 91).	William J. Sullivan, (202) 755-8716	Further action to be determined.
*General Aviation Manufacturers Association—Defer compliance date of § 21.50(b).	Petition to defer the compliance date of January 28, 1981, due to the inability of the general aviation manufacturers to produce maintenance manuals that would conform in all respects to the detailed provisions of the new FAR sections requiring Instructions for Continued Airworthiness in time for the introduction of the 1982-1984 model airplanes, and until such time as the objectives and intent of the FAA in accord with the original amendment are clarified and make known. (14 CFR Part 21).	William J. Sullivan, (202) 755-8716	FR February 1982.
*Designated Airworthiness Representatives.	This project proposes to estabish a designated airworthiness representative (DAR) to represent functions in the airworthiness disciplines of manufacturing, maintenance, and engineering. (14 CFR Part 183).	William J. Sullivan, (202) 755-8716	NPRM March 1982.
*Israel Aircraft and Swearingen Petitions—SFAR 41 Zero Fuel Weight Limitation (Docket No. 21716).	This notice proposes to reissue and amend Special Federal Aviation Regulation (SFAR) 41 (expired October 17, 1981) to eliminate the 12,500 pound maximum zero fuel weight restriction, to limit the number of passengers to 19 for those small multiengine airplanes that operate at a certificated takeoff gross weight of 12,500 pounds, and to reduce the landing distance requirement. (14 CFR SFAR 41).	William J. Sullivan, (202) 755-8716	NPRM March 1982.
*Robinson Helicopter Co.—Registration Marks for Helicopters (Docket No. 17528).	Petition to permit the display of identification marks, N-numbers at least 12 inches high on rotorcraft fuselage sides, the same as for fixed-wing aircraft. It would also eliminate the 20-inch-high N-numbers on the bottom of rotorcraft and the 2-inch-high marks near the cabin now required by the Federal Aviation Regulations. (14 CFR Part 45).	William J. Sullivan, (202) 755-8716	NPRM March 1982.
*Deregulation of Parachuting	This action would remove from the Federal Aviation Regulations those sections or references to sections pertaining to sport parachuting. (14 CFR Parts 65, 91, 105, 149, and 183).	William J. Sullivan, (202) 755-8716	NPRM April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administation

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Aircraft Owners and Pilots Association—Extend Validity of Airman Medical Certificates (Docket No. 19176).	Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. (14 CFR Part 61).	William J. Sullivan, (202) 755-8716	NPRM April 1982.
*Part 135 Management Personnel Qualifications.	This action would eliminate the requirements for management personnel for corporations with one pilot and transfer deviation authority from the Directors of Flight Operations and Airworthiness to regional Flight Standards division chiefs. (14 CFR Part 135).	William J. Sullivan, (202) 755-8716	NPRM April 1982.
*Operation of U.S.-Registered Airplanes by Foreign Air Carriers.	This project would amend the regulations to govern the operation by foreign air carriers and other operators of U.S.-registered civil airplanes which have a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more. (14 CFR Parts 125 and 129).	William J. Sullivan, (202) 755-8716	NPRM May 1982.
*Representatives of the Administrator—Aircraft Certification.	This notice would consolidate delegation of authority, DOA, DAS, and SFAR 36 into Part 183 in an "Approved Design Organization" concept and expand the concept to include the full range of organizations from manufacturing of transport-category aircraft to repair facilities. In addition, it would propose transfer of the respective regulatory requirements from Part 21 and SFAR 36 into Part 183. (14 CFR SFAR 36, Parts 121 and 183).	William J. Sullivan, (202) 755-8716	NPRM May 1982.
*White-Diamond Corporation—Use of Nasal Oxygen Cannulas (Docket No. 21571).	Petition to add a paragraph (a)(5) to § 23.1447 stating that a nasal oxygen cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen mask covering the nose and mouth. (14 CFR Part 23).	William J. Sullivan, (202) 755-8716	NPRM June 1982.
*Airworthiness Certification, Location of Aircraft.	This action would amend the regulations to preclude issuance of airworthiness certificates for aircraft located outside the United States unless the Administrator finds no undue burden on the FAA. (14 CFR Part 21).	William J. Sullivan, (202) 755-8716	NPRM July 1982.
*Revise Part 25 to Include Special Conditions.	This action would review those special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated. (14 CFR Part 25).	William J. Sullivan, (202) 755-8716	NPRM July 1982.
*Part 25 Certification Review.....	This action would amend Part 25 to: (1) Ensure that airworthiness standards are stated as objectively as possible; (2) Relieve the regulatory burden where possible; and (3) Ensure the airworthiness standards are practicable for the smaller transport airplanes common to commuter operations. (14 CFR Part 25).	William J. Sullivan, (202) 755-8716	NPRM September 1982.
*"Fly After Failure" Requirement....	This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element. (14 CFR Part 25).	William J. Sullivan, (202) 755-8716	ANPRM September 1982.
*Ensuring Tachometer Accuracy....	This action would ensure that mechanical tachometers are sufficiently accurate to permit engines and aircraft to be operated within required limitations. (14 CFR Part 91).	William J. Sullivan, (202) 755-8716	NPRM October 1982.
*Implementation of SAFER Propulsion System Recommendations.	This action would amend § 25.975 to require fuel tank vent protection during ground fires and § 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in potential fire situation. (14 CFR Part 25).	William J. Sullivan, (202) 755-8716	NPRM November 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA — Federal Aviation Administration

Routine and Frequent Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Decision date
Other Items:			
Part 95 Instrument Flight Rules Altitudes.	2500	*Don Tuna,* (202) *426-8277*	April 1, 1982–March 31, 1983.
Airworthiness Directives	300	*Jack McGrath,* (202) *426-8192*	April 1, 1982–March 31, 1983.
Standard Instrument Approach Procedures.	2800	*Don Tuna,* (202) *426-8277*	April 1, 1982–March 31, 1983.
Airspace Actions	525	S. Wugaller, (202) 426-*8783*	April 1, 1982–March 31, 1983.

FHWA — Federal Highway Administration

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	ENGINEERING AND TRAFFIC OPERATIONS		
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. *80-3*).	**A. Description:** This regulation would contain criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety. **B. Why Significant:** This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems. **E. Legal Basis:** 23 U.S.C. 101, 109, 315, and 402: 49 CFR 1.48(b).	Alvin R. Cowan or Kenneth Davis, (202) 426-0312	*FR April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA

Federal Highway Administration

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658) extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator. Another NPRM proposing a more flexible approach was published on January 5, 1981 (46 FR 1228). A public meeting was held on February 3, 1981. The public comment period closed on May 5, 1981, and the comments received are now under evaluation. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria regulation for regulatory review.. **G. Citation:** 23 CFR pt. 625		
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Minimum Cab Space Dimensions (Docket No. MC–79).	**A. Description:** This regulation would specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date. **B. Why Significant:** This proposal has the potential of being costly if extensive changes to cab configuration become necessary. **C. Analysis:** Regulatory Impact Analysis **D. Need:** Changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations. The impact on safe operations and driver workplace may be negatively affected. **E. Legal Basis:** 49 U.S.C. 304 and 1655 **F. Chronology:** An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. A review of present cab sizes was conducted and a report issued on February 27, 1980. No further action anticipated until additional research is completed; earliest possible action will not occur within the next 12 months. **G. Citation:** 49 CFR 393	*Neill Thomas,* (202) 426–9767	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	ENGINEERING AND TRAFFIC OPERATIONS		
Buy America Requirements (Docket No. 78-35).	**A. Description:** This amendment to an existing regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. **B. Why Significant:** This regulation involves a matter which may become controversial or arouse significant public interest. **C. Analysis:** Regulatory Evaluation **D. Need:** This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** Section 401 of the Surface Transportation Assistance Act of 1978: P.L. 95-599. **F. Chronology:** A final regulation was issued under emergency procedures on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on January 17, 1979. An emergency amendment to the existing final rule was published on November 17, 1980 (45 FR 75643) in order to implement a recent court order. An NPRM was published on November 24, 1980 (45 FR 77456). The comment period closed on January 23, 1981. In accordance with E.O. 12291, FHWA has conducted a priority review of this controversial regulation. The regulation has been reclassified as a non-major significant regulation because the major economic impact ($100 million annual) earlier expected was not verifiable, and FHWA is unable to support the claim that the regulation is inflationary or to determine the amount of trade diverted. Also, the Federal-aid highway program uses less than one-half of one percent of total U.S. consumption of steel. **G. Citation:** 23 CFR 835.410	*Kenneth L. Ziems,* (202) 426-4847	FR June 1982.
	RIGHT-OF-WAY AND ENVIRONMENT		
Review: Outdoor Advertising Control and Acquisition.	**A. Description:** This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. **B. Why Significant:** This proposal may involve substantial public interest, is controversial and involves important departmental policy. **C. Analysis:** Regulatory Evaluation **D. Need:** This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **E. Legal Basis:** 23 U.S.C. 131, 148, and 315: 49 CFR 1.48	Myron Laible, (202) 245-0021	To be withdrawn.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA **Federal Highway Administration**

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 FR 25387) and a Notice, published May 17, 1979, (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program. No further action anticipated until Advisory Committee submits recommendations; earliest possible action will not occur within the next year. This proposal is being withdrawn at this time because no action can be taken until the recommendations of the Advisory Committee have been fully considered. **G. Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2).....		
Highway Safety Programs: Determination of Effectiveness.	**A. Description:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective is to replace the current Highway Safety Program. The rulemaking is summarized in the NHTSA portion of this Agenda. *NPRM published on February 4, 1982 (47 FR 5254). Rulemaking reclassified as nonsignificant and moved to nonsignificant portion of agenda.*	Neil Thomas, (202) 426-9767	*FR April 1982.*
Employee Safety and Health Standards (Docket No. MC-64).	**A. Description:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). **B. Why Significant:** This proposal may have a significant impact on OSHA. **C. Analysis:** Regulatory Evaluation..... **D. Need:** These standards are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **E. Legal Basis:** 49 U.S.C. 304 and 1653.....	*Neill Thomas,* (202) 426-9767	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Hours of Service of Drivers; Drivers' Logs.	**F. Chronology:** An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. As a result of the analysis of the comments, another NPRM is being considered. No further action is anticipated within the next 12 months. **G. Citation:** 49 CFR pt. 399 **A. Description:** The Federal Highway Administration is proposing possible alternatives to the drivers' log record-keeping requirement used to enforce the hours of service rules. **B. Why Significant:** The drivers' log is a major paperwork burden item, and is presently the key means of enforcing a major safety rule. **C. Analysis:** Regulation Evaluation **D. Need:** This action is part of the Administration's efforts to reduce administrative burdens. **E. Legal Basis:** 49 U.S.C. 304 **F. Chronology:** *NPRM published on February 22, 1982 (47 FR 7702).* **G. Citation:** 49 CFR Part 396	*Neill Thomas*, (202) 426-9767	FR 1982.

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
	GENERAL MANAGEMENT AND ADMINISTRATION		
Rulemaking Procedures	The proposed rule would incorporate the Federal Highway Administration's redtape reduction policy and provide procedures for processing petitions for rulemaking and related matters.	Stan Abramson, (202) 426-0761	Further action to be determined.
Administrative Hearings	This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. (23 CFR 20).	Hugh T. O'Reilly, (202) 426-0780	NPRM *1982.*
*Review: State Internal Audit Responsibility.	This revision to an existing regulation will incorporate Government-wide audit requirements established by OMB Circular A-102 Attachment P. Final rule published on March 11, 1982 (47 FR 10522)(23 CFR 12; FHPM 1-9-1-1).	Harvey Wood, (202) 426-0563	FR June 1982

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	PLANNING		
Review: Carpool and Van Pool Projects.	This regulation revision reflects the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. NPRM published December 10, 1979 (44 FR 70753). Final rule published January 8, 1981 (46 FR 2298). Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291, and final rule was withdrawn on March 30, 1981 (46 FR 19232) pending further review under E.O. 12291. (23 CFR pt. 656; FHPM 4-8-3).	Barbara Reichart, (202) 426-0210	Further action to be determined.
Review: Highway Planning Program Administration (Docket No. 78-24).	This revision to an existing regulation would reflect recent policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart B, Metropolitan Planning Funds, since both deal with program administration. (23 CFR Part 420, Subpart A and Part 450, Subpart B; FHPM 4-1-2-1).	R. B. Puckett, (202) 426-0175	Further action to be determined.
Review: Payback Regulation Amendments.	Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480. NPRM published November 20, 1980 (45 FR 76705).	C. L. Shufflebarger, (202) 426-0404	*Further action to be determined.*
Interstate System Withdrawal and Substitution of Alternative Projects.	This amendment to an existing regulation reflects a DOT policy which prohibits the withdrawal of and substitution of mileage added to the Interstate System after August 13, 1973, under the provisions of 23 U.S.C. 103(e)(1). This amendment *was* published as a final rule on *September 14, 1981 (46 FR 45603).*.	C. L. Shufflebarger, (202) 426-0404	Final rule issued.
	RESEARCH AND DEVELOPMENT		
Review: Research and Development (R&D) Programs (Docket No. 79-21).	These revisions to existing regulations will reduce unnecessary requirements, increase administrative flexibility and simplify procedures in R&D work funded with Federal-aid highway funds. An NPRM was published September 27, 1979 (44 FR 55766). *Final rule published on December 7, 1981 (46 FR 59533).* (23 CFR parts 520, 524, 530, 540, 544 and 560; FHPM 5-2-1, 5-2-4, 5-4-1, 5-4-3, and 5-6-1).	Harry H. Hersey, (703) 285-2057	*Action complete.*
	ENGINEERING AND TRAFFIC OPERATIONS		
Resurfacing, Restoration and Rehabilitation (RRR) Work.	This regulation would set forth policy and project procedures for implementing RRR program as it relates to pavement design practices. *It has been decided that rulemaking action is not warranted at this time.* (FHPM 6-2-4-2).	Leon M. Noel, (202) 426-0327	*Withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Skid Resistant Surface Design.	This regulation would set forth pavement design policy as it pertains to skid resistance on Federal-aid highway projects. An NPRM was published April 10, 1980 (45 FR 24505). Comments received on NPRM were evaluated. *Withdrawal notice published on ,arch 4, 1942 (47 FR 9247).* (23 CFR 628: FHPM 6-2-4-3).	Leon M. Noel, (202) 426-0327	Withdrawn.
Selection of Pavement Type.....	This regulation would set forth policy for the selection of pavement type on Federal-aid projects. ANPRM published on August 21, 1980 (45 FR 55763). (FHPM 6-2-4-4).	Leon M. Noel, (202) 426-0327	*NPRM 1982.*
Review: Reimbursement for Railroad Work.	This revision to an existing regulation would update and simplify certain selected policies, procedures and requirements on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. An NPRM updating and modifying reimbursement rates, lump sum maximum amount and required insurance coverage provisions *was published on September 14, 1981 (46 FR 45744).* (23 CFR 140; FHPM 1-4-8).	J. A. Carney, (202) 426-0104	*FR June 1982.*
Review: Design and Construction Criteria for Bikeway Construction (Docket No. 79-3).	This regulation establishes design and construction guidelines for bikeways. ANPRM published on February 8, 1979 (44 FR 7979). NPRM published August 4, 1980 (45 FR 51720). (23 CFR pts. 652 and 663).	*Jack Wasley, (202) 426-0306*	*FR 1982.*
Review: Design Standards for Highways (Docket No. 80-2).	This regulation would amend the existing geometric design standards for highways for new construction and major reconstruction of federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new publication. "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials. AASHTO comments received as a result of NPRM published February 14, 1980 (45 FR 10236) have been evaluated and recommended changes submitted to AASHTO for consideration. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria rule for regulatory review. (46 FR 27722). Notice regarding status of proposed rule published November 17, 1980 (45 FR 75690) indicates further rulemaking action is not anticipated before Fall 1982. (23 CFR Part 625, FHPM 6-2-1-1).	Wilson B. Hawkins, (202) 426-0313	FR Fall 1982.
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	This regulation would develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board). This regulation would follow the completion of the research in progress titled "Design Guidelines to Make Crossing Structures Accessible to the Physically Handicapped".	Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA

Federal Highway Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Traffic Control Devices on Federal-Aid and Other Streets and Highways.	This revision to an existing regulation prescribed the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. An NPRM was published September 27, 1979 (44 FR 55598). Final rule was published January 8, 1981 (46 FR 2038); originally scheduled to go into effect on January 30, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291 and final rule was withdrawn on March 30, 1981 (46 FR 19232) pending further review under E.O. 12291. (23 CFR pt. 655: FHPM 6-8-3-1).	Donald P. Ryan, (202) 426-0411	Further action to be determined.
Review: Forest Highways	This revision to an existing regulation *updates and simplifies* administrative procedures applicable to Forest Highway projects administered by direct Federal and State highway agencies. The revisions conform to the Surface Transportation Assistance Act of 1978. NPRM published on August 25, 1980. *Final rule published on March 11, 1982 (47 FR 10525)*(45 FR 56355). (23 CFR pt. 660: FHPM 6-9-2-1).	R. C. Coles, (202) 426-0460	*Action Complete.*
Review: Contract Procedures (Docket No. 78-16).	This revision to an existing regulation would simplify Federal-aid contract procedures. NPRM was published on August 18, 1978 (43 FR 36685). (23 CFR pt. 635: FHPM 6-4-1-6).	K. L. Ziems, (202) 426-4847	Further action to be determined.
Review: General Materials Requirements.	This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. NPRM published January 29, 1981 (46 FR 9642). No action is anticipated on this revision within the next *6* months. (23 CFR pt. 635: FHPM 6-4-1-16).	K. L. Ziems, (202) 426-4847	Further action to be determined.
Review: Accommodation of Utilities.	This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. An NPRM was published April 17, 1980 (45 FR 26280). *Review of comments received indicates that a new NPRM should be published.* (23 CFR pt. 645: FHPM 6-6-3-2).	J. A. Carney, (202) 426-0104	*NPRM 1982.*
Review: Traffic Safety in Highway and Street Work Zones.	This proposal *modifies* existing requirements to assure a reduction in the incidence of accidents occurring where two-way traffic is maintained on one roadway of a normally divided highway. NPRM published October 16, 1980 (45 FR 68663). (23 CFR 630J: FHPM 6-4-2-12).	Kenneth L. Ziems, (202) 426-4847	FR April 1982.
Review: Utility Relocation, Adjustments and Reimbursement.	This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. An ANPRM was published March 8, 1979 (44 FR 12209). An NPRM was published November 20, 1980 (45 FR 76924). (23 CFR pt. 645: FHPM 1-4-4).	J. A. Carney, (202) 426-0104	*FR* November 1982.
Uniform Criteria for Warning Devices at Railroad-Highway Grade Crossings (Docket No. 78-13 and Docket No. 80-11).	This regulation would issue uniform nationwide criteria for the selection of various types of warning devices to be installed at railroad-highway grade crossings. ANPRM published August 10, 1978 (43 FR 35491) and June 12, 1980 (45 FR 40062). No action is considered necessary at this time. Withdrawal notice *published on December 1981 (46 FR 62664).* (23 CFR 625, 646, and 655).	Bob Helland, (202) 426-0411	*Withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Pavement Structural Design Policy.	This revision to existing regulations will update procedures dealing with rigid pavement structural design and participation. (23 CFR 625, 626; FHPM 6-2-1-1 and FHPM 6-2-4-1).	Leon M. Noel, (202) 426-0327	FR April 1982.
	RIGHT-OF-WAY AND ENVIRONMENT		
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Reduction Task Force recommendations. An ANPRM was published December 6, 1978 (43 FR 57161). *NPRM published on December 7, 1981 (46 FR 59550).* (23 CFR pt. 772; FHPM 7-7-3).	*Jerry A. Reagan,* (202) 426-4836	*FR 1982.*
Relocation Assistance; Revised Interest Payments.	The purpose of this proposal is to change the discount rate to be used when computing an interest differential payment for homeowners displaced by Federal or federally assisted highway projects. *NPRM published on September 15, 1981 (46 FR 45627). Final rule published on Feb. 16, 1982 (47 FR 6618).* (23 CFR Part 740).	Gerald Starkweather, (202) 426-0117	*Action Complete.*
*Review: Right-of-Way Revolving Fund.	This revision deletes the requirement for an annual report for allocation of right-of-way revolving funds. Final rule published on March 11, 1982 (47 FR 10509).	Richard W. Moeller, (202) 426-0142	Action complete.
*Review: Relocation Assistance	This revision would reduce Federal requirements related to the relocation assistance program. See Review List entry. (23 CFR 740).	Robert Moore, (202) 426-0116	NPRM April 1942.
*Review: Guidelines for the Development of Environmental Action Plans.	This revision proposes to rescind procedures for environmental action plans in order to eliminate duplication with environmental procedures issued under the National Environmental Policy Act. NPRM published on *February 11, 1982 (47 FR 6287).* (23 CFR 795).	Robert Bee, (202) 426-1033	FR 1982.
*Review: The Acquistion Function..	This revision would reduce regulatory burdens and associated costs to State highway agencies in the area of acquisition of real property for rights-of-way on Federal-aid highway projects. (23 CFR 712).	Douglas A. Wubbels, (202) 426-0142	NPRM August 1982.
	HIGHWAY SAFETY		
Skid Accident Reduction Program ..	This rule would set forth policy for development and implementation of a program in each State designed to reduce the number and severity of wet weather accidents. No action is anticipated within the next *12* months. (FHPM 8-2-3-1).	Mike Burk, (202) 426-2131	*Withdrawn.*
*Highway Safety Programs: Determination of Effectiveness.	NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The rulemaking is summarized in the NHTSA portion of the Agenda. NPRM issued on *February 4, 1982 (47 FR 5254).* (23 CFR 1205).	Howard Hanna, (202) 426-2131	FR April 1982.
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Radioactive Materials Routing.....	This regulation exempts radioactive materials from the routing provisions contained in the Federal Motor Carrier Safety Regulations at 49 CFR 397.9. This action is necessary in order to prevent duplication of rules with RSPA's regulation on the same subject. Final Rule published January 8, 1981 (46 FR 2126); originally scheduled to go into effect on February 2, 1982. The RSPA rule *has undergone* priority review within the Department. See RSPA entry.	*Joseph J. Fulnecky, (202) 426-0033*	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Toxic Gases in Truck Cabs (Docket No. MC–80).	This regulation would set maximum toxic gas levels in truck cabs. ANPRM published January 1978 (43 FR 120). NPRM published June 18, 1979 (44 FR 34992). No further action is anticipated within the next 12 months. (49 CFR pt. 392).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC–81).	This regulation would set maximum permissible ambient temperatures in truck cabs. ANPRM published on February 8, 1978 (43 FR 5397). No further action is anticipated within the next 12 months. (49 CFR pt. 399).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Review: Compliance with Motor Carrier Noise Standards.	The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas. NPRM published April 3, 1980 (45 FR 22120).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Review: Qualification of Drivers.....	The FHWA is considering revising the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. Request for comments was published on June 12, 1980 (45 FR 39672). (49 CFR 391.49).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Assignment of Motor Carrier Safety Ratings (Docket No. MC–88).	The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. NPRM published November 23, 1979 (44 FR 67193). (49 CFR pt. 385).	James Jeglum, (202) 426–1724	Further action to be determined.
Rear Vision Mirrors (Docket *MC–82–1*).	This amendment would serve to clarify the rule change published May 1, 1979, and was developed in response to a rulemaking petition. NPRM published on October 9, 1980 (45 FR 67107). No further action is anticipated within the next 12 months. (49 CFR 393).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Review: Inspection, Repair, and Maintenance.	*The FHWA is proposing to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR) to exempt lightweight vehicles from the paperwork requirements of this part, to eliminate the special inspection required for vehicles leased less than 30 days, and to eliminate the requirement for drivers to sign a vehicle inspection report which, when reviewed, shows no defects. The primary effect of these proposed rule changes would be to reduce the paperwork burden imposed upon the motor carrier industry.* (49 CFR 396).	*Neill Thomas,* (202) 426–9767	*NPRM April 1982.*
Review: Disqualifying Offenses, Drugs.	The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. NPRM published on November 24, 1980 (45 FR 77466). No further action is anticipated within the next 12 months. (49 CFR pt. 391).	*Neill Thomas,* (202) 426–9767	Further action to be determined.
Review: The Use of 4-Way Flashers on Slow Moving Vehicles.	This action will consider changing existing regulations to allow the use of 4-way flashers to warn of potential hazards, and was developed in response to a rulemaking petition. NPRM published on December 11, 1980 (45 FR 81621). No action is anticipated on this change within the next 12 months.	*Neill Thomas,* (202) 426–9767	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — Federal Highway Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Written Examination	The FHWA is considering a revision of the written examination requirement for commercial vehicle drivers. The options being considered are (1) rescission of the requirement, (2) leaving the requirement as it is and updating the questions, or changing the requirement to a pass/fail situation. A NPRM published on March 4, 1982 (47 FR 4256).	Neill Thomas, (202) 426–9767	Further action to be determined.
*Accident Register	The FHWA amended the Federal Motor Carrier Safety Regulations to eliminate the requirement that motor carriers maintain an accident register. Final rule published on *February 16, 1982 (47 FR 6654.* (49 CFR 384).	Neill Thomas, (202) 426–9767	Action complete.
*Retail Fertilizer Distribution Exemption.	The FHWA proposes to exempt drivers and vehicles transporting fertilizer, dry and liquid, in specific fertilizer distribution and application equipment from the Federal Motor Carrier Safety Regulations with few exceptions. ANPRM published on February 1982 (47 FR 5273). (49 CFR 390).	Jos. J. Fulnecky, (202) 426–0033	Further action to be determined.
*First Aid Kits on Buses (Docket No. MC–95).	The FHWA is considering rescinding the requirement for first-aid kits on buses operated in interstate or foreign commerce. This action is in keeping with the FHWA's goal of reducing and simplifying regulations which may be unnecessarily costly or burdensome. ANPRM published September 25, 1980 (45 FR 63535). (49 CFR 393.96).	Neill L. Thomas, (202) 426–9767	FR April 1982.

Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
	ENGINEERING AND TRAFFIC OPERATIONS		
Manual on Uniform Traffic Control Devices.	6	J. C. Partlow, (202) 426–0411, Robert E. Conner, (202) 426–0411	*June, November 1982.*
	RIGHT-OF-WAY AND ENVIRONMENT		
Relocation Assistance—Moving Payments—Moving Expense Schedules.	2	Robert Moore, (202) 426–0116	*January 1983.*
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Miscellaneous Amendments—Federal Motor Carrier Safety Regulations.	1	*Neill Thomas, (202) 426–9767*	April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA — National Highway Traffic Safety Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	INFORMATION NOTICE		
	The National Highway Traffic Safety Administration (NHTSA) has *ordered* the items that *appear* in the Agenda *as follows*. Within the categories of "Significant: Major," "Significant: Other," and "Nonsignificant," proposals and regulations in this Agenda are subdivided into three subject areas. Within each of the subject areas, the entries are listed, where possible, in order of CFR section being amended or established. Entries for which a CFR section has not been identified are listed at the end of each subject area in the order in which they have been added to the Agenda. The first subject area is "Federal Motor Vehicle Safety Standards." The largest number of entries are in this area. These entries are listed by order of the safety standard being amended or established, since those numbers correspond to CFR section numbers. The second subject area is "Fuel Economy Standards and Exemptions." The third subject area is "Regulations Other Than Safety Standards and Fuel Economy Standards/Exemptions".		

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS		
†Multipiece Rims on Trucks and Buses. (Docket No. 71-19).	**A. Description:** NHTSA has examined the need to issue a performance requirement for multipiece rims because of their potential for explosive separation. Action to be withdrawn because it would result in substantial costs with minimum benefits since occupational hazards in service facilities for commercial tires have come under regulations of OSHA. **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by users and manufacturers of these rims, and because of the cost impacts. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** Balance the safety hazards associated with the use of these rims against the added costs of using safer single-piece rims or improved multipiece rims, with consideration for the benefits from existing occupational safety regulations. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM issued March 5, 1979 (44 FR 12072). Notice of termination published February 25, 1982 (47 FR 8232).	A. Malliaris, (202) 426-0842	Action terminated.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) (Docket No. 79-03).	**G. Citation:** 49 CFR 571.120 **A. Description:** Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. **B. Why Significant:** This rule is considered significant because of the level of public and Congressional interest. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** To prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** Two ANPRM's have been issued related to this rulemaking. The first was published February 15, 1979 (44 FR 9783). The second was published February 28, 1980 (45 FR 13155). **G. Citation:** 49 CFR 571.121, 49 CFR 571.105	A. Malliaris, (202) 426-0842	Research underway.
*Occupant Crash Protection (Docket No. 74-14).	**A. Description:** *Rescinds the automatic restraint requirements of Standard No. 208.* **B. Why Significant:** The rule is considered significant because of the impact on the automobile industry, and the significant level of public and congressional interest. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To take into account changed circumstances since the Standard was adopted in 1977. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1392, 1407. **F. Chronology:** NPRM published April 9, 1981 (46 FR 21205). Comment period closed May 26, 1981. Public meetings held August 5 and 6, 1981. *Final rule published October 29, 1981 (46 FR 53419).* **G. Citation:** 49 CFR pt. 571.208	*Courtney Price,* (202) 426-1810	*Action complete.*

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Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Bumper Standard (Docket No. 73-19).	**A. Description:** NHTSA has performed an evaluation of the bumper standard in terms of costs and benefits. In 1979 NHTSA issued a report that concluded that the existing standard was justified. Based on the new evaluation of the bumper standard, published in April 1981, *and the Preliminary Regulatory Analysis dated July 1981,* NHTSA *has proposed* to amend the bumper standard to reduce or eliminate the impact speed requirements while retaining the bumper height requirements. **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impacts to consumers. **C. Analysis:** Regulatory Impact Analysis..... **D. Need:** To reassess various regulatory options to achieve the most cost-effective requirements. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended. **F. Chronology:** ANPRM published 3/1/79. (44 FR 11569). Report published June 1979. New evaluation published *April 1981. Preliminary Regulatory Analysis dated July 1981. NPRM published October 1, 1981 (46 FR 48262). Public meetings held October 22 and November 12. Comment period closed November 30, 1981.* **G. Citation:** 49 CFR pt. 581.....	Michael Brownlee, (202) 426-1740	*Final rule March/April.*
†Crashworthiness Ratings (Docket No. 79-17).	**A. Description:** Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public. **B. Why Significant:** This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** To provide consumers with comparative information on the crashworthiness performance of new car models. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1401, Section 112(d); 15 U.S.C. 1941, Section 201(d). **F. Chronology:** NPRM published January 22, 1981 (46 FR 7025). Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947). **G. Citation:** 49 CFR Ch. 5.....	Michael Brownlee, (202) 426-1740	Further action to be determined.
Highway Safety Programs; Determination of Effectiveness. Docket No. 81-12.	**A. Description:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective is to replace the current Highway Safety Program.	Chuck Livingston, (202) 426-0837	*This action has been reclassified as nonsignificant. See updated entry for this action under Nonsignificant Regulations.*

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Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: *A review has determined that this action is nonsignificant.* **C. Analysis:** To be determined **D. Need:** This action is required by section 1107(d) of the Budget Reconciliation Act of 1981. **E. Legal Basis:** Section 1107(d) of the Budget Reconciliation Act of 1981. **F. Chronology:** ANPRM published August 31, 1981 (46 FR 43692). NPRM *published February 4, 1982 (47 FR 5254).* Final rule expected April 1982. The effective date is expected to be October 1, 1982. **G. Citation:** 23 CFR Part 1205		

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS		
†Air Brake Systems	**A. Description:** Would *have reinstated* the 60 mph stopping distance requirement in standard No. 121, without a no wheel lock-up requirement, to replace the one invalidated by the Ninth Circuit Court of Appeals decision: PACCAR, INC. v. NHTSA, 573 F. 2d 632. This *would have been* an interim action while research and analysis is underway to develop requirements for a new brake standard. *NHTSA has decided not to pursue an interim action in this area. This entry is therefore being combined with the entry under Significant Regulations: Major entitled "Heavy Duty Vehicle Brake Systems".* **B. Why Significant:** The rule is considered significant because of the level of public and Congressional interest. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** To prevent degradation of current braking performance as a result of the Court's action while research and analysis is underway to support a new brake standard. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** None yet **G. Citation:** 49 CFR 571.121	A. Malliaris, (202) 426-0842	*Combined with entry under Significant Regulations: Major entitled "Heavy Duty Vehicle Brake Systems".*

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Confidential Business Information (Docket No. 78–10).	**A. Description:** Codifies existing method of processing confidential information from manufacturers. **B. Why Significant:** This rule is considered significant because of the controversial nature of confidential business information. **C. Analysis:** Regulatory Evaluation..... **D. Need:** To assure the manufacturer a more predictable process of information gathering and to streamline and speed up NHTSA use of data. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1381; 15 U.S.C. 2002. **F. Chronology:** NPRM issued 5/25/78. (43 FR 22412). FR published January 8, 1981 (46 FR 2049), originally scheduled to go into effect on April 9, 1981, subject to review under Executive Order 12291. Notice deferring effective date to August 7, 1981, in order to allow NHTSA sufficient time to review and consider a petition for reconsideration published April 13, 1981 (46 FR 21617). Notice further deferring effective date to November 6, 1981, published August 10, 1981 (46 FR 40513). *Notice further deferring effective date to June 1, 1982, published November 9, 1981 (46 FR 55266).* **G. Citation:** 49 CFR pt. 512.....	Frank Berndt, (202) 426–9511	Undergoing review pursuant to Executive Order 12291 and petition for reconsideration.

Nonsignificant Regulations

FEDERAL MOTOR VEHICLE SAFETY STANDARDS			
Controls & Displays (Docket No. 1–18).	Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). (49 CFR 571.101).	A. Malliaris, (202) 426–0842	*NPRM 1982.*
Controls and displays (Docket No. 1–18).	Amends standard 101 to allow use of alternative color for highbeam telltale. (49 CFR 571.101) NPRM published October 30, 1980 (45 FR 71832). *Final rule published January 21, 1982 (47 FR 2996).*	A. Malliaris, (202) 426–0842	*Action complete.*
*Controls and Displays (Docket No. 1–18).	Would amend the light intensity requirements of Standard No. 101–80 to permit informational readout displays to be used for telltales. NPRM published February 1, 1982 (47 FR 4541). (49 CFR 571.101–80).	A. Malliaris, (202) 426–0842	Final rule 1982.
*Hydraulic Brake Systems.....	Would change the parking brake gradient requirement for school buses with a GVWR of 10,000 pounds or less from 30 percent to 20 percent, while maintaining the recently adopted more stringent effort limits. This change would make the parking brake requirements for school buses with a GVWR of 10,000 pounds or less the same as for other buses, trucks and multipurpose passenger vehicles within that weight class. (49 CFR 571.103).	A. Malliaris, (202) 426–0842	NPRM 1982.

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Hydraulic Brake Systems (Docket No. 70-27).	Extends the applicability of FMVSS 105 from passenger cars and school buses to cover on a general basis, multi-purpose passenger vehicles, buses, and trucks with a Gross Vehicle Weight Rating (GVWR) of 10,000 lbs. or less. *Also extends* the standard on a limited basis to trucks, buses, and MPVs with a GVWR of more than 10,000 lbs. NPRM issued 10/18/79 (44 FR 60113). Final Rule published January 2, 1981 (46 FR 55); scheduled to go into effect on September 1, *1983*, subject to review under Executive Order 12291. *Review completed. Final rule responding to petitions for reconsideration published December 21, 1980. (46 FR 61887).* (49 CFR *571.105*).	A. Malliaris, (202) 426-0842	*Action complete.*
*Brake Hoses	Would amend test procedure to allow removal of certain items from brake assemblies when preparing assemblies for whip test. (49 CFR 571.106).	A. Malliaris, (202) 426-0842	NPRM 1982.
*Brake Hoses	Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses to allow an average value rather than an absolute minimum for meeting the adhesion specification. This action results from a petition for rulemaking. A notice granting the petition and requesting comments was published February 18, 1982 (47 FR 7293). (49 CFR 571.106).	A. Malliaris, (202) 426-0842	Further action to be determined.
*Brake Hoses	Would permit labelling of metric-size brake hoses in metric units rather than inches. (49 CFR 571.106).	A. Malliaris, (202) 426-0842	NPRM 1982.
Rear Lighting and Signalling (Docket No. 81-02).	Would establish requirement for a high mounted brake light. NPRM published January 8, 1981 (46 FR 2132). (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
†Commercial Vehicle Conspicuity (Docket No. 80-9).	Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). ANPRM published May 27, 1980 (45 FR 35405) (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
Lamps, Reflective Devices, and Associated Equipment. *(Docket No. 81-17).*	This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition. *NPRM published October 13, 1981 (46 FR 50394).* (49 CFR 571.108).	A. Malliaris, (202) 426-0842	*Final rule 1982.*
Lamps, Reflective Devices, and Associated Equipment. *(Docket No. 81-16).*	This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition. *NPRM published October 13, 1981 (46 FR 50396).* (49 CFR 571.108).	A. Malliaris, (202) 426-0842	*Final rule 1982.*
Lamps, Reflective Devices, and Associated Equipment.	This notice for comments is for a possible amendment to FMVSS No. 108 to modify headlamp configurations and for a possible addition or tests for plastic headlamps (49 CFR 571.108).	A. Malliaris, (202) 426-0842	*NPRM 1982.*
*Lamps, Reflective Devices, and Associated Equipment.	Would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assembles. (49 CFR 571.108).	A. Malliaris, (202) 426-0842	NPRM 1982.
*Lamps, Reflective Devices, and Associated Equipment.	In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width. (49 CFR 571.108).	A. Malliaris, (202) 426-0842	NPRM 1982.

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
*Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-04).	In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the cab instead of "as close as practicable to the top of the vehicle." NPRM published February 22, 1982 (47 FR 7911). (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Final rule 1982.
*Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-03).	In response to a petition for rulemaking, would consider whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps. Request for comments published February 22, 1982 (47 FR 7912). (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
New Pneumatic Tires (Docket No. 80-14).	Amendment *deletes* Appendix A (Tire Tables) of FMVSS 109 to ease introduction of new tire concepts. NPRM published August 28, 1980. (45 FR 57466). *Final rule published December 17, 1981 (46 FR 61473).* (49 CFR 571.109).	A. Malliaris, (202) 426-0842	*Action complete.*
Rear View Mirrors (Docket No. 71-3a).	This proposal would amend FMVSS 111 by establishing requirement for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. NPRM issued 11/6/78. (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
Rearview Mirror Systems (Docket No. 71-3a).	Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. NPRM published November 6, 1978 (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
*Rearview Mirrors (Docket No. 81-21).	In response to a petition for rulemaking, would permit the optional use of crossview mirrors of variable, short radius of curvature on school buses. NPRM published December 10, 1981 (46 FR 60481). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Final rule 1982.
†Rearview Mirror Systems (Docket No. 71-3a).	Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. NPRM published November 6, 1978 (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
Federal Vehicle Identification Number.	Would change Federal Vehicle Identification Number requirement from a Federal Motor Vehicle Safety Standard to an administrative regulation. (49 CFR 571.115).	A. Malliaris, (202) 426-0842	NPRM *1982.*
*Power-Operated Window Systems.	In response to a petition for rulemaking, would permit operation of power windows after the ignition has been turned off but only until a door has been opened. (49 CFR 571.118).	A. Malliaris, (202) 426-0842	NPRM 1982.
Tire Selection and Rims Non-Passenger Cars. (Docket No. 80-16).	These technical amendments would clarify existing requirements or resolve minor specific technical problems. (49 CFR 571.120). NPRM published October 30, 1980 (45 FR 71834).	A. Malliaris, (202) 426-0842	Final rule *1982.*
Air Brake Systems (Docket No. 79-03).	Would delete the requirement in Standard No. 121 for a separate reservoir capable of releasing parking brakes. NPRM published July 23, 1981 (46 FR 37952).	A. Malliaris, (202) 426-0842	Final Rule *1982.*
*Motorcycle Controls	Would permit the manual fuel cutoff control on a motorcycle to operate in a transverse vertical plane as an alternative to the current requirement for operation in a longitudinal vertical plane. (49 CFR 571.123).	A. Malliaris, (202) 426-0842	NPRM 1982.

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Speedometers and Odometers (Docket No. 76–06).	*Rescinds Standard No. 127. NPRM proposing rescission published October 22, 1981 (46 FR 51788). Final rule published February 18, 1982 (47 FR 7251).*	A. Malliaris, (202) 426–0842	*Action complete.*
Fields of Direct View (Docket No. 70–7).	Would have established requirements (for passenger cars) for the maximum allowable size of obstructions in the field of view of drivers, and the luminous transmittance of glazing. NPRM published 11/6/78. (43 FR 51677). Final Rule published January 2, 1981. (46 FR 40); (49 CFR 71.128); was scheduled to go into effect on September 1, 1984. Notice revoking standard in response to petitions for reconsideration published June 22, 1981 (46 FR 32254). In response to a petition for reconsideration of the revocation, an action entitled Reconsideration of Agency Action; Notice of Petitions for Reconsideration and opportunity to comment thereon was published September 21, 1981 (46 FR 46604).	A. Malliaris, (202) 426–0842	Revocation of standard undergoing reconsideration.
Impact Protection for the Driver from the Steering Control System.	This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. *NPRM published October 1, 1981 (46 FR 48260).* (49 CFR 571.203).	A. Malliaris, (202) 426–0842	*Final rule 1982.*
†Steering Control Rearward Displacement.	Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds. (49 CFR 571.204).	A. Malliaris, (202) 426–0842	Further action to be determined.
Glazing Materials	Would update FMVSS 205 by referring to latest edition of companion commercial standard (ANS Z–26), thereby permitting use of modern materials.	A. Malliaris, (202) 426–0842	NPRM *1982.*
†Glazing Materials (Docket No. 81–04).	Would amend FMVSS No. 205 to adopt less stringent requirements for glass-plastic glazing materials. ANPRM published January 26, 1981 (46 FR 8067).	A. Malliaris, (202) 426–0842	*NPRM 1982.*
Seat Belt Assemblies (Docket No. 74–14).	*To* improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. (49 CFR 571.208). NPRM issued 12/20/79 (44 FR 77210). Final Rule published January 8, 1981. (46 FR 2064); subject to review under Executive Order 12291. Final rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). NHTSA plans to respond *to the substantive portions of* petitions for reconsideration at a later date.	A. Malliaris, (202) 426–0842	*Further action to be determined.*
*Occupant Crash Protection (Docket 74–14).	Would amend the standard to make fuel loading capacity requirements during compliance tests compatible with those of FMVSS No. 301 and thus reduce compliance tests costs. NPRM published January 28, 1982 (47 FR 4098). (49 CFR 571.208).	A. Malliaris, (202) 426–0842	Final rule 1982.
Seat Belt Assemblies (Docket No. 80–12).	Amends FMVSS 209 to exempt load limiting belts used with automatic restraint systems from elongation requirements. NPRM published August 4, 1980. (45 FR 51626). Final Rule, published January *12*, 1981. (46 FR 2618); scheduled to go into effect on September 1, 1982, subject to review under Executive Order 12291. *Review completed. Effective date as shown.* (49 CFR 571.209).	A. Malliaris, (202) 426–0842	*Action complete.*
Seat Belt Assemblies (Docket No. 80–06).	Would amend FMVSS 209 to modify resistance to light test procedures. *This action is in response to a petition for rulemaking.* NPRM *published* 6/1/80 (45 FR 29102). *Subsequently, new test procedures were developed necessitating a new NPRM.*	A. Malliaris, (202) 426–0842	*NPRM 1982.*
Seat Belt Assemblies	Would amend Standard 209 by citing the current American Society of Testing Materials' (ASTM) specifications. (49 CFR 571.209).	A. Malliaris, (202) 426–0842	NPRM *1982.*

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Title	Summary	Contact	Earliest expected decision date
Child Restraint Tether Anchorages. (Docket No. 80–18).	Would require anchorages for use with child restraint systems equipped with a top tether strap. NPRM published December 11, 1980 (45 FR 81625) (49 CFR 571.210).	A. Malliaris, (202) 426–0842	Further action to be determined.
†Side Door Strength (Docket No. 79–04).	Would upgrade FMVSS 214 requirements for passenger cars and extend the upgraded standard to light trucks, vans and MPVs. ANPRM published 12/6/79. (44 FR 70204). Public meeting held in Washington on January 31 and February 1, 1980. FMVSS 214 is undergoing priority review under Executive Order 12291. See entry in Review List entitled "Side Impact Protection".	A. Malliaris, (202) 426–0842	Further action to be determined.
*Bus Window Retention and Release (Docket No. 75–03).	Makes permanent an interim final rule that modified the agency's school bus emergency exit standard, standard No. 217, in a manner that makes it easier to mass produce small buses without significantly affecting the level of safety achieved by those vehicles. Interim final rule and proposal published February 8, 1979 (44 FR 7961). Final rule published February 18, 1982 (47 FR 7255). (49 CFR 571.217).	A. Malliaris, (202) 426–0842	Action complete.
†Motorcycle Helmets	The proposal would extend the applicability of FMVSS 218 to large and small helmets, thus covering all size helmets. The Standard currently covers only those helmets which use a size "C" headform for compliance testing to the standard.	A. Malliaris, (202) 426–0842	Further action to be determined.
School Bus Body Joint Strength (Docket No. 73–34).	Would amend FMVSS 221 to modify the exempt status of maintenance access panels. *NPRM published November 27, 1981 (46 FR 57939). (49 CFR 571.221).*	A. Malliaris, (202) 426–0842	*Final rule 1982.*
School Bus Seat Spacing (Docket No. 73–03).	Would amend 49 CFR 571.222 to permit increased school bus seat spacing. *NPRM published February 25, 1982 (47 FR 2831).*	A. Malliaris, (202) 426–0842	*Final rule 1982.*
Truck Rear Underride Protection (Docket No. 1–11).	Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). NPRM published January 8, 1981. (46 FR 2136). (49 CFR 571).	A. Malliaris, (202) 426–0842	Further action to be determined.
Vehicle Speed Control (Docket No. 79–06).	Trailways Bus Company petitioned for an FMVSS to require road speed governors for all commercial vehicles. A request for comments was published in the Federal Register on 3/19/79 with a closing date of 8/17/79. (44 FR 16461). *After consideration of those comments, NHTSA has decided not to initiate rulemaking in this area.*	A. Malliaris, (202) 426–0842	*Action terminated.*
†Flammability of School Bus Interior Materials.	Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.	A. Malliaris, (202) 426–0842	Further action to be determined.
†Pedestrian Protection (Docket No. 78–19).	Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area. NPRM published January 22, 1981. (46 FR 7015). Comment closing date *was* May 22, 1981. (49 CFR 571).	A. Malliaris, (202) 426–0842	Further action to be determined.
*Seating Reference Point/Motor Vehicle Driver's Eye Range (Docket No. 8205).	Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice. ANPRM published March 8, 1982 (47 FR 9865). (49 CFR 571).	A. Malliaris, (202) 426–0842	Further action to be determined.
	FUEL ECONOMY STANDARDS AND EXEMPTIONS		
†Fuel Economy Exemptions: Exemption from and Establishment of Fuel Economy Standards.	*Would establish alternate average fuel economy standards for low volume manufacturers for model years 1981 through 1985. (49 CFR part 525).*	R. Strombotne, (202) 426–0846	*NPRM 1982.*

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Title	Summary	Contact	Earliest expected decision date
*Petitions under the Automobile Fuel Efficiency Act of 1980; Procedures Relating to Light Truck Fuel Economy Standards (Docket No. FE 82-01).	Establishes interim requirements and requests comments before permanent rules are adopted for the contents of petitions filed under the Automobile Fuel Efficiency Act of 1980 and for expanding the flexibility of manufacturers in determining how to group their vehicles for the purposes of compliance with the model year 1982 light truck fuel economy standards. Interim final rule and request for comments published February 18, 1982 (47 FR 7245). (49 CFR Parts 526 and 533).	R. Strombotne, (202) 426-0846	Interim action complete.
REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
*Fuel Economy Reporting Requirements (Docket No. FE 77-03).	Would reduce the fuel economy reporting requirements manufacturers must comply with since some of those requirements are either duplicative or unnecessary for NHTSA's monitoring responsibilities. *NPRM published February 22, 1982 (47 FR 7706). (49 CFR Part 537).*	S. Wood, (202) 426-2992	*Final rule 1982.*
Anthropomorphic Test Dummies.....	Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded. (49 CFR Part 572).	A. Malliaris, (202) 426-0842	Further action to be determined.
Tire Identification and Recordkeeping. (Docket No. 80-20).	Would require ID on outward facing sidewall of motor vehicle tires. NPRM published December 15, 1980. (45 FR 82293). (49 CFR pt. 574).	A. Malliaris, (202) 426-0842	Further action to be determined.
Consumer Information Reporting Requirements.	Would permit modification of pre-introduction submissions of performance data on new vehicle models at any time up to 30 days prior to model introduction. This amendment would create an exception to the requirement that pre-introduction submissions be made 90 days prior to model introduction, which becomes effective on June 1, 1982. NPRM published August 10, 1981. *Final rule published February 18, 1982 (47 FR 7257).* (46 FR 40541) (49 CFR 575.6).	Michael Brownlee, (202) 426-1740	*Action complete.*
Consumer Information—Tire Reserve Load.	Would delete tire reserve load information from consumer information requirements. NPRM *published September 17, 1981 (46 FR 47100).* (49 CFR 575.102).	Michael Brownlee, (202) 426-1740	Final rule *February* 1982.
Uniform Tire Quality Grading (Docket No. 25).	Would amend the Uniform Tire Quality Grading Standards to prescribe a standardized process for translating treadwear and traction test results into tire grades. Also would expand the numerical increments used to denote treadwear grades. NPRM published February 2, 1981. (46 FR 10429) (49 CFR Part 575).	Michael Brownlee, (202) 426-1740	Further action to be determined.
Uniform Tire Quality Grading.....	Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. (49 CFR Part 575).	Michael Brownlee, (202) 426-1740	Further action to be determined.
Uniform Tire Quality Grading.....	*Would simplify the Uniform Tire Quality Standards by dropping or amending current temperature and traction grade requirements and would review treadwear grade variability in the test procedure.* (49 CFR 575.104).	Michael Brownlee, (202) 426-1740	ANPRM 1982.
Consumer Information—Wet Stopping Distance.	Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. (49 CFR 575.105).	Michael Brownlee, (202) 426-1740	Further action to be determined.
Highway Safety Plan.....	Would revise Volume 102, Highway Safety Plan, of the Highway Safety Program Manual to clarify confusing provisions, to eliminate redundancies, to establish program priorities, to improve management and financial processes, and to reflect the increased role mandated for the central state highway safety agencies. (23 U.S.C. 402).	Chuck Livingston, (202) 426-0837	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA — National Highway Traffic Safety Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†Vehicle Classification—Compact Vans/Station Wagons.	Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.	S. Wood, (202) 426-2992	Further action to be determined.
†Inclusion of Alcohol Fuels in Fuel Economy Program.	Would *have included* vehicles which operate on alcohol fuels in the automotive fuel economy program. *NHTSA has decided not to act in this area.*	R. Strombotne, (202) 426-0846	Action terminated.
*Highway Safety Programs: Determination of Effectiveness (Docket No. 81-12).	NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective is to establish new criteria for funding eligibility in the Department's Highway Safety Program. ANPRM published August 31, 1981 (46 FR 43692). NPRM published February 4, 1982 (47 FR 5254). Public hearings held February 12, 16 and 18, 1982. Final rule expected April 1982. The effective date is expected to be October 1, 1982. This action is required by section 1107(d) of the Budget Reconciliation Act of 1981. This entry has been moved from the significant Regulation section of the Agenda, based upon a review that determined the action to be nonsignificant.	Chuck Livingston, (202) 426-0837	Final rule April 1982.

FRA — Federal Railroad Administration

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
Review: Power Brake Rules.....	**A. Description:** Outgrowth of regulatory review in general safety inquiry,the Department's priority review of costly and controversial regulations, *and a joint rulemaking recommendation by the Association of American Railroads (AAR) and Railroad Labor Executives Association (RLEA).* Revision and updating of current requirements. **B. Why Significant:** Annual effect on the economy of $100 million or more. **C. Analysis:** Regulatory Impact Analysis..... **D. Need:** Because of changes in railroad operations and technological advances, the rules need to be revised to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency. **E. Legal Basis:** The Safety Appliance Acts (45 U.S.C. 9)..... **F. Chronology:** General Safety Inquiry announced May 8, 1978 (43 FR 19696). Public hearings were held September 13 and 14, 1978. *On November 6, 1981, the AAR and the RLEA submitted rulemaking recommendations to FRA. Based on those recommendations, the NPRM was published on February 18, 1982 (47 FR 7283).* **G. Citation:** 49 CFR Part 232.....	Michael E. Chase	(202) 426-8836 *FR April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA — Federal Railroad Administration

Significant Regulations: Other—Continued

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Title	Summary	Contact	Earliest expected decision date
Strobe Lights on Locomotives (Docket No. RSGC–2).	**A. Description:** Lighted warning devices that include strobe lights have been shown to be more readily visible than normal lighting devices. FRA is considering requiring the installation of strobe lights on locomotives. **B. Why Significant:** Degree of controversy reflected by response to ANPRM. **C. Analysis:** Regulatory Evaluation..... **D. Need:** Grade crossing accidents represent the single largest group of railroad related fatalities each year. Available data indicate that the conspicuity of locomotives may be a factor in many of these accidents. Limited research with one railroad has indicated that equipping locomotives with strobe lights will improve their conspicuity and may lead to a reduction in these accident statistics. **E. Legal Basis:** The Federal Railroad Safety Act of 1970 (45 U.S.C. 431); Locomotive Inspection Act (45 U.S.C. 22 et seq.). **F. Chronology:** The ANPRM was published March 7, 1978 (43 FR 9328). NPRM was published June 18, 1979 (44 FR 34982). **G. Citation:** Will be 49 CFR pt. 222.....	Steve Urman, (202) 426–9178	*Further action to be determined.*

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Railroad Noise Emission Compliance Regulations (Docket No. RNE–1).	The proposed rule would amend FRA railroad noise emission compliance regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980 *and becomes effective on January 1, 1984.* 45 FR 1252 (49 CFR pt. 210).	Steve Urman, (202) 426–9178	NPRM December *1982.*
Safety Standards for Cabooses (Docket No. RSC–76–6).	The proposed rule would seek to establish comprehensive safety standards for cabooses.	Robert E. Abbott, (202) 426–9186	Further action to be determined.
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	This action would amend 49 CFR pt. 266 to *take into account changes to the Local Rail Service Assistance Act of 1978 made by the Staggers Rail Act of 1980 and the Omnibus Budget Reconciliation Act of 1981.*	Jo Anne McGowan, (202) 426–1677	*April 1982.*
*Track Safety Standards (49 CFR Part 213).	The proposed revision would be responsive to the joint recommendations of the Association of American Railroads and the Railway Labor Executives Association for updating the track safety standards. NPRM published February 18, 1982 (48 FR 7275).	Edward R. English, (202) 426–9252	NPRM February 1982 FR April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA — Federal Railroad Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Transfer of Conrail Commuter Service Operations.	The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. The Department of Transportation issued an emergency interim rule on February 4, 1982, (47 FR 5227) with a comment period that closes on March 22, 1982. An identical entry appears in the Urban Mass Transportation portion of this Agenda. (49 CFR part 670).	UMTA: Anthony A. Anderson, (202) 426-4011. FRA: Mark Lindsey, (202) 426-7710	FR May 1982.
Review: Safety Appliance Standards.	Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment (49 CFR pt. 231).	Ralph R. Smith, (202) 426-9187	*Further action to be determined.*
Review: Signal and Train Control Regulations.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236.	S. H. Stotts, (202) 426-0912	December 1982.
Amendments to Regulations Implementing Section 905 of the 4R Act.	This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.	*Mark H. Tessler,* (202) 426-7737	*June 1982.*
Railroad Passenger Equipment Safety Standards (Docket No. RSP-1).	Development of initial passenger equipment safety standards mandated by Section 202 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423.	*Leavitt A. Peterson,* (202) 426-0895	*NPRM May 1982.*
Amendments to State Participation Regulations.	Revise State Participation Regulations to reflect the broader scope of participation authorized by Section 206 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423. NPRM published June 25, 1981 (46 FR 32888). *Hearing held July 30, 1981.*	Dan Inabinett, (202) 426-9252	*FR April 1982.*
Special Safety Inquiry	FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads". The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads. A series of public hearings *were held on September 22-23, October 15-16, and November 9-10, 1981.* The hearings notice was published August 3, 1981 (46 FR 39461).	*Leavitt A. Peterson,* (202) 426-0895	Further action to be determined.
Rules of Practice	This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.	Lawrence I. Wagner, (202) 426-8836	*NPRM May 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Description:** This rulemaking proposes amendments to the existing Buy America Requirements. The amendments would permit subcomponents manufactured in the United States that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of determination of origin under the Buy America Requirements. A definition of "final assembly" is also proposed. **B. Why Significant:** There is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** These regulations implement section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **F. Chronology:** The NPRM was published on January 19, 1981 (46 F.R. 6815). Comments on alternative approaches were invited until April 20, 1981. UMTA extended the comment period until May 20, 1981 (46 FR 23501). This NPRM is under Departmental review along with the existing "Buy America" regulation. Further action on this NPRM will depend on the results of that review. **G. Citation:** 49 CFR pt. 660	*Edward J. Gill,* (202) 426-*4011*	Further action to be determined pending review of the existing "Buy America" regulation.

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
†Private Enterprise Participation in Federally-Assisted Programs.	**A. Description:** Pursuant to Sections 3(e) and 8(e) of the UMT Act, as amended, UMTA plans to publish procedures regarding the involvement of private mass transit operators in federally-assisted programs. The subject matter of this rulemaking will include consideration of private enterprise participation in paratransit programs. **B. Why Significant:** While these regulations would implement statutory requirements, this is a controversial issue for both the transit industry and private operators. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** To resolve an area of continuing controversy **E. Legal Basis:** Sections 3(e)(1) and (2), and Section 8(e) of the UMT Act, as amended. **F. Chronology:** 8(e) was added to the Urban Mass Transportation Act by the Federal Public Transportation Act of 1978. *UMTA has decided to terminate further action on this rulemaking. Instead, UMTA will issue a non-regulatory policy statement on this topic and publish it in the "Notice" section of the* **Federal Register**.	*Douglas Birnie,* (202) 426-4060	*Action terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**G. Citation:** 49 CFR pt. 619 **A. Description:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. **B. Why Significant:** Substantial public interest is anticipated. **C. Analysis:** Regulatory Evaluation **D. Need:** Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **E. Legal Basis:** Section 19 of the UMT Act (49 U.S.C. 1615). **F. Chronology:** Section 19 was added to the UMT Act in November 1978 by the *Surface Transportation Assistance Act* of 1978. *UMTA plans to issue an NPRM in July 1982.* (49 CFR Part 21).	Charlene Thomas, (202) 426-6371	*NPRM July 1982.*
Minority Business Enterprise Requirements—Transit Vehicle Manufacturers.	**G. Citation:** 49 CFR pt. 628 **A. Description:** *On March 31, 1980, DOT published a final rule on Participation by Minority Business Enterprises (45 FR 21172). One provision in the rule requires transit vehicle manufacturers to have an UMTA-approved MBE program in order to be eligible to bid on UMTA-assisted transit vehicle procurements. DOT will issue an NPRM proposing to amend the rule (see OST portion of Agenda). The material that UMTA plans to issue on this topic will be included in the NPRM as Appendix C. UMTA is, therefore, terminating action on this Agenda entry.* **B. Why Significant:** Substantial public interest is anticipated given the potential impact on transit vehicle manufacturers. **C. Analysis:** Regulatory Evaluation **D. Need:** To implement the DOT MBE requirements for application to transit vehicle manufacturers. **E. Legal Basis:** 49 U.S.C. 1615; E.O. 11625 **F. Chronology:** DOT NPRM issued on May 17, 1979 (44 FR 28928); DOT FR issued March 31, 1980 (45 FR 21172); DOT issued an NPRM proposing revisions to the existing MBE rule (49 CFR pt. 23) on March 12, 1981 (46 FR 16282). The proposed revisions became final on April 27, 1981 (46 FR 23457). *DOT will publish a comprehensive NPRM proposing to amend the MBE regulation. The material UMTA planned to issue will be included in the NPRM as Appendix C. Therefore, UMTA is terminating action on this Agenda entry. The schedule and additional information on the NPRM issued by DOT is summarized elsewhere in this agenda by the Office of the Secretary.* **G. Citation:** 49 CFR pt. 23	Irvin Bromall, (202) 426-6371	*Action terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Significant Regulations: Other—Continued

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Title	Summary	Contact	Earliest expected decision date
Safety Information Reporting and Analysis System for Rail Transit Systems.	**A. Description:** UMTA is proposing regulations that would establish a requirement for periodic reporting of accidents and casualty information that occur in Rail Rapid Transit and Light Rail Transit operations. **B. Why Significant:** The proposed regulations could have a substantial impact on a major transportation safety problem. **C. Analysis:** Regulatory Evaluation **D. Need:** Information collected will be used to maintain cognizance of the status of rail transit safety, ascertain the need for improvements in rail transit safety, and establish research and development projects for safety improvements. **E. Legal Basis:** Sections 3 and 5 of the UMT Act, as amended, and Section 107 of the National Mass Transportation Assistance Act of 1974. **F. Chronology:** *UMTA has reviewed the need to issue this information as a regulation and has determined that a non-regulatory document will provide the public with more suitable and flexible material. UMTA will publish this document in the "Notice" section of the* **Federal Register** when it is ready. **G. Citation:** 49 CFR pt. 632	Lloyd Murphy, (202) 426-*9261*	*Action terminated.*
†Maintenance Requirements	**A. Description:** UMTA is considering a policy along with implementing regulations that would require each mass transit operator to maintain facilities and equipment purchased with UMTA funds consistent with practices necessary to adequately provide for safety, comfort, and preservation and expansion of transit service. However, UMTA plans first to write the policy statement on maintenance and then to determine the need for regulations. **B. Why Significant:** This proposal concerns a matter on which there may be substantial controversy and it initiates a substantial change in policy. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** There is a substantial Federal interest in assuring that maximum use is made of Federal money. The contemplated policy and regulations would: (a) increase performance and useful life of equipment and facilities; (b) minimize replacement costs; and (c) result in cost savings. **E. Legal Basis:** Sections 3 and 5 of the UMT Act, as amended. **F. Chronology:** ANPRM issued on January 21, 1981 (46 FR 6334). The comment period closed on May 22, 1981. The final form of this undertaking will depend on the analysis of the comments received on the ANPRM and UMTA's determination of the need for regulations once the policy statement on maintenance has been written. **G. Citation:** 49 CFR pt. 638	*Al Lim,* (202) 472-6997; *or Mary Anderson, (202) 426-4060.*	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Air Quality Guidelines	*This regulation was jointly issued by UMTA and FHWA on January 19, 1981, to implement Sections 176 (c) and (d) of the Clean Air Act (46 FR 8426; January 26, 1981). Although this regulation was issued as an interim final rule and was effective immediately, a public comment period was provided until July 27, 1981. A regulatory evaluation was prepared and is available to the public upon request. Previously, a more complete entry for this item was contained in the FHWA portion of the Agenda. That entry has now been deleted since the action on this rulemaking has been completed. The information in the "Earliest expected decision date" column for UMTA's entry also reflects that. UMTA and the FHWA, however, are reviewing the Air Quality Guidelines. Information on the review effort is contained in both the UMTA and FHWA Review Sections of this Agenda.*	*UMTA:* Jocelyn Karp, (202) 426–*4011*; or James Getzewich, (202) 426–*2360*; FHWA; *Jerry Reagan*, (202) 426–4836	*Action complete.*
Exemption Procedures	**A. Description:** UMTA plans to publish procedures that would allow persons to petition for exemptions from existing UMTA regulations. **B. Why Significant:** The regulation would provide for the exemption from significant regulations. **C. Analysis:** Regulatory Evaluation **D. Need:** To provide a formal mechanism for the public to obtain exemptions. **E. Legal Basis:** Sections 3, 5, and 12(a) of the UMT Act of 1964 as amended (49 U.S.C. 1602, 1604 and 1608(a)). **F. Chronology:** NPRM to be prepared and issued by *April 1982.* **G. Citation:** 49 CFR pt. 602	Jocelyn Karp, (202) 426–*4011*	NPRM *April 1982.*

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
†Charter Bus Regulations	These regulations provide more detailed information regarding the restrictions placed on charter bus operations in section 3(f) of the UMT Act, 49 U.S.C. 1601. UMTA received considerable comments as a result of an ANPRM dated December 29, 1976 (41 FR 56680) and a hearing held thereafter. ANPRM published on January 19, 1981 (46 FR 5394). The comment period closed on March 5, 1981. *UMTA has reviewed the comment received on the ANPRM and is preparing an NPRM taking those comments into consideration. UMTA expects to issue an NPRM in March 1982.*	Ernesto Fuentes, (202) 426–*1936*	*NPRM March 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Innovative Techniques and Methods Set-Aside.	These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act, as amended. The NPRM was published on December 1, 1980 (45 FR 79669). The comment period closed on February 25, 1981. This *will be* withdrawn as a rulemaking document. The application instructions for this program will be issued by UMTA in the "Notice" section of the **Federal Register.** *Until then, however, the NPRM should be used as guidance.* (49 CFR pt. 644).	Norm Ensrud, (202) 426–4984	To be withdrawn.
Miscellaneous Amendments—Organization, Functions, and Procedures.	These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration. (49 CFR pt. 601).	Mary Pat Stephenson, (202) 426–*4047*	*FR April 1982.*
Investigation of Safety Hazards in Urban Mass Transportation Systems.	These regulations would establish the policy and proceedings to be followed in the implementation of Section 107 of the National Mass Transportation Assistance Act of 1974, including the investigation of an unsafe condition, the requiring of a plan for correcting an unsafe condition, and the withholding of financial assistance until such a plan is approved or implemented. (49 CFR pt. 631).	*Roy Field,* (202) 426–9545	*Action terminated.*
Standards and Procedures for Third Party Contracts.	These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A–102, Attachment B and Attachment O. A Notice of Proposed Rulemaking was published on September 20, 1979 (44 FR 54513). Comments were invited through November 15, 1979. The comment period was extended to January 3, 1980 in a notice published in the **Federal Register** on November 1, 1979 (44 FR 62918). *UMTA has decided to withdraw further action on this rulemaking. The material on standards and procedures for third party contracts, however, will be issued by UMTA as non-regulatory guidance and published in the "Notice" section of the* **Federal Register.** (49 CFR pt. 666).	Arlan Eadie, (202) 426–2710	*To be withdrawn.*
Regulations Governing Formula Operating Assistance Grants to Urbanized Areas.	These regulations would streamline the policies and procedures governing the Operating Grant Program of Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604). Included in the regulations would be application procedures, general program requirements, and project management requirements. The closing date for comments was December 1, 1980 (49 CFR pt. 645). *UMTA withdrew further action on the rulemaking on January 25, 1982 (47 FR 3391). On December 21, 1981, UMTA issued non-regulatory policy guidance for this material in UMTA Circular 9050.1A: Application Instructions for Section 5 Operating Assistance. UMTA published a notice in the* **Federal Register** *on January 25, 1982, announcing the availability of this Circular and summarizing its contents (47 FR 3460).*	Candace Noonan, (202) 472–6997	*Withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Maintenance of Effort Requirements.	These regulations would implement Section 5(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(f), which deals with maintenance of effort by designated recipients of Federal mass transportation funds. The maintenance of effort requirement is imposed to ensure that state and local support and mass transportation non-farebox revenues will be maintained for provision of mass transportation services. The proposed regulations would implement 1978 legislative changes giving recipients of funds greater flexibility in meeting the requirements. A Notice of Proposed Rulemaking was published on August 27, 1979 (44 FR 50068). Comments were invited through October 11, 1979. The provision in the UMT Act requiring maintenance of effort will not apply to funds appropriated for use after September 30, 1981. Therefore, UMTA has determined that there is no need for a regulation and *withdrew further action on this rulemaking on January 25, 1982 (47 FR 3391).*(49 CFR Part 646).	Candace Noonan, (202) 472-6997	*Withdrawn.*
Project Management Guidelines for Grantees.	These regulations would provide grantees with guidelines and procedures to be applied in administering UMTA grants, cooperative agreements, and loans. These guidelines are intended to assist grantees in meeting various grant management responsibilities and reporting requirements. NPRM published September 11, 1980 (45 FR 60306). The comment period closed on December 8, 1980. *UMTA withdrew further action on this rulemaking on January 25, 1982 (47 FR 3391). UMTA has decided, however, to issue this material* as non-regulatory guidance that will be published in the Notice section of the Federal Register (49 CFR pt. 662).	Timothy Wolgast, (202) 426-*4022*	*Withdrawn.*
†Technology Introduction.....	These regulations would implement Section 3(a)(1)(C) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation. NPRM published on January 19, 1981 (46 FR 5832). The comment period closed on March 20, 1981. UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.	*Stephen Teel,* (202) 426-9545.	To be withdrawn.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Semiannual Regulations Agenda and Review List

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Title	Summary	Contact	Earliest expected decision date
*Transfer of Conrail Commuter Service Operations.	The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. The Department of Transportation issued an emergency interim rule on February 4, 1982, (47 FR 5227) with a comment period that closes on March 22, 1982. (An identical entry appears in the Federal Railroad Administration portion of this Agenda.) (49 CFR pt. 670).	UMTA: Anthony A. Anderson, (202) 426-4011. FRA: Mark Lindsey, (202) 426-7710	FR May 1982.
†*School Bus Operations	This regulation provides more detailed information concerning the restrictions on school bus operations in Section 3(g) of the UMT Act (49 U.S.C. § 1601). UMTA is reviewing the existing regulation and, in connection with that review, plans to publish an NPRM in March 1982 that will propose changes to the regulation (49 CFR pt. 605).	Ernesto Fuentes, (202) 426-1936	NPRM March 1982.

SLSDC — Saint Lawrence Seaway Development Corporation

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Operational Regulations	Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada. Most recent Final Rule published August 7, 1980 (45 FR 52376).	Frederick A. Bush, (315) 764-3245	Next update *March 15, 1982.*
Tariff of Tolls Amendment	Revision of 33 CFR Part 402 in accordance with statutory procedures in 33 USC 988.	Robert D. Kraft, (202) 426-3574	*April 1, 1982.*

RSPA — Research and Special Programs Administration

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Highway Routing of Radioactive Materials (Docket No. HM-164).	**A. Description:** This regulation establishes routing requirements for the highway carriage of radioactive materials. **B. Why Significant:** There is substantial public interest and controversy over the regulation and it will have a significant impact on the Federal Highway Administration. **C. Analysis:** Regulatory Evaluation **D. Need:** To provide a basis for deciding whether Federal routing requirements are necessary for the highway transportation of hazardous materials. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808	J. C. Allen, (202) 472-2726	*Review completed.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: Administrative ruling on Federal pre-emption: Published a public notice and invitation to comment on Aug. 15, 1977 (42 FR 41202); Public hearing (New York) was held on Nov. 10, 1977 (42 FR 64487); Ruling published April 20, 1978 (42 FR 16945); Rulemaking: ANPRM issued Aug. 17, 1978 (43 FR 36492); Public hearing (Washington) was held on Nov. 29, 1978. NPRM issued January 31, 1980 (45 FR 7140). Published NPRM announcing dates and locations of five public hearings on March 6, 1980 (45 FR 14609). Two additional hearings announced May 15, 1980 (45 FR 32030). All hearings completed. FR published January 19, 1981 (46 FR 5298). Scheduled to go into effect February 1, 1982, but undergoing review under Executive Order 12291. *Review recommendations endorsing retention of final rule requirements concerning use of the Interstate system, driver training, route plans, and Federal preemption were approved by the Secretary of Transportation on January 26, 1982.*		
	G. Citation: 49 CFR pt. 177		
Development of New Standards for Liquefied Natural Gas (LNG) Facilities (Docket No. OPSO-46).	**A. Description:** Comprehensive new standards for the siting, design, construction, operation, and maintenance of LNG facilities.	L. Furrow, (202) 426-2392	*Review completed.*
	B. Why Significant: Considered significant due to substantial public interest and controversy, and due to potential danger of large-scale LNG spills.		
	C. Analysis: Regulatory Evaluation		
	D. Need: The concerns of Federal, State, and local agencies over LNG safety.		
	E. Legal Basis: 49 U.S.C. 1672		
	F. Chronology: ANPRM published April 21, 1977 (42 FR 20076); NPRM (siting, design, and construction); published February 8, 1979 (44 FR 8142); NPRM (operation and maintenance); published February 11, 1980 (45 FR 9220); Final Rules (siting, design, and construction): Published February 11, 1980 (45 FR 9184). Effective March 15, 1980, except as noted. Final rules (operation and maintenance) published October 23, 1980 (45 FR 70390). Effective July 23, 1981, except as noted, subject to review under E.O. 12291. Petitions for reconsideration answered August 28, 1980 (45 FR 57402). *No additional rulemaking action found necessary.*		
	G. Citation: 49 CFR pt. 193 (new)		
Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM-175).	**A. Description:** This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM-174, Safety Improvement Program for DOT 105 Tank Cars.).	L. A. Peterson, (202) 426-0697	*Further action to be determined.*
	B. Why Significant: There is substantial public interest in tank car safety and in retrofit issues.		
	C. Analysis: Regulatory Evaluation		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA — Research and Special Programs Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: To determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1806 **F. Chronology:** ANPRM published July 21, 1980 (45 FR 48668); public comment period closed October 16, 1980.		
*Review: Performance-Oriented Packaging Standards (Docket No. HM-181).	**A. Description:** To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods.. **B. Why Significant:** A large number of specifications for packagings in the Hazardous Materials Regulations would be affected by this project. **C. Analysis:** Regulatory Evaluation **D. Need:** To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808 **F. Chronology:** No previous regulatory action **G. Citation:** 49 CFR Part 178	T. Charlton, (202) 426-2075	ANPRM April 1982.
*Hazardous Waste Manifest: Shipping Papers (Docket No. HM-145D).	**A. Description:** Would establish a uniform hazardous waste manifest for use by both interstate and intrastate carriers of hazardous waste. **B. Why Significant:** There is substantial carrier and shipper industry, and State and local government interest in and controversy concerning the implementation of a manifest system. **C. Analysis:** Regulatory Evaluation **D. Need:** To simplify the manifesting of hazardous waste so interstate and intrastate commerce is not adversely affected by a number of differing requirements imposed by State and local government. **E. Legal Basis:** 49 U.S.C. 1803, 1804 and 1808 **F. Chronology:** Regulation of the transportation of hazardous waste was established by Docket No. HM-145A (45 FR 74640, Nov. 10, 1980). **G. Citation:** 49 CFR Parts 171 and 172	L. E. Metcalfe, (202) 426-2075	March 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA — Research and Special Programs Administration

Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	Proposed consolidation, simplication and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. NPRM published Jan. 8, 1979 (44 FR 1852).	R. Rawl, (202) 426-2311	FR *June 1982.*
Cryogenic Liquids (Docket No. HM-115).	Proposed standards and procedures for the transportation of cryogenic liquids, (NPRM published Mar. 8, 1979). (44 FR 12826) (49 CFR 172.101, 173.316). Hearing (Washington, D.C.) held on April 17, 1979. Comment period extended to October 9, 1979 to permit further consideration of issues raised in hearing.	P. Seay, (202) 755-4906	FR April 1982.
Definition of a Flammable Solid (Docket No. HM-178).	Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118, which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM. *ANPRM published May 7, 1981 (46 FR 25492).*	C. Schultz, (202) 426-2311	*Further action to be determined.*
Radiation Exposure for Transportation Workers (Project 263-78).	Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). Proposal converted to ANPRM to permit development of basic data.	R. Rawl, (202) 426-2311	*Further action to be determined.*
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78). (49 CFR pt. 177).	J. Fulnecky, (202) 426-1700	*Further action to be determined.*
Use of Interested Inspectors for Cylinder Inspections (Docket No. HM-74A).	Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders (NPRM published Mar. 17, 1976 (44 FR 11179). (49 CFR pt. 178). This docket has been withdrawn for further study of justification.	H. Mitchell, (202) 426-2075	*Action to be terminated.*
Specification for 55-gallon Plastic Drum (Project 278-78).	Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials. (49 CFR pt. 178).	M. Gigliotti, (202) 755-4906	NPRM *June 1982.*
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. (49 CFR pt. 176).	*A. Weltz, (202) 426-1577*	NPRM *June 1982.*
*Flammable Solid; Definitions Criteria, and Proposed Regulations (Docket No. HM-178).	To develop an objective regulatory standard. For the definition of a Flammable Solid see (49 CFR pt. 173). ANPRM issued May 7, 1981 (46 FR 25492).	M. Morris, (202) 426-2075	Further action to be determined.
Oxidizing Materials Definition, Criteria and Proposed Regulations *(Docket No. HM-179).*	Development of new standards for classifying a material as an oxidizing material (49 CFR pt. 173).	C. Schultz, (202) 426-2311	*Further action to be determined.*
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No. HM-153).	Consolidation of specifications and development of performance standards for specification bags. Present data insufficient for rulemaking. *ANPRM published June 15, 1981 (46 FR 31294).*	M. Gigliotti, (202) 755-4906	*Action terminated.*
Organic Peroxide Requirements (Project 186-72).	Proposed listing of and packaging requirements for organic peroxides. (49 CFR Parts 172, 173). May be combined with Project 160-71, Oxidizing Materials Definition, Criteria and Proposed Regulations (49 CFR pt. 173).	C. Schultz, (202) 426-2311	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Aluminum Cylinder Specification (Docket No. HM-176).	Development of specifications for aluminum cylinders. (49 CFR pts. 173, 178). NPRM published August 14, 1980 (45 FR 54097). *FR published Dec. 24, 1981 (46 FR 62452).*	A. Mallen, (202) 755-4906	*Action completed.*
Matches (Project 281-78)	Proposed revision and simplification of requirements concerning matches (49 CFR pts. 172, 173).	H. Mitchell, (202) 426-2075	NPRM *July 1982.*
Marking and Record Retention for Cylinders (Docket No. HM-172).	Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. NPRM published Feb. 14, 1980 (45 FR 9960) (49 CFR pts. 173, 178).	D. Henry, (202) 426-2075	*March 1982.*
Multi-Unit Tank Car Tanks (Project 252-77).	*Consideration of revision to standards for Specifications 106/110 portable tanks, including authorization of fusion welding (49 CFR Part 178).*	*R. Barlow, (202) 755-4906*	*ANPRM May 1982.*
Etiologic Agents (Docket No. HM-142).	Proposed new standards and procedures for the transportation of etiologic (i.e. disease-causing) agents (49 CFR pt. 173).	G. Cushmac, (202) 426-2311	*Action terminated.*
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	The proposed reporting forms provide additional and more appropriate information about gas safety problems and require reports from certain systems not now covered. NPRM issued June 5, 1978 (43 FR 24478). Comment period was extended to July 7, 1978 (43 FR 30590). Supplemental Notice to NPRM of June 5, 1978, published March 5, 1979. (44 FR 12070) (49 CFR pt. 191).	*G. Levin, (202) 472-1024*	*Amended NPRM June 1982.*
Retention of Radiographic Film	Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines (49 CFR pt. 195).	F. Robinson, (202) 426-2392	NPRM *April 1982.*
Placing Longitudinal Weld Seams in Upper Pipe Half (PS-66).	Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipelines. ANPRM published March 27, 1980 (45 FR 20142) (49 CFR pt. 195). *Safety problem too narrow for general rulemaking.*	F. Robinson, (202) 426-2392	*To be withdrawn.*
Heat Treatment of Hard Spots in Steel Pipe. (PS-58).	Allowable temperature for heat treating hard spots in steel pipe would be increased. NPRM published September 13, 1979 (44 FR 53185) (49 CFR pt. 192).	W. *Gloc,* (202) 426-*2082*	FR *May 1982.*
Qualifying Components for Use in Gas Pipelines. (PS-64).	General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself. NPRM published March 3, 1980 (45 FR 13783) (49 CFR pt. 192).	*F. Robinson,* (202) 426-2392	FR *July 1982.*
Transportation of Natural and Other Gas by Pipeline (PS-57).	Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. NPRM published February 22, 1979 (44 FR 10604). (49 CFR pt. 192). *Further action pending additional study of safety problem.*	W. Dennis, *(202) 426-2392*	*To be withdrawn.*
Leak Survey (PS-62)	Present leak survey requirements would be amended in accordance with practices necessary for safety. (49 CFR pt. 192). NPRM published December 13, 1979 (44 FR 72201). *Further action pending additional study of safety problems.*	W. Dennis, (202) 426-2392	*To be withdrawn.*
Interior Piping (PS-67)	The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. ANPRM published April 3, 1980 (45 FR 22118). (49 CFR pt. 192).	R. Langley, (202) 426-2392	NPRM *June 1982.*
Procedures To Guard Against Blasting Effects in Gas Pipelines.	Proposed standards requiring gas pipeline operators to have procedures to protect facilities affected by blasting. (49 CFR pt. 192). *Action combined with Docket PS-59.*	L. Furrow, (202) 426-2392	*Action terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Location, Size, and Operating Pressure of Pipelines (PS-61).	Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. ANPRM published November 29, 1979 (44 FR 68493). (49 CFR pt. 192). *Study showed benefits do not exceed costs.*	R. Langley, (202) 426-2392	*To be withdrawn.*
Hot Taps in Gas Pipelines (PS-60).	Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. (49 CFR pt. 192). NPRM published November 29, 1979 (44 FR 68491). *Present data insufficient for rulemaking.*	R. Langley, (202) 426-2392	*To be withdrawn.*
Excavation Damage (PS-59).....	Operators would be required to participate in a program to prevent excavation damage to underground pipelines (49 CFR pt. 192). NPRM published November 15, 1979 (44 FR 65792).	R. Simmons, *(202) 426-2392*	FR *April 1982.*
Reporting Abnormal Operations at LNG Facilities.	Requirements for reporting abnormal operations at LNG facilities would be proposed. (49 CFR pt. 193). *Action combined with Docket OPS-49.*	L. Furrow, (202) 426-2392	*Action terminated.*
Review: Line Markers on Navigable Waterways for Pipelines (PS-69).	The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters" would be made more appropriate. (49 CFR pt. 192). ANPRM published June 22, 1981 (46 FR 32287).	R. Simmons, *(202) 426-2392*	NPRM *May 1982.*
Cargo Tank Corrosion (Project 285-79).	Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks (49 CFR pt. 178).	A. Mallen, (202) 755-4906	*Further action to be determined.*
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. (49 CFR pt. 172).	L. Metcalfe, (202) 426-0656	NPRM *August 1982.*
Transportation of Wet Electric Storage Batteries (Docket No. HM-173).	Would establish new standards for transportation of wet cell electric storage batteries, *particularly relative to wheelchairs equipped with such batteries. NPRM June 4, 1981 (46 FR 29968)..*	E. Mazzullo, (202) 426-2075	*FR March 1982.*
Transportation of Hazardous Materials on Trailer-On-Flatcar (Docket No. HM-177).	Would establish standards for TOFC operations. Hearing announcement and request for comment published January 26, 1981 (46 FR 8055). (49 CFR pt. 174). Docket HM-177 was established to resolve the TOFC problem area that arose from HM-167. *It has been determined that no further action is justified.*	R. Barlow, (202) 755-4906	*To be withdrawn.*
Shipping Papers for Limited Quantities (Docket No. HM-*166F*)..	Proposed deletion of limited quantity radioactive materials detailed shipping paper requirements and associated marking modification. ANPRM published December 8, 1980 (45 FR 80843) *NPRM published Dec. 21, 1981 (46 FR 61908). 49 CFR pts. 172, 173, 175.*	R. Rawl, (202) 426-2311	*FR April 1982.*
Radiation Level Specifications *Docket No. HM-166.*	Proposed rewrite of 49 CFR 173.393 (i) and (j) for clarity and enforceability.	W. Carriker, (202) 426-2311	*NPRM March 1982.*
Private Carriers Licensed to use Radioactive Materials.	Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses. (49 CFR pts. 173 and 177).	W. Carriker, (202) 426-2311	*Further action to be determined.*
Specification Packages of Type B and Fissile Radioactive Materials.	Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs (49 CFR pt. 173).	R. Rawl, (202) 426-2311	*Further action to be determined.*
Quality Assurance for Radioactive Materials Shippers.	Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. (49 CFR Pt. 173).	R. Rawl, (202) 426-2311	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA — Research and Special Programs Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Enforcement Procedures and Related Miscellaneous Proposals (Docket No. HM-138A).	This rule change would make selective changes to 49 CFR Parts 107, 171 and 173 concerning primarily the procedural requirements of the MTB's exemption, approval, preemption and enforcement programs. NPRM published September 24, 1981 (46 FR 47091).	George W. Tenley, Jr., (202) 755-4973	FR June 1982.
*Withdrawal of Certain Delegations of Authority to the Bureau of Explosives (Docket No. HM-163).	Approvals issued for new explosives prior to March 26, 1979. Clarification of the applicability of § 171.19. (49 CFR Part 173).	J. E. Jones, (202) 472-5982	NPRM April 1982.
*Matter Incorporated by Reference (Hazardous Materials). (Docket No. HM-22A).	Documents incorporated by reference would be updated deleted where obsolete, and consolidated in § 171.7, on a one time basis, to be followed by periodic review under Docket No. HM-22. (49 CFR Part 171).	E. Mazzullo, (202) 426-2075	NPRM August 1982.
*Regulation of Paint (Docket No. HM-166).	Regulations applicable to small quantity paint containers may impose a greater burden on paint shippers than is necessary to promote safety. In 1980, reporting requirements for incidents involving carriers of paint were reduced. The next step is to address the more basic question of the best regulatory framework for transportation of this flammable liquid. Savings to the paint industry could exceed $1 million annually. (49 CFR 173.128) NPRM published within 4 months, with FR targeted 2 months thereafter.	A. I. Roberts, (202) 426-0656	FR May 1982.
*Carriage of Tear Gas Devices Aboard Aircraft (Docket No. HM-166J).	Would permit passengers and crew members to carry on aircraft small personal protection devices (containing tear gases or pepper extracts) in their checked baggage only. NPRM published August 10, 1981 (46 FR 40540). (49 CFR 175.10).	E. Mazzullo, (202) 426-2075	FR June 1982.
*Placarding of Empty Tank Cars (Docket No. HM-180).	An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars. ANPRM published July 23, 1981 (46 FR 37953) (49 CFR 172.510).	L. E. Metcalfe, (202) 426-2075	NPRM February 1983.
*DOT Specification 51 Portable Tanks.	Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets. (49 CFR pt. 178).	C. Hochman, (202) 755-4906	ANPRM September 1982.
*Metal Alloy Fittings in Plastic Pipelines (Docket No. OPSO-37).	The requirement for knowing the location of corrosion resistant metal fittings in plastic pipelines would be deleted (49 CFR Part 192). Regulatory amendment contemplated in FR July 11, 1977 (42 FR 3654).	L. Furrow, (202) 426-2392	FR April 1982
*Telephone Number for Reporting Pipeline Leaks.	The telephone number for reporting serious leaks of gas or hazardous liquids from pipelines would be changed. (49 CFR Parts 191 and 195).	R. Simmons, (202) 426-2392	FR April 1982.
*Weld Filler Metal for Hazardous Liquid Pipelines.	The requirement for minimum strength of weld filler metal would be deleted as unnecessary. (49 CFR Pt. 195).	W. Gloe, (202) 426-2082	NPRM April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Routine and Frequent Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726	April *1982*-April *1983*. Most recent FR undergoing Executive Order 12291 review.
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726	April *1982*-April *1983*. Most recent FR undergoing Executive Order 12291 review.
Matter Incorporated by Reference (hazardous materials). (Docket No. HM-22).	NPRM every six months; with FR targeted two months thereafter.	*E. Mazzullo,* (202) 426-2075	April *1982*-April *1983*. Most recent FR undergoing Executive Order 12291 review.
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives (Docket No. HM-163).	Prior responsibilities delegated to the Bureau of Explosives would be withdrawn in series of rulemaking actions. NPRM every three months; with FR targeted two months thereafter. FR published April 16, 1981 (46 FR 22194). Correction published April 27, 1981 (46 FR 23461).	D. Raines, (202) 472-2726	*Action completed.* Most recent FR undergoing Executive Order 12291 review.
Matter Incorporated by Reference (pipelines).	Documents incorporated by reference would be updated to later published editions. NPRM every year, with FR six months later. Most recent FR published February 2, 1981 (46 FR 10157). Originally scheduled to go into effect March 4, 1981. Became effective March 31, 1981.	R. Simmons, (202) 426-*2392*	April *1982*-April *1983*.
*Hazardous Materials; Miscellaneous Amendments (Docket No. HM-56).	This docket is designed to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which establish no new requirements. Final rule issued annually without notice of proposed rulemaking. (49 CFR Parts 106-179).	T. G. Allan, (202) 426-2075.	FR September 1982.

Maritime Administration

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedure.	**A. Description:** This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MarAd) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. **B. Why Significant:** This regulation concerns a matter of substantial controversy. **C. Analysis:** Regulatory impact analysis.....	William B. Ebersold, (202) 382-0374.	FR *May 1982*.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Maritime Administration

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: Regulation is needed to state policy for the exercise of authority by Secretary of Transportation to accept total CDS repayment—the subject of litigation involving the respective interests of operators in the domestic trade and operators of large tankers built with CDS. **E. Legal Basis:** 46 U.S.C. 1114(b), 1117, 1156 and 1204 **F. Chronology:** First NPRM—Nov. 2, 1970 (45 FR 51045); Second NPRM—May 5, 1980 (45 FR 29610); Interim Rulemaking—October 15, 1980 (45 FR 68393); Amendment to Interim Rule—Nov. 24, 1980 (45 FR 7745); *prelim. Regulatory Impact Analysis April 1982.* **G. Citation:** 46 CFR Pt. 276.		

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Construction-Differential Subsidy (CDS)—Requirements for Aid.	**A. Description:** By provision of the Merchant Marine Act, 1936, the Maritime Administration administers the CDS program, providing subsidy for the construction, reconstruction or reconditioning of vessels in U.S. shipyards. **B. Why Significant:** Regulation involves important Department policy on a matter of substantial interest and controversy. **C. Analysis:** Regulatory evaluation **D. Need:** Establish comprehensive formal regulations governing administration of CDS program. **E. Legal Basis:** 46 U.S.C. 1114(b), 1151-1157 **F. Chronology:** Draft NPRM has been prepared **G. Citation:** 46 CFR Pt. 251	James Saari, (202) 426-5888.	NPRM pending review of CDS Program.
Cargo Preference—U.S. Flag Vessels-Determination of Fair and Reasonable Rates.	**A. Description:** Regulation would set forth criteria for determining "fair reasonable rates" (statutory term) required for the carriage of at least the 50 percent of U.S. government procured or impelled cargoes reserved by law for U.S. owned, constructed and documented vessels. **B. Why Significant:** This Regulation concerns a matter on which there is substantial public interest. **C. Analysis:** Regulatory evaluation **D. Need:** To clarify meaning of statutory term **E. Legal Basis:** 46 U.S.C. 1241(b), 1114(b) **F. Chronology:** Regulation was last revised in 1977 **G. Citation:** 46 CFR Pt. 361 and possibly new Pt. 382	Frederick R. Larson, (202) 382-*6036*	*NPRM June 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Merchant Marine Training	**A. Description:** The Maritime Administration is responsible for operating the U.S. Merchant Marine Academy and for providing financial assistance to State Maritime academies and the U.S. Maritime Service, a voluntary Maritime training organization. **B. Why Significant:** Regulations concern matter of substantial public interest. **C. Analysis: Regulatory evaluation** **D. Need:** Maritime Education and Training Act of 1980 (P.L. 96-453) requires changes in regulations to reflect new requirements as conditions for financial aid for merchant marine training, as well as disposition of excess or surplus government property. **E. Legal Basis:** 46 U.S.C. 1114(b), 1295 **F. Chronology:** Subpart A (State Maritime Academies)—NPRM June 9, 1961 (46 FR 30507) FR July 22, 1961 (46 FR 37694). **G. Citation:** 46 CFR Pt. 310	Erick J. Bernhardt, (202) 426-5766.	NPRM—Subpart C (Merchant Marine Academy) *April 1982* ( ) NPRM—Subpart B (U.S. Maritime Service) *May 1982.* New Subparts *May 1982* Subpart D *revoked May 1982.*
Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels.	**A. Description:** Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade. **B. Why Significant:** This regulation reflects a change in policy on a matter of substantial public interest. **C. Analysis:** Regulatory evaluation **D. Need:** Regulation would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade. **E. Legal Basis:** 46 U.S.C. 1114(b), 1171-1176 **F. Chronology:** NPRM September 6, 1979 (44 FR 52002) **G. Citation:** New 46 CFR Pt. 254 or integration with 46 CFR Pt. 252.	Frederick R. Larson, (202) 382-6036	New NPRM *June 1982.*
Requirements for Establishing United States Citizenship.	**A. Description:** Regulation describes how individuals, corporations and other entities can establish U.S. citizenship to qualify for participation in MARAD financial assistance programs. **B. Why Significant:** Proof of U.S. citizenship is required of all applicants for Construction-Differential Subsidy, Operating-Differential Subsidy and Title XI obligation guarantees. **C. Analysis:** Regulatory evaluation **D. Need:** To amend citizenship regulations to insure control by U.S. citizens under current corporate operational methods and to simplify proof of corporate citizenship. **E. Legal Basis:** 46 U.S.C. 1151, 1273, 802, 1114(b) **F. Chronology:** NPRM October 12, 1979 (44 FR 58928)	Doris Lansberry, (202) 426-5711	FR *April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Federal Income Tax Aspects of the Capital Construction Fund.	**G. Citation:** CFR Pt. 355 **A. Description:** Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF)—comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. **B. Why Significant:** Regulation involves a matter of substantial public interest and has major impact on another Federal Agency (Treasury Department). **C. Analysis:** Regulatory evaluation **D. Need:** Implement statutory provision **E. Legal Basis:** 46 U.S.C. 1177, 1114(b) **F. Chronology:** NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887); FR with respect to non-tax areas and second NPRM on technical tax provisions published January 29, 1976 (41 FR 4257, 4280).	Lawrence B. Pripeton, (202) 382-0409	FR awaiting action by Treasury Department.
Rules of Practice and Procedures; Procedure for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	**G. Citation:** 46 CFR pt. 391 **A. Description:** Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 206 that would establish a standard discovery order and standard techniques for forecasting the adequacy/inadequacy of U.S. flag liner service in hearings required under the Merchant Marine, Act, 1936, (Act) on application for ODS. **B. Why Significant:** Regulations involve important Department policy. **C. Analysis:** Regulatory evaluation **D. Need:** Response to petition for issuance of a rule by an operator receiving ODS and complaints filed with Presidential Task Force on Regulatory Relief, alleging unreasonable delays and excessive costs in proceedings under section 605(c) of the Act. **E. Legal Basis:** 46 U.S.C. 1114(b); 1175(c) **F. Chronology:** NPRM June 25, 1979 (44 FR 37003)	Robert J. Patton, Jr. (202) 426-5746.	May 1982.
Uniform System of Financial Reporting.	**G. Citation:** 46 CFR Pts. 201, 206, 251 **A. Description:** Revision of bookkeeping and reporting requirements, now applicable only to operators receiving Operating-Differential Subsidy, to reduce burden and expand their application to contractors receiving financial assistance under all Maritime Administration programs. **B. Why Significant:** Regulation initiates a change in policy **C. Analysis:** Regulatory evaluation **D. Need:** Reduce and simplify bookkeeping and reporting requirements and expand application to participants in all of agency's financial assistance programs. **E. Legal Basis:** 46 U.S.C. 1114(b)	James J. Zok, (202) 426-5852	NPRM *April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: Regulation was issued in 1974		
	G. Citation: 46 CFR Pt. 282, to be revoked and replaced by new 46 CFR Pt. 232.		
Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels.	**A. Description:** New regulation would establish subsidy rates for liner vessels under ODS agreements.	Frederick R. Larson, (202) 382-6036	NPRM *October* 1982.
	B. Why Signifiant: Regulation involves a program concerning which of these is substantial public interest.		
	C. Analysis: Regulatory evaluation		
	D. Need: To formalize in a regulation policy of Maritime Subsidy Board concerning subsidy rates now published in Manual Form.		
	E. Legal Basis: 46 U.S.C. 1171-1176, 1114(b)		
	F. Chronology: New regulation under development		
	G. Citation: New Subpart in 46 CFR Pt. 280 *(See Review List entry).*		

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy. (46 CFR Part 272).	Regulation clarifies and liberalizes MarAd policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy.	John J. Davis, (202) 426-5743.	*NPRM April 1982.*
Documentation, Transfer or Charter of Vessels *(46 CFR Pt. 221).*	Amendments would be made to regulations governing MarAd approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. Since amendments either remove a restriction or involve a foreign affairs function, no NPRM is required under 5 U.S.C. 553.	Jessie Fernanders, (202) 426-5821.	FR *April 1982.*
Construction-Differential Subsidy (CDS) Standard Contracts *(46 CFR Pt. 251).*	This regulation would incorporate standardized language for contracts used in administration of CDS program.	Melvin Eck, (202) 426-5888.	FR pending administration review of CDS Program.
National Shipping Authority (46 U.S.C. Parts 316, 320, 321, 326, 329, 332, 335-339).	Eleven regulations relating to shipping operations that govern the activities of the NSA, within MarAd during times of war and national emergency. These regulations are exempt from the notice provisions of 5 U.S.C. 553 because they involve a military function.	Burton T. Kyle, (202) 426-5739.	FR *May 1982.*
Review: Capital Construction Fund (46 CFR Pt. 390).	Amendments to regulations would clarify existing provisions and remove restrictions on fundholders.	Lawrence Pripeton, (202) 382-0409.	*FR April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Maritime Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Implementation Procedures for the National Defense Program (46 CFR Pt. 251).	Amendment to CDS regulations would implement Pub. Law 96-387. It would authorize, when funds become available, paying ship operators for the cost of purchasing and installing communication equipment on existing U.S.-flag vessels that are suitable for Government use in time of war or national emergency. This item was inadvertently omitted from the DOT Supplemental Agenda and Review List on Nov. 19, 1981. See NPRM of Sept. 10, 1981 (46 FR 45164).	James C. McCoy, Jr., (202) 426-5727	Further action delayed indefinitely.
*Policy for changes under CDS Program (46 CFR 251.1 Appendix).	Amendments would state policy of paying subsidy for only "essential" changes, as defined, reflecting very limited CDS funding. This item was not under development at the time MarAd published its entries for the DOT Supplemental Agenda and Review List on November 19, 1981. (46 FR 56988).	Robert J. Patton, Jr., (202) 426-5746	FR April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

OST — Office of the Secretary

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
● **Title VI Regulation (49 CFR Part 21).*	This regulation prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving DOT financial assistance, provides examples of prohibited practices, and establishes enforcement procedures. Because the regulation affects all DOT financial assistance programs, creates administratives burdens for DOT and its recipients, and is an old regulation that has not been extensively revised since the early 1970s, it is an appropriate subject for a priority regulatory review, which will be led by the Departmental Office of Civil Rights with the participation of other affected DOT offices. The purpose of the review will be to make recommendations for how to carry out Title VI of the Civil Rights Act of 1964 and prevent discrimination in DOT-assisted programs more efficiently and with fewer administrative burdens.	Dorsey Thomas, (202) 426-4670	August 1982.

USCG — U.S. Coast Guard

Regulations selected for review	Reasons for selection	Contact	Target date
● Puget Sound Vessel Traffic Service Rule (33 CFR Part 161, Subpart B; App. A).	This interim rule prohibits oil tankers weighing more than 125,000 dead weight tons (DWT) from entering Puget Sound. This interim rule took effect in 1978. The purpose of the regulation was to protect against environmental harm from oil or polluting material spills that result from vessel damage, destruction and loss. This interim rule has been extremely controversial. It is favored by environmentalists and opposed by oil industry and shipping groups. Presently, tests are being conducted by the Coast Guard, in the area, to determine the risks of tanker spillage.	Mr. D. Ziegfield, (202) 426-5116	*September 1981. Review Complete.*
● Marine Sanitation Devices on Vessels (33 CFR Part 159).	These regulations govern the design and construction of marine sanitation devices in accordance with the regulations and performance standards promulgated by the Environmental Protection Agency (EPA) under section 312 of the Federal Water Pollution Control Act. They also contain the procedures by which Coast Guard enforces its own and EPA standards pertaining to these devices. The purpose of the regulations is to eliminate the discharge of untreated sewage from vessels into the waters of the United States. This is one of the Coast Guard's most controversial regulations. The Coast Guard estimates the annual cost of the rule to be $100,000,000. The Coast Guard estimates the cost of retrofitting boats with these devices to be $1,000,000,000. The regulation is appropriate for review because of its cost and because of its unpopularity with boat owners. Any revision of the regulation, however, will require coordination with the EPA. *Notice of Program Review published December 24, 1981 (46 FR 62479).*	ENS. Arner, (202) 755-7917	*May 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

USCG — U.S. Coast Guard

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
● Pollution Prevention Regulations (33 CFR Part 157).	These regulations were promulgated pursuant to 46 U.S.C. 391a(7), (Port and Tanker Safety Act) (PTSA). The regulations require segregated ballast tanks, clean ballast tanks, and crude oil washing systems in various combinations for oil tankers. The purpose of the regulations is to prevent pollution. The PTSA also requires a regulation to be promulgated by January 1, 1986, that would require retrofitting of United States flag vessels of between 20,000–40,000 tons that are 15 years old or older with these pollution prevention systems. The Coast Guard initially calculates the cost will be $5–$6 billion over a period of 20–30 years. These regulations should be reviewed because of their cost. Also there has been, in the past, some opposition from tank vessel owners. However, the PTSA is fairly specific in requiring certain pollution prevention systems and legislation may be needed.	Mr. J. Angelo, (202) 426–4432	*March 1982.*
● Vessel Reporting Requirements (33 CFR Part 161).	These regulations were also developed and promulgated pursuant to the PTSA. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past, have opposed these regulations. This regulation should be reviewed because of its controversy and impact on the barge and towing industry.	LTJG Powers, (202) *755–1354*	*June 1982.*
● Navigation Safety Regulations (33 CFR Part 164).	These regulations were promulgated pursuant to the PTSA (46 U.S.C. 391a). The implementing regulations require that commercial tank vessels carry dual radar systems, redundant (back-up) steering systems and certain other navigating equipment. A review is warranted because of controversiality with vessel owners and costs of installation.	Mr. Tom Falvey, (202) *426–4958*	*April 1982.*
†Regulatory Flexibility Act Reviews.	In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* of June 29, 1981 (46 FR 33404) the Coast Guard has deferred selecting any specific regulations for RFA review at this time. Instead, the Coast Guard is dividing its regulatory material into manageable units and determining which will require review under the RFA. Once the extent of the required RFA review is known, the Coast Guard will publish a specific review schedule.	Mr. Bruce Novak, (202) 426–1477	October 1, 1982
● *Stability Subchapter (Docket No. CGD 79–033).	Presently Coast Guard vessel stability regulations are located in numerous parts of Title 46 of the Code of Federal Regulations. This makes them confusing and difficult to apply. This review is aimed at consolidating existing stability regulations into a single subchapter. Consolidation should result in more efficient administration and easier access to the regulations by users.	LCDR Feeney, (202) 426–6127	April 1982.
● *Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket No. CGD 81–059).	The present regulations applicable to the licensing of officers and motor boat operators and the registration of staff officers do not have a logical or structured arrangement. They also do not clearly indicate what is required before an officer is permitted to expand the scope of his license in terms of vessel type, size and area of operation. The goal of this review is a comprehensive restructuring of the regulations so that overlaps and inconsistencies can be eliminated. Specific objectives of the review are to reduce the number of specialized deck licenses issued by the Coast Guard, simplify the administration of the regulations, improve the clarity of the regulations to aid public understanding and define, in clear terms, paths of career progression which will simplify the use of the regulations by those subject to their requirements.	LCDR George Naccara, (202) 426–6259	September 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FAA Federal Aviation Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
●Rotorcraft Certification and Operating Rules (14 CFR Parts 27, 29, 91, and 127).	This will include a review of new flight control and associated system airworthiness for rotorcraft. Previous notices covered the applicability of rotorcraft certification, instrument flight rules (IFR) certification, and the certification of anti-icing and deicing equipment. This review is based on a number of proposals discussed at the Rotorcraft Regulatory Review held December 10–14, 1979, in New Orleans, La.; and the Rotorcraft regulatory Review Meeting held August 18–20, 1980, in Washington, DC.	William J. Sullivan, (202) 755–8716	*March 1982.*
†●General Operating and Flight Rules (14 CFR Part 91).	Part 91 is needed in order to prescribe the minimum safety standards for all classes of operators who operate within the aviation system. The legal basis for Part 91 is sections 313(a) and 601–610 of the Federal Aviation Act of 1958 (49 U.S.C. 1364(a) and 1421–1430) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). This review is examining the need to reorganize and realign the air traffic and general operating rules to make them more understandable and easier to use. The present regulations reflect the many changes that have occurred in aviation since the first set of aviation regulations were promulgated almost 50 years ago. This review would reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Phase I would recodify the regulation into 10 subparts to make it easier to use. This effort has basically been completed. In Phase II substantive changes would be made to each subpart to clarify the existing rules, simplify the language, delete obsolete rules, and consider proposals not included in other review programs. Additionally, Part 91 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public. The review plan will focus on Phase II and, to a large extent, will be dependent upon the results of the Phase I effort.	William J. Sullivan, (202) 755–8716	*December 1982.*
●Air Carrier Certification, Operating and Maintenance Rules (14 CFR Parts 121 and 135). Elements of the review: ●Aircraft Requirements ●Manual Requirements ●Performance Limitations ●Airworthiness Requirements ●Instrument and Equipment Requirements ●Maintenance Requirements ●Airmen and Crewmember Requirements ●Training Programs ●Crewmember Qualifications ●Airplane Performance Operations Limitation ●Flight Time Limitations ●Flight Operations ●Dispatching and Flight Release Rules, Records, and Reports	To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commercial Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistences within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety.	William J. Sullivan, (202) 755–8716	*August 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FAA — Federal Aviation Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
●*Airmen Medical Standards (14 CFR Part 67).	These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.	William Hark, (202) 426-3082	August 1982.

FHWA — Federal Highway Administration

Regulations selected for review	Reasons for selection	Contact	Target date
	General Management and Administration		
State Internal Audit Responsibility (23 CFR pt. 12).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of Agenda.*	Harvey Wood, (202) 426-0563	*Review complete.*
Statement of Policy as to Administrative Action to be Taken in Instances of Irregularities (23 CFR pt. 16).	The debarment policies of the FHWA are being reviewed to determine if revisions to their coverage and the specific administrative procedures employed are appropriate.	Hugh T. O'Reilly, (202) 426-0780	April 1982.
	Payment Procedures		
Bond Issue Projects (23 CFR pt. 140).	FHWA policy on minimization of redtape	*Harvey Wood,* (202) 426-0562	April 1982.
	Civil Rights		
● Civil Rights Requirements (23 CFR Parts 200, 230).	These regulations carry out program and employment nondiscrimination requirements under Title VI of the Civil Rights Act of 1964, Executive Order 11246, and other authorities. These regulations have requirements that may overlap or duplicate other civil rights rules, and also contain a number of recordkeeping and reporting requirements that need scrutiny. An effort to consolidate some of the employment requirements of these rules with similar UMTA and FRA requirements has been underway for several months. Review of the portion of Part 230 dealing with contract compliance should be coordinated with the review of programs of the Office of Federal Contract Compliance (OFCCP) in the Department of Labor, since FHWA's requirements implement OFCCP requirements.	Edward W. Morris, Jr., (202) 426-0471	*April 1982.*
	Planning		
Appalachian Highway Procedures (23 CFR pt. 633, subpart B).	FHWA policy on minimization of redtape; recent legislative change; recent policy decisions by the Appalachian Regional Commission.	R. B. Puckett, (202) 426-0175	*April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA — Federal Highway Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
*● Urban Transportation Planning (23 CFR Part 450; 49 CFR Part 613).	These regulations govern the urban transportation planning process under the grant programs administered by FHWA and UMTA. The planning process is mandated by law and provides for a continuing, comprehensive and cooperative process in all urban areas of more than fifty thousand population. This review of the regulations is being conducted as part of a comprehensive review of the entire issue of urban transportation planning. A notice and request for comments on this comprehensive review was published by FHWA and UMTA on December 17, 1981 (46 FR 61531).	FHWA: Sam Rea, (202) 426-2961 UMTA: Bob Kirkland, (202) 426-4991	April 1982.
	Engineering and Traffic Operations		
Required Contract Provisions—Federal-Aid Contracts (23 CFR pt. 633).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426-4847	*June 1982.*
Highway Construction Work to be Performed by Methods Other than Contract Awarded by Competitive Bidding (23 CFR pt. 635).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426-4847	*June 1982.*
Authorization to Proceed to Physical Construction (23 CFR pt. 635).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426-4847	*June 1982.*
Advance Construction of Federal-Aid Projects (23 CFR pt. 630).	FHWA policy on minimization of redtape	K. C. Kippley, (202) 426-0673	*July 1982.*
Motorist Aid Systems (23 CFR pt. 655).	FHWA policy on minimization of redtape	Robert Harp, (202) 426-0411	*1982.*
Traffic Surveillance and Control (23 CFR pt. 655).	FHWA policy on minimization of redtape	Robert Harp, (202) 426-0411	*April 1982.*
Project Agreements (23 CFR pt. 630, subpart C).	FHWA policy on minimization of redtape	L. Pettigrew, (202) 426-0334	*December 1982.*
Water Supply and Sewage Treatment at Safety Rest Areas (23 CFR pt. 650, subpart E).	FHWA policy on minimization of redtape	Stanley R. Davis, (202) 472-7690	April 1982.
Maximum Weight of Trucks on Interstate System Highway; Variable Load Suspension Axles; Dummy Axles; Interpretation and Application of the Bridge Formula (23 CFR pt. 657).	This regulation would provide guidance on the use of Variable Load Suspension Axles and Dummy Axles in the Bridge Formula, which is used to determine the maximum weight of motor vehicles permitted to use the Interstate System highway in accordance with 23 U.S.C. 127.	David Oliver, (202) 426-0825	April 1982.
● Design Standards for Highways (23 CFR pts. 625).	This rule, by incorporating by reference a number of other FHWA rules and industry consensus standards, prescribes the technical requirements for highway construction. Some states have complained that these standards are too rigid, and would prefer to set their own design standards. FHWA has proposed to take an approach of this kind for standards for the rehabilitation, restoration and resurfacing of highways other than freeways. The review is needed to establish whether a more flexible approach of this kind is appropriate for new construction as well. *One of the recommendations of this review is being implemented in the RRR final rule as noted in the Significant Regulations: Other portion of the agenda. Further implementation actions are in process. It should also be noted that the Presidential Task Force on Regulatory Relief has identified this rule for regulatory review.*	Alvin R. Cowan, (202) 426-0312	*Review complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA — Federal Highway Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
● Buy America (23 CFR 635, 410).	This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in FHWA funded projects. The regulation has been the subject of considerable criticism and controversy. The controversy centers on the extent that the domestic steel industry deserves the protection afforded it under the statute, whether sufficient domestic supplies exist and the increased costs resulting from using more expensive domestic products.	Ken Ziems, (202) 426-4847	*April 1982.*
	Right-of-Way and Environment		
Landscape and Roadside Development (23 CFR pt. 752).	Consolidation and simplification of policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, scenic strips in connection with Federal-aid highway projects, joint use and joint development, and access for the handicapped at Interstate rest area facilities. Response to comments on interim final regulations published May 5, 1978 (43 FR 19390).	Ken Rickerson, (202) 426-0314	*April 1982.*
General Policy and Definitions (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	*August 1982.*
State Highway Department Responsibilities (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	*August 1982.*
Reimbursement Provisions (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	August 1982.
Civil Rights (23 CFR pt. 710)	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	August 1982.
The Real Property Acquisition Function-Policy (23 CFR pt. 712).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Richard Moeller, (202) 426-0142	*Review complete.*
The Acquisition Function-General Provisions and Project Procedures (23 CFR pt. 712).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Richard Moeller, (202) 426-0142	*Review complete* 1982.
The Acquisition Function-General Provisions and Project Procedures-Functional Replacement of Real Property in Public Ownership (23 CFR pt. 712*F*).	FHWA policy on minimization of redtape	Richard Moeller, (202) 426-0142	1982.
The Acquisition Function-Negotiations (23 CFR pt. 712).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of Agenda.*	Richard Moeller, (202) 426-0142	*Review complete* 1982.
The Acquisition Function-Administrative Settlements, Legal Settlements, and Court Awards (23 CFR pt. 712).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of Agenda.*	Richard Moeller, (202) 426-0142	*Review complete* 1982.
Appraisal and Appraisal Review Policy (23 CFR pt. 720).	FHWA policy on minimization of redtape	Gerald Kennedy, (202) 426-0142	*August* 1982.
Property Management (23 CFR pt. 713).	FHWA policy on minimization of redtape. *No further action anticipated within next 12 months.*	Richard Moeller, (202) 426-0142	*Withdrawn.*
Disposal of Right-of-Way (23 CFR pt. 713).	FHWA policy on minimization of redtape. *No further action anticipated within next 12 months.*	Richard Moeller, (202) 426-0142	*Withdrawn.*
Junkyard Control and Abatement (23 CFR pt. 751).	FHWA policy on minimization of redtape	Myron Laible, (202) 246-0021	*December* 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA

Federal Highway Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
Relocation Assistance—General (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of Agenda.*	Robert Moore, (202) 426-0116	*Review complete.*
Relocation Assistance—Relocation Services (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Gerald Starkweather, (202) 426-0117	*Review complete.*
Relocation Assistance—Moving Payments (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Gerald Starkweather, (202) 426-0117	*Review complete.*
Relocation Assistance—Replacement Housing Payments (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Gerald Starkweather, (202) 426-0117	*Review complete.*
Relocation Assistance—Mobile Homes (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Robert Moore, (202) 426-0116	*Review complete.*
Relocation Assistance—Replacement Housing As Last Resort (23 CFR pt. 740).	FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Robert Moore, (202) 426-0116	*Review complete.*
Land Service Facilities (23 CFR pt. 712).	FHWA policy on minimization of redtape	Richard Moeller, (202) 426-0142	*September* 1982.
Right-of-Way Revolving Fund (23 CFR pt. 712).	FHWA policy on minimization of redtape. *See nonsignificant portion of agenda for action resulting from review to date. No further action anticipated on remainder of regulation within the next 12 months.*	Richard Moeller, (202) 426-0142	*Review partially complete and partially withdrawn.*
Management of Airspace (23 CFR pt. 713).	FHWA policy on minimization of redtape. *No further action anticipated within next 12 months.*	Richard Moeller, (202) 426-0142	*Withdrawn.*
Mitigation of Environmental Impacts to Privately Owned Wetlands (23 CFR pt. 777).	Response to comments received on interim final rule published July 31, 1980 (45 FR 50728).	Charles DesJardins, (202) 426-9173	*October* 1982.
On-Premise Signs (23 CFR pt. 750).	FHWA policy on minimization of redtape	Myron Laible, (202) 245-0021	*December* 1982.
● Guidelines for the Development of Environmental Action Plans (23 CFR pt. 795).	This regulation requires FHWA recipients to write "action plans" describing how they will take environmental impacts into account and meet the other administrative requirements in the environmental area. Given newer and more specific rules concerning meeting environmental requirements and the relationship of environmental matters to transportation planning, it is questionable whether the action plan requirement is needed in its present form. The review is needed to determine whether the administrative burden imposed on grant recipients by this regulation can be eliminated as superfluous. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	Robert Bee, (202) 426-1033	*Review complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA — Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
● Air Quality Guidelines/Environmental Impact Procedures (23 CFR pts. 770, 771).	These rules set forth procedures that implement, respectively, a DOT-EPA interagency agreement pursuant to the Clean Air Act amendments of 1977 and the 1978 Council on Environmental Quality (CEQ) regulations. In each case, DOT had little discretion to move beyond the agreement or the CEQ rules, and DOT could do little on its own to change the rules. The relevant part of the 1977 Clean Air Act amendments and the CEQ rules themselves are controversial and implementation of the DOT rules in Air Act amendments or CEQ regulations are warranted. Any changes will have to be made jointly with EPA, CEQ, and other interested agencies. Future revisions to this rule will be considered based upon the results of the priority review of air quality requirements and a review of comments submitted to the docket.	FHWA: Leon N. Larson (Environmental Impact Procedures) (202) 426-0351 *Jerry Reagan,* (Air Quality) (202) 426-4836 UMTA: Abbe Marner (Environmental Impact Procedures) (202) 472-7100 Jocelyn Karp (Air Quality), (202) 426-4011, or James Getzewich (Air Quality), (202) 426-4991	*Review complete.*
*● Relocation Assistance (23 CFR Part 740).	These regulations prescribe procedures for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted highway programs, and include provisions for relocation services, moving payments, replacement housing payments, mobile homes and last resort housing. The current procedures have been in effect for 5 years or more and are being reviewed to determine whether burdens imposed on grant recipients can be reduced. A notice of proposed rulemaking will be issued in Spring 1982 as part of the review effort.	Flynn M. Wells, (202) 426-0116	January 1983.
	Public Transportation		
Non-Urbanized Area Public Transportation (23 CFR pt. 825).	Update and simplify current procedures; respond to comments received on regulations published on December 13, 1978 (43 FR 58308).	FHWA Sheldon G. Strickland, (202) 426-0153 UMTA *Robert Stout,* (202) 472-7037	*November 1982.*
	Federal Motor Carrier Safety Regulations		
Disqualification of Drivers (traffic records) (49 CFR pt. 391, subpart B).	Consideration is being given to a proposal that would require the disqualification of Interstate truck and bus drivers based on the driver's traffic or accident record.	*Neill Thomas,* (202) 426-9767	*June 1982.*
The General Part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR pt. 390).	FHWA policy on minimization of redtape; to improve and simplify the regulations.	*Neill Thomas,* (202) 426-9767	April 1982.
The Need for First-Aid Kits on Buses (49 CFR pt. 393).	FHWA policy on minimization of redtape; determine the need to continue requiring first-aid kits on Interstate buses. *See nonsignificant portion of agenda, for action resulting from this review.*	*Neill Thomas,* (202) 426-9767	*Review complete.*
Rear End Underride Protection (49 CFR pt. 393).	Improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981.	*Neill Thomas,* (202) 426-9767	*June 1982.*
Selection of Motor Carriers for Survey (49 CFR pt. 385).	Publish criteria for selection of carriers for safety and hazardous materials surveys in response to a rulemaking petition.	James Jeglum, (202) 426-1724	*June 1982.*
Transportation of Migrant Workers (49 CFR pt. 398).	Improve procedures for ensuring safe transportation of migrant workers in interstate commerce.	*Neill Thomas,* (202) 426-9767	*May 1982.*
Retail Fertilizer Distribution Exemption (49 CFR pt. 390).	Exempt certain fertilizer distribution operations from the Federal Motor Carrier Safety Regulations in response to a rulemaking petition. *See nonsignificant portion of agenda, for action resulting from this review.*	*Neill Thomas,* (202) 426-9767	*Review complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA

Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
†● Hours of Service (49 CFR pt. 395).	This regulation, little changed from its original version published 40 years ago by the ICC, limits the number of hours interstate truck drivers can drive and be on duty in a given day or week. Its rationale is that long hours mean tired drivers, and that tired drivers are more likely to be in accidents. The principal monitoring and enforcement device for this rule is the "driver's log," in which drivers record their activities. FHWA has been gathering data on the relationship between driver fatigue and accidents, and on the economic impact of changing the rule, pursuant to a 7½-year-old rulemaking petition from a drivers' group to further restrict hours of service. Litigation involving this regulation is also pending. A review is needed to focus on the safety justification for the present limitation, economic effects of relaxing present requirements, and, most importantly, finding a less burdensome, more cost-effective enforcement mechanism than the driver's log. This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibility Act. *Results of this review to date have been reflected in the hours of service docket closing notice published on September 3, 1981 (46 FR 44198). NPRM proposed for publication in 1982 regarding alternatives to the driver's log. Review for further possible action continues.* The legal basis for this regulation is 49 U.S.C. 304 and 1655.	*Neill Thomas,* (202) 426-9767	*April 1982.*
● Commercial Vehicle Inspection, Repair, and Maintenance (49 CFR pt. 396).	This regulation requires regular inspections of commercial vehicles for mechanical and other defects and calls for the preparation of various reports. The rule's rationale is to require operators to give sufficient attention to maintenance of their vehicles, since sloppy maintenance can cause accidents. The rule was controversial when it was promulgated in 1979. One focus of a review would be on ways of reducing recordkeeping and reporting requirements. This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibility Act. The legal basis for this regulation is 49 U.S.C. 304 and 1655. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda.*	*Neill Thomas,* (202) 426-9767	*Review complete.*
†● Notification, Reporting, and Recording of Accidents (49 CFR pt. 394).	This regulation establishes duties of motor carriers to make reports and keep records of accidents which occur during their operations. This regulation is needed to implement section 204(a) of the Interstate Commerce Act as amended (49 U.S.C. 304), relating to motor carrier safety concerned with accident reduction. (49 U.S.C. 304, 320, 1655). *This review is needed to determine whether burdens imposed on carriers can be reduced. It will also analyze the impacts on small entities in accordance with the Regulatory Flexibility Act.*	*Neill Thomas,* (202) 426-9767	*October 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

NHTSA — National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
Side Door Strength (49 CFR 571.214).	Public Interest	Frank Ephraim, (202) 426–1574	Evaluation Report published 8/30/79. Revised Report, 1982. (44 FR 50878).
Exterior Protection (49 CFR 571.215 and 49 CFR pt. 581)..	Cost and Public Interest *See entry Significant Major, entitled Bumper Standard Evaluation Report published April 1981..*	Frank Ephraim, (202) 426–1574	*Review Complete.*
Fuel System Integrity (49 CFR 571.301).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426–1574	*1982.*
School Bus Seating System (49 CFR 571.222).	Public Interest	Frank Ephraim, (202) 426–1574	*1982.*
Hydraulic Brakes (49 CFR 571.105).	Cost and Safety Benefits	Frank Ephraim, (202) 426–1574	*1982.*
Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	Cost, Safety Benefits	Frank Ephraim, (202) 426–1574	*1982.*
Head Restraints (49 CFR 571.202).	Costs	Frank Ephraim, (202) 426–1574	*Evaluation report published February 1982.*
Seating Systems (49 CFR 571.207).	Costs	Frank Ephraim, (202) 426–1574	*1983.*
Child Seating Systems (49 CFR 571.213).	Public Interest	Frank Ephraim, (202) 426–1574	*1983.*
Occupant Protection (49 CFR 571.208).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426–1574	*To be determined.*
Impact Protection for the Driver from the Steering Control System (49 CFR 571.203) and Steering Control Rearward Displacement (49 CFR 571.204).	Safety Benefits *Evaluation Report published January 26, 1981 (46 FR 8066).*	Frank Ephraim, (202) 426–1574	Evaluation Report published January 26, 1981 (46 FR 8066).
Windshield Glazing Materials (49 CFR 571.205).	Costs, Safety Benefits	Frank Ephraim, (202) 426–1574	*1982.*
Windshield Mounting (49 CFR 571.212).	Costs, Safety Benefits	Frank Ephraim, (202) 426–1574	*1982.*
● Head Restraints (49 CFR 571.202).	This regulation, which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). *Evaluation report published February 1982. Request for comments published February 18, 1982 (47 FR 7291).*	Frank Ephraim, (202) 426–1574	*Evaluation report published February 1982. Comments requested subsequent action to be determined.*
● Side Impact Protection (49 CFR 571.214).	This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979.	Frank Ephraim, (202) 426–1574	*1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

NHTSA

National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
†Bumper Standard (49 CFR 581) ...	This regulation establishes requirements for the impact resistance of vehicles in low speed front and rear collisions. The purpose of the regulation is to reduce physical damage to the front and rear ends of passenger motor vehicles from low speed collisions. This standard was established under the Motor Vehicle Information and Cost Savings Act of 1972. *This standard is currently undergoing rulemaking. See entry under Significant Regulations: Major entitled "Bumper Standard." A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required.*	Ellen Kranidas, (202) 426-1600	*Reviewed complete. RFA not required.*
†Fields of Direct View (49 CFR 571.128).	This standard has been revoked and therefore no RFA is required. See entry under Nonsignificant Regulations entitled "Fields of Direct View".	Ellen Kranidas, (202) 426-1600	Review withdrawn. Standard revoked June 1981. Revocation of standard undergoing reconsideration.
†Tire Identification and Record Keeping (49 CFR 574).	Sets forth the method by which manufacturers, brand name owners, and retreaders identify motor vehicle tires and maintain and report records of tire purchases. Its purpose is to facilitate notification to purchasers of defective or nonconforming tires, pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required.*	Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*
†Speedometers and Odometers (49 CFR 571.127).	*This standard has been rescinded and therefore no RFA is required.* See entry under Nonsignificant Regulations entitled "Speedometers and Odometers.".	Ellen Kranidas, (202) 426-1600	*Review withdrawn. Standard rescinded.*
†Theft Protection (49 CFR 571.114).	Specifies requirements for passenger car theft protection to reduce the incidence of accidents resulting from unauthorized use, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required.*	Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*
†Tire Selection and Rims (49 CFR 571.110).	Specified requirements for passenger car tire selection to prevent tire overloading pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required.*	Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*
†Uniform Tire Quality Grading System (49 CFR 575.104).	Requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. Its purpose is to aid the consumer in making an informed choice in the purchase of passenger car tires, pursuant to section 203 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	*April 1982.*
†Side Door Strength (49 CFR 571.214).	Specifies strength requirements for side doors of a passenger car to minimize the safety hazard caused by intrusion into the passenger compartment in a side impact accident, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required.*	Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

NHTSA — National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
†Child Restraint Systems (49 CFR 571.213).	Specifies requirements for child restraint systems used in motor vehicles. Its purpose is to reduce the number of children killed or injured in motor vehicle crashes, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426–1600	March 1982.
● †Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	*This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. [Sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.].*	Ellen Kranidas, (202) 426–1600	March 1982.
● †Fuel System Integrity (49 CFR 571.301).	*This standard, which is applicable to passenger cars, school buses, and light trucks, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. The standard is being reviewed to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. [Sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.].*	Ellen Kranidas, (202) 426–1600	March 1982.
†School Bus Passenger Seating and Crash Protection (49 CFR 571.222).	Establishes occupant protection requirements for school bus passenger seating and restraining barriers. Its purpose is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426–1600	June 1982.
● †Hydraulic Brake Systems (49 CFR 571.105).	*This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed.) The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controversial nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. [Sections 103 and 119 of the National Traffic Motor Vehicle Safety Act.].*	Ellen Kranidas, (202) 426–1600	June 1982.
†Head Restraints (49 CFR 571.202).	Specifies requirements for passenger car head restraints to reduce the frequency and severity of neck injuries in rear-end and other collisions pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426–1600	June 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

NHTSA — National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
† *Glazing Materials (49 CFR 571.205).	Specifies requirements for glazing materials for use in motor vehicles and motor vehicle equipment. Its purpose is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through vehicle windows in collisions. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426–1600	September 1982.
† *Windshield Mounting (49 CFR 571.212).	Establishes windshield retention requirements for motor vehicles during crashes. Its purpose is to reduce crash injuries and fatalities by providing for retention of the vehicle windshield during a crash, thereby fully utilizing the penetration-resistance and injury-avoidance properties of the windshield glazing material and preventing the ejection of occupants from the vehicle. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen A. Kranidas, (202) 426–1600	September 1982.
† *Seating Systems (49 CFR 571.207).	Establishes requirements for seats, their attachment assemblies, and their installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen A. Kranidas, (202) 426–1600	September 1982.
† *Passenger Automobile Fuel Economy Standards (49 CFR Part 531).	Establishes average fuel economy standards pursuant to sections 502 (a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles. Its purpose is to increase the fuel economy of passenger automobiles by establishing minimum levels of average fuel economy for those vehicles.	Ellen A. Kranidas, (202) 426–1600	December 1982.
† *Light Truck Fuel Economy Standards (49 CFR Part 533).	Establish average fuel economy standards pursuant to section 502(b) of the Motor Vehicle Information and Cost Savings Act, as amended, for light trucks. Its purpose is to increase the fuel economy of light trucks by establishing minimum levels of average fuel economy for those vehicles.	Ellen A. Kranidas, (202) 426–1600	December 1982.
† *Controls and Displays (49 CFR 571.101–80).	Specifies requirements for the location, identification, and illumination of motor vehicle controls and displays. Its purpose is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen A. Kranidas, (202) 426–1600	December 1982.

FRA — Federal Railroad Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Reducing Reporting and Recordkeeping Burdens (49 CFR Parts 228, 258, 260, and 268.	FRA has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated.		*June 1982.*
	Part 228—Hours of Service for Railroad Employees.....	Part 228—Lawrence I. Wagner, (202) 426–8836	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FRA — Federal Railroad Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
	Part 258—Regulations Governing Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.	Parts 258, 260, and 268—Jo-Ellen Mazurek, (202) 426-7737	*Withdrawn.*
	Part 260—Regulations Governing Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.		
	Part 268—Merger and Consolidation Procedures.....		
● Power Brake Rules (49 CFR Part 232).	The present rules prescribe a series of operational air brake inspections and tests as well as a series of single car inspection, testing and repair requirements that are performed in shops and on repair tracks. Except for the addition of section 232.19 in 1972 to accommodate run-through trains operated by more than one railroad, the Power Brake Rules have not been changed since they were issued in 1958. Because of subsequent changes in railroad operations and technological advances, a major restructuring of these rules to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency is needed. FRA roughly estimates the current requirements could cost the railroad industry more than $100 million each year. *See power brake entry in the "Significant Regulations: Major" portion of the FRA Agenda For action resulting from this review.*	Michael E. Chase, (202) 426-8836	*Review complete.*
● Regulations on Hours of Service of Railroad Employees (49 CFR Part 228).	The Hours of Service Act prescribes the maximum hours that certain railroad employees, such as train crew members, train dispatchers, tower operators and signal maintainers, may remain on duty within any 24-hour period. The Act sets out employee working conditions and defines "time on duty" and "designated terminals." 49 CFR Part 228 contains regulations necessary to implement the Act.	Gregory B. McBride, (202) 426-8285	*Review complete.*
● Movement of Defective Cars.....	The Safety Appliance Act (49 U.S.C. 13) imposes unduly severe statutory restrictions on the movement of individual cars with defective safety appliances (e.g., handholds, ladders, sill steps, uncoupling levers) and defective brakes. For example, cars with these defects may only be moved for purposes of repair to the nearest repair point on the same railroad that discovered the defect. Many of these statutory requirements are counterproductive from the standpoint of safety and increase accident possibilities. They also result in considerable delays for shippers and expense to the railroad industry. Elimination of these statutory requirements would enable cars with these defects to be handled in the same manner as cars with other defects now covered in 49 CFR Part 215. Amendments to these statutory requirements may necessitate regulatory revisions. FRA roughly estimates that these statutory requirements could cost the railroads more than $25 million each year. *FRA is considering seeking legislative changes to the Safety Appliance Act.*	Gregory B. McBride, (202) 426-8285	*Review complete.*
†Regulatory Flexibility Act Reviews.	In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the *Federal Register* on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.	Lawrence I. Wagner, (202) 426-8836	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

UMTA — Urban Mass Transportation Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
Claims Under the Federal Claims Collection Act (49 CFR pt. 603).	UMTA policy to streamline the grant process and reduce red tape.	Colleen Weule, (202) 426-1936	June 1982.
†School Bus Operations (49 CFR pt. 605).	UMTA is reviewing this regulation as part of its overall effort to examine and evaluate the role of private enterprise in the UMTA program. The regulation is needed to provide guidelines under which recipients of UMTA funds can conduct school bus operations. This requirement is to implement Section 3(g) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601).	Ernesto Fuentes, (202) 426-*1936*	June 1982.
Transportation for Elderly and Handicapped (49 CFR pt. 609).	UMTA is reviewing this regulation in conjunction with the Department's review of *DOT's 504* regulation on Nondiscrimination on the Basis of Handicap (49 CFR pt. 27). DOT issued an interim final rule on this topic on July 20, 1981 (46 FR 37488). The comment period closed on September 18, 1981. *DOT is preparing an NPRM which will propose amendments to the entire 504 regulation. The material concerning that rulemaking is summarized elsewhere in this Agenda by the Office of the Secretary.*	Mary Anderson, (202) 426-*4060*	*September 1982.*
*Air Quality Guidelines/Environmental Impact Procedures (49 CFR parts 622, 623) (Replacing entry Formerly entitles Environmental and Related Procedures).	UMTA policy to streamline the grant process and reduce red tape. These are joint UMTA/FHWA regulations and are being reviewed jointly. A more detailed description of the review process is summarized elsewhere in this agenda by the FHWA.	UMTA: Jocelyn Karp; (202) 426-4011 or Jim Getzewich, (202) 426-2360 (Air Quality Guidelines); Abbe Marner, (202) 472-7100 (Environmental Impact Procedures) FHWA: Jerry Reagon, (202) 426-4836 (Air Quality Guidelines); Leon Larson, (202) 426-0351 (Environmental Impact Procedures)	September 1982.
Uniform System of Accounts and records and Reporting System (49 CFR pt. 630).	UMTA policy to reduce red tape, and to improve the effectiveness and increase the timeliness of information gathering and dissemination.	*Diane Pisano,* (202) 426-9157	*August 1982.*
Public Transportation to Non-Urbanized Areas.	Update and simplify current procedures; respond to comments received on the regulations published on December 13, 1978 (43 FR 58308).	UMTA: *Robert Stout* (202) 472-7037 FHWA: Sheldom G. Strickland, (202) 426-*0153*	*November 1982.*
†● *Charter Bus Regulations (49 CFR Part 604).*	These regulations provide more detailed information regarding the restrictions placed on charter bus operators under Section 3(f) of the Urban Mass Transportation Act (49 U.S.C. 1602). These regulations have been the subject of some controversy. In the past, UMTA received a considerable number of comments from the public on an advance notice of proposed rulemaking concerning these regulations. Because of the controversy and the impact of these regulations upon small business, their review is needed.	Ernesto Fuentes (202) 426-1936	August 1982.
Public Hearing Requirements for Section 5(i)(3) of the UMT Act of 1964, as amended.	Continuing controversy	*Al Lim,* (202) 472-6997	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

UMTA — Urban Mass Transportation Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
†● Buy America Regulations (40 CFR Part 660).	This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in UMTA funded projects. The regulation has been subject to considerable controversy centering on the extent that domestic industry should be protected and the increased costs resulting from using more expensive domestic products. Legal basis for this regulation is found in 49 U.S.C. 1602 note; P.L. 95-599, Section 401.	*Edward J. Gill,* (202) 426-*4011*	*April* 1982.

RSPA — Research and Special Programs Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Flammable Solid; Definitions Criteria (49 CFR 173.150).	Inquiries; lack of objective regulatory standard. See Definition of a Flammable Solid (Project 118-71).	M. Morris, (202) 426-2075	*Further action to be determined.*
Toxic Materials; Definitions, Criteria, and Proposed Regulations (49 CFR 173.326, 173.343).	Need for quantitative criteria.....	G. Cushmac, (202) 426-2311	*Further action to be determined.*
● Highway Routing of Radioactive Materials (HM-164).	The Department recently issued—to become effective February 1, 1982—a regulation establishing a Federal system for selecting routes for truck carriage of radioactive materials. Basically, interstate highways, and beltways around urbanized areas, where available, must be used. States, after consultation with affected local governments, may designate substitutes for interstate highway segments, if the substitutes are safer. State and local laws inconsistent with the Federal system will be preempted. This aspect of the regulation generated a great deal of controversy. *Review recommendations endorsing retention of final rule requirements concerning use of the Interstate system, driver training, route plans, and Federal preemption were approved by the Secretary of Transportation on January 26, 1982.*	J. C. Allen, (202) 472-2726	*Review complete.*
● Monitoring of External Corrosion Control (49 CFR 192.465(a)).	Gas pipeline operators currently are required annually to check the performance of cathodic protection systems which serve to control metal corrosion and extend the useful life of pipelines. This is costly for gas mains under city streets in close proximity to other underground utilities. It is also controversial because some in the industry contend that it is not possible to get valid performance data under conditions which exist in cities; hence, there is no return on the expense of complying with the regulation. The Department is conducting a study to verify this regulation's testing techniques. Annual compliance costs for this regulation are approximately $80 million.	P. Cory, (202) 426-2082	*Fall 1982.*
● Line Markers for Mains and Transmission Lines (49 CFR 192.707(a) and 195.410).	These regulations require markers to be placed at each crossing of a navigable waterway by a pipeline. However, benefits from the regulation may be questionable because some navigable waterways do not carry commercial traffic. Costs associated with the rule are high (installation cost of $100 million for all navigable waterways) because the signs, to be effective, must be large. ANPRM published June 22, 1981 (46 FR 32287).	R. Simmons, (202) 426-2392	*Spring 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

RSPA — **Research and Special Programs Administration**

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
● Repair and Removal of Defects (49 CFR 192.245 and 195.232).	These rules, which specify what repairs are permitted on defective pipe welds, may be more restrictive than required for safety. Less stringent repair methods have been shown to be safe under most conditions. Changing the rules to allow some repairs of defective welds, rather than total removal, could save industry about $20 million per year.	W. Gloe, (202) 426-2082	*Summer* 1982.
● Data Collection and Reporting: Gas Pipeline Reporting (49 CFR Part 191).	The pipeline industry questions the usefulness to government and industry of the reports of leaks required by these regulations. While any safety enforcement program requires recordkeeping in order to operate, it is possible to be more specific, and therefore less burdensome, in identifying problems for which reporting and recordkeeping are useful. Annual costs of the current regulation are more than $6 million. Data Collection and Reporting: Liquid Pipeline Nondestructive Weld Tests (49 FR 195.234(g)) appears as a separate Review List entry.	G. Levin, (202) 472-1024	*Summer 1982.*
● Data Collection and Reporting: Liquid Pipeline Nondestructive. Weld Tests (49 CFR 195.234(g)).	This rule requires that radiographic film of weld tests be kept three years. Retention may not be needed for accident investigation or test verification; there are large administrative costs. Annual costs are about $1 million.	F. Robinson, (202) 426-2392	*Spring* 1982.
†Review of Packaging Manufacturing Regulations. (49 CFR pt. 178).	Inquiry will be made into the adoption of performance oriented standards consistent with those contained in United Nations Recommendations for small packagings. These regulations are needed to provide for the manufacture of packaging suitable for the safe transportation of hazardous materials. (Authority 49 U.S.C. 1803, 1804 and 1808). See entry entitled performance oriented packaging standards: in Significant Regulations: Other portion of Agenda.	Tom Charlton, 426-0656	*Review completed.*
†Part 191	Review of regulations pertaining to transportation of natural and other gas by pipeline; report of leaks is being initiated. These reporting regulations are needed to ensure the safe transportation of gas by pipelines. (Authority 49 U.S.C. 1671 *et seq.*).	Mel Judah, (202) 426-2392	*1982*-1985.
†Review of regulations pertaining to transportation of liquids by pipeline. (Part 195, Subparts A-D).	Review of regulations pertaining to accident reporting, design requirements, and construction is being initiated. These reporting, design and construction regulations are needed to ensure the safe transportation of liquid hazardous materials and petroleum products by pipeline. (Authority 49 U.S.C. 831 through 835).	Mel Judah, (202) 426-2392	*1982*-1985.
*● Data Collection and Reporting Hazardous Materials Incident Reports (49 CFR Part 171).	The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry and formost result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome..	N. Simmons, (202) 462-1024	August 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

Maritime Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
Merchant Ship Sales Act of 1946 (46 CFR pt. 299).	Review regulation for sale and charter of World War II built vessels owned by the Government, for possible revocation.	Jesssie Fernanders, (202) 426-5821	*Review complete.*
*Procedures Pertaining to Records Retention Schedule for Subsidized Operators (46 CFR pt. 388 Subpart C).	Regulations affecting subsidized operators not reviewed since 1965.	Mary Jane Harvey, (202) 426-5184	April 1982.
*● Application for Subsidies and Other Direct Financial Aid (46 CFR Part 251).	This part prescribes the Marad application forms for Construction and Operating Differential Subsidies (CDS and ODS) as well as the form for the Marad approvals that subsidized operators must obtain in order to engage in otherwise prohibited activities. The part also contains certain substantive provisions. The development of comprehensive CDS regulations, including uniform contract provisions, has been curtailed pending an Administration review of CDS. This priority regulatory review is aimed at clarifying policy on changes under CDS contracts and implementing new statutory authority to build foreign, in order to expedite the review of applications.	Robert Patton, Jr., (202) 426-5746	August 1982.
*● Limitations on the Award and Payment of Operating Differential Subsidy (ODS) for Liner Operator (46 CFR Part 280).	The principal purpose of this part is to set standards for the payment of ODS to operators of liner vessels, and it includes a reduction formula applicable where less than 50 percent of gross freight revenues are earned from the carriage of "competitive cargo". This review is intended to restructure and clarify this part and possibly consolidate it with Part 281 (Information and Procedure—Liner ODS Agreements) to reduce the overall burden of compliance. It could include a codification of the manual under development for determining ODS rates for liner vessels.	E. A. Uttridge, (202) 382-0400	August 1982.
*● Merchant Ship Sales Act of 1946—Rules and Regulations, Forms and Citizenship Requirements (46 CFR Part 299).	This regulation principally concerns the sale, charter or transfer of vessels built during World War II which are owned by the Government. The review is for the purpose of determining whether the entire part or most of its provisions are obsolete and should be revoked. Any provisions that might be retained would be consolidated with other Marad regulations.	Jessie Fernanders, (202) 426-5821	August 1982.
*● Procedures—Records Retention Schedule for Subsidized Operators (46 CFR Part 380, Subpart C).	The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of Marad in administering the ODS programs.	Mary Jane Harvey, (202) 426-5184	August 1982.
Minimum Wage, Minimum Manning and Reasonable Working conditions (46 CFR Pt. 262).	Regulations affecting subsidized operators not amended since 1966. *No rulemaking action now contemplated.*	Arthur Friedberg, (202) 426-5755.	*Review complete.*

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person) United States Coast Guard, 2100 Second Street SW., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4206, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below. For contact persons with (202), telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. For contact persons with (315) telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Sandra Cureton, Information Services Division, DMT-43, 400 7th Street, SW., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300 B), Washington, D.C. 20590 (202) 426-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG—Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room *4402*, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA—Edward Faberman, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.

FHWA—Thomas P. Holian, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA—Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: *202/426–0767.*

NHTSA—Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426–9511.

UMTA—Doug Gold, Office of Chief Counsel, 400 7th Street, S.W., Room 9225, Washington, D.C. 20590. Telephone: 202/426–4011.

SLSDC—Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telephone: 202/426–3574.

RSPA—Doug Crockett, Office of Chief Counsel, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590. Telephone: 202/755–4972.

MARAD—Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590, Telephone: 202/426–5747

OST—Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426–4723.

Appendix C—Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG—Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:00–5:00 [Monday–Thursday].

FAA—Rules Docket, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30–5:00.

FHWA—Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404) Washington, D.C. 20590. Working Hours: 7:45–4:15.

FRA—Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30–5:00.

NHTSA—Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45–4:15.

UMTA—Docket Clerk, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Working Hours: 8:30–5:00.

SLSDC—800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30–5:00.

RSPA—Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30–5:00.

MARAD—Docket Clerk, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Working Hours: 9:00–5:30.

OST—Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00–5:30.

Appendix D

Innovative Regulatory Techniques

As explained in the preamble, the public's views are solicited with respect to the Department's regulatory programs where innovative regulatory techniques can be applied effectively to reduce the burden on regulated entities or to reduce governmental costs. The following are descriptions of particular techniques that have shown promise throughout the federal government.

Enhance Competition

An agency seeks to achieve a valid regulatory goal through generally increasing its sensitivity to market structure by for example, removing barriers to and constraints on competition.

Marketable Rights

In place of detailed government controls, an agency limits private-sector rights to engage in a specific activity or to use scarce resources, but allows private parties to exchange, trade, or sell these rights. The agency maintains overall control while letting the affected parties arrange the detailed allocation of rights in the free market.

Economic Incentives

An agency provides economic incentives that are supplements or alternatives to government standards and regulations by structuring fees or subsidies to encourage the private sector to achieve regulatory goals. Incentives replace rigidly enforced regulatory standards.

Performance Standards

An agency replaces design standards which specify strict means of compliance with more general standards based on overall performance levels. Firms or businesses are free to find the most efficient way of complying with the standards.

Information Disclosure

An agency requires that users or consumers be provided with information choices among competing goods and services and be free to choose on the basis of that information. The agency may provide information directly to the public (e.g., uniform tire quality grading standards).

Voluntary Standard Setting

An agency supplements or substitutes direct Federal regulation with voluntary standards developed and enforced by the regulated sectors.

Compliance Reform

An agency replaces or supplements government compliance monitoring and enforcement with other mechanisms, such as third-party monitoring, supervised self-certification, and economically-based penalties (e.g., third party inspection of emergency equipment aboard ships).

Tiering

An agency takes into account the size and nature of regulated organizations when it develops or revises its regulations (e.g., certain FAA, RSPA, and NHTSA exemptions).

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federal register

Thursday
April 1, 1982

Part V

Department of Education

International Education Programs; Updating of Provisions

DEPARTMENT OF EDUCATION

34 CFR Parts 655, 656, 657, 658, and 660

International Education Programs; Updating of Provisions

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary of Education issues regulations for the International Education Programs. These regulations simplify previous regulations, reduce administrative burdens on grantees, and eliminate unnecessary provisions.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations are expected to take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Richard T. Thompson. Telephone: (202) 245–2356.

SUPPLEMENTARY INFORMATION: Final regulations, with invitation to comment, were published in the **Federal Register** on December 31, 1980, 45 FR 86872–86884. The public was given 60 days to comment on these regulations. Comments were received from the Congress and higher education organizations. Major concerns dealt with (1) the key factors for a competitive assessment of programs, (2) differentiating factors for graduate and undergraduate programs, and (3) adherence to the provisions of the legislation. These factors have been addressed and changes have been made in the three areas.

On March 27, 1981 the Secretary published a notice of intent to review and amend certain regulations and interpretations (46 FR 19000). Regulations for the International Education Programs were included on that list. The notice of intent invited public comment on those regulations. No comments were received on the International Education program regulations as a result of the notice of intent.

Appropriate staff offices have reviewed the regulations and identified regulatory burdens and opportunities for deregulation and possible alternative approaches to achieving program objectives. The revised regulations reduce administrative burdens on grantees and eliminate certain unnecessary provisions in compliance with Executive Order No. 12291.

Format Change

In the regulations published on December 31, 1980, 34 CFR Part 656 contained both the resource centers and the fellowships programs. In these regulations those programs are included under separate parts—the resource centers program is found under 34 CFR Part 656 and the fellowships program is found under 34 CFR Part 657.

Summary of Comments and Responses

In response to comments, several technical and editorial changes have been made. A summary of the substantive comments and the Secretary's responses to them follow. Some of the section numbers in these final regulations are different from those in the final regulations published on December 31, 1980. The new section numbers are followed by the old number in parentheses.

Comment. Section 656.1(a)(2)—(§ 657.1). One commenter stated that the regulations, in § 656.1(a)(2), call stipend payments to students "fellowships" while the statute refers to them as "stipends". Why was the term "fellowships" chosen although not defined?

Response. A change is made. Because in § 656.6(b) we defined a "Fellow" as a person receiving a stipend, we thought it unnecessary to explain that a fellowship was the stipend paid. The term, fellowship, is generally a commonly understood term in higher education and has been used as a synonym for stipend in this program for over 20 years. However, because a question was raised about the meaning of this term, we have added the definition of "Fellowship" in § 657.5(d) as the stipend paid to a Fellow under the provisions of Title VI.

Comment. Section 656.1. Referring to § 656.1(b) one commenter stated that, "there is no requirement that the study supported be in 'modern foreign' language, as required by 20 U.S.C. 1122(a)(1)."

Response. Sections 656.1(a) and 657.1(b)(1) refer to the "teaching of any modern foreign language."

Comment. One commenter stated that § 656.1(b) allowed for fellowships for student work in only 2 of 3 areas in which institutions may receive grants. The commenter further stated that the regulation does not mention "research and training in international studies and the international aspects of professional and other fields of study. (20 U.S.C. 1122(a)(1).) If this is implicit in the language of § 656.1(b) it should be made explicit."

Response. The Secretary agrees. Sections 657.1(b) (3) and (4) provide for research and training in international studies and the international aspects of professional and other fields of study.

Comment. Section 656.3. One commenter felt that the term "advanced training in a foreign language" in § 656.3(b)(1) be specifically defined as to number of prerequisite credits earned.

Response. No change is made. The Secretary feels that it is not possible to achieve a standard definition of advanced level which would apply to all languages with their varying degrees of difficulty.

Comment. Section 656.4—(§ 657.3(a)(3)(ii)). One commenter noted that § 656.4(2) seemed to be more restrictive than the statute on allowable fields of study.

Response. A change has been made. The phrase "research and training in aspects of professional and other fields of study" is included in the now relevant § 657.3(a)(3)(ii).

Comment. One commenter stated that § 656.4(b)(3) (§ 657.3(b)(3)) restricts overseas study to dissertation research while the statute mentions "for travel for research and study in the United States and abroad."

Response. A change is made. Section 657.3(b)(3) has been modified to read, "Is doing study or research that cannot be done in the United States."

Comment. Section 656.10. One commenter stated that restricting outreach activities of National Resource Centers to those "primarily at the national level," § 656.10(c), would deny an enormous resource to regional and local programs.

Response. A change is made. Section 656.10(b) now includes, "Provide outreach and consultative services on a local or regional basis as well as at the national level."

Comment. Section 656.12. One commenter noted that § 656.12 does not authorize centers for graduate training only although it does recognize centers for undergraduate training only. Congressional intent was to include both as well as comprehensive centers.

Response. A change is made. The category, "At the graduate or professional level" has been added to § 656.12.

Comment. Section 656.31. Two commenters suggested that § 656.31 should refer to "excellence" as a basic criterion since statements to that effect were made in the congressional reports.

Response. No change is made. The Secretary feels the selection criteria in

§ 656.31 collectively call for excellence. The intent of the reference to excellence in the reports is interpreted as excluding geographical distribution as a selection factor.

Comment. Section 656.43—(§ 657.43). One commenter felt that § 656.43 should contain rules setting out the policies and procedures for undergraduate travel so that they could be known to the Congress and the public and to facilitate monitoring for compliance.

Response. The Secretary agrees that greater clarity could be added with a minimum of restriction. The now relevant § 657.43(b)(2) provides that undergraduate travel overseas may be permitted if "the Secretary determines that these funds will be expended as part of a formal program of supervised study organized or approved by and recognized for credit by an eligible institution."

Comment. Three commenters mentioned that a most important function of a center, the library, had low visibility and was not assigned enough points.

Response. The Secretary agrees. A separate library criterion has been added to §§ 656.31 and 657.31 worth 15 points. Correspondingly, the criterion on commitment has been lowered to 10 points and the criterion on adequacy of resources (§ 655.31(e)(2)(i)) now includes the phrase, "Other than library."

Comment. Section 656.37—(§ 657.33). Under § 656.37(c) one commenter requested that with regard to a summer fellowship for intensive language training, that "the equivalent of one academic year be specifically defined in numbers of semester or quarter hours."

Response. The Secretary agrees. Added to the now relevant § 657.33(c) is the phrase "(normally 10 to 12 semester hours or quarter hour equivalent)."

Comment. Three commenters mentioned that in certain places Part 656 contained descriptions and references to functions which could be performed only at the graduate level, thus possibly putting undergraduate centers at a disadvantage in the selection process.

Response. The Secretary agrees and the following changes have been made: (1) In the library criterion, §§ 656.31(g) and 657.31(g), the phrase "and educational levels (graduate professional, undergraduate)" has been added in the appropriate place. (2) Under § 656.31(h)(2)(iii) and § 657.31(h)(2)(iii), the phrase "or teaching faculty" has been inserted following the word "scholars." (3) Under § 656.31(j)(1) and (j)(2)(ii) and § 657.31(j)(1) and (j)(2)(ii), the word "educators" replaces "scholars." (4) Under § 656.10(a)(3) the word "advanced" is stricken and the part reads training *or* research. (5) Under § 656.10(c) on maintaining specialized library collections is preceded by the phrase, "If a graduate component is included * * * " (6) Under § 656.1(c) "For research and training * * * " has been changed to "For research or training * * *".

Comment. One commenter felt that much heavier weights should be assigned to three criteria basic to successful centers, the ones dealing with faculty, library, and instructional programs.

Response. The Secretary agrees. The weights of those criteria under §§ 656.31 and 657.31 have been increased as follows: Quality of key personnel to 25 points, the new library criterion is 15 points, and quality of center's instructional program to 25 points.

Comment. Section 658.1. One commenter noted that § 658.1 does not describe the Undergraduate International Studies and Foreign Language Program as comprehensively as does the statute.

Response. No change is made. Section 658.11, under the more pertinent heading of "What projects and activities may a grantee conduct under this program?," provides a more comprehensive description of the program.

Comment. Section 658.10. Three commenters felt the use of the word "cover" in § 658.10(b)(3) could be interpreted as requiring that an instructional program take place during a summer as well as an academic year when what is actually meant is that the project utilize the summer period in its development.

Response. The provision is deleted.

Comment. Section 658.11. One commenter felt that under § 658.11 the following deviations from the statute regarding the types of activities that may be undertaken: (1) § 658.11(a) adds the word "modern" before "foreign languages," (2) § 658.11(f) omits the word "terminal" from the phrase "Terminal Master's Degree programs," and (3) adds activities (d), (e), and (h).

Response. A change is made. The word "modern" has been deleted from § 658.11(a) and the word "terminal" has been added to § 658.11(f). Paragraphs (d), (e), and (h) are retained as examples of projects because the statute uses the phrase "such as" in listing examples of activities and does not intend that the list be exclusive. The examples added are taken from a ten-year experience in the administration of the program. The phrase, "These include the following: "at the head of § 658.11 has been changed to read, "These include projects such as: * * *"

Comment. Section 658.12. One commenter noted that § 658.12 states that the Secretary may award grants to "associations and organizations * * *" while the statute reads grants to "* * * public and private non-profit agencies and organizations, including professional and scholarly associations * * *" The commenter feels the regulations are more restrictive than the law.

Response. A change is made. Although the language of the statute already appears in § 658.2(c), the appropriate language also now appears in § 658.12.

Comment. Section 658.36. One commenter felt the term "usually" in § 658.36 was confusing as to meaning.

Response. The Secretary agrees. The word is stricken from § 658.36 (a) and (b). Section 658.36(a) now reads "* * * period of up to two years," and (b) now reads "* * * period up to three years."

Comment. Section 658.40. One commenter inquired about the basis for the limitation on equipment costs in § 658.40(a)(2). (The new reference is § 658.40.)

Response. No change is made. Cost limitations may be established when such limitations contribute to the purpose of the program. The Secretary feels that the instructional focus of the program would be hampered by excessive equipment acquisitions when the average amount of a grant is extremely modest.

Comment. Section 660.1. Section 660.1 in its description of the International Research and Studies Program, omits some points made in the statute.

Response. The Secretary agrees. Section 660.1 now contains the language of the statute.

Comment. Section 660.10. One commenter noted that § 660.10 does not mention the use of specialized materials "* * * in training individuals to provide such instruction and evaluation," but the law does.

Response. The Secretary agrees. The appropriate phrase has been added to § 660.10(c).

Comment. One commenter noted that §§ 656.1(a) and 660.1(a) mention only the possibility of grants being made under the programs they describe. The statute refers to grants or contracts.

Response. The sections in the parts remaining, 656 and 660, have been changed to include the awarding of both grants and contracts.

Comment. One commenter stated that 20 U.S.C. 1126(b), provides that to the extent practicable with the criterion of excellence grants should be equitably distributed throughout the Nation but

that the regulations for the International Research and Studies Program do not reflect this.

Response. The Secretary agrees. Section 660.35 has been added to these regulations.

Comment. One commenter suggested that the quality of an institution's students should be a major criterion for Centers and Fellowships.

Response. No change is made. The quality of students of applicant institutions would be difficult to evaluate and compare. The present criterion on the quality of instructional programs offered by the institution to students offers a more meaningful measure of training capability.

Comment. Two commenters suggested that the titles to section 602 (20 U.S.C. 1122) and 603 (20 U.S.C. 1123) be used to describe the two types of centers rather than National Resource Centers and Regional Resource Centers.

Response. No change is made. The titles used in the statute would tend to mislead a prospective applicant. For example, section 602, *Graduate and Undergraduate Language and Area Centers* may also include centers dealing with international studies and the international aspects of professional and other fields of study.

On the other hand, Section 603, *International Studies Centers* may also include centers which concentrate on specific geographical areas of the world.

What consistently distinguishes the two kinds of centers, both in the law and Committee reports, is the reference to national resource in the case of 602 centers and regional resource in the case of 603 centers.

Programs for Which No Regulations Are Issued

In the case of some of the programs authorized by Title VI of the Higher Education Act, funds have not been provided for fiscal year 1981. These programs include the International Studies Centers, also referred to as Regional Resource Centers (section 603), and the Business and International Education Programs (section 611–613). In addition, funds are not available for aiding graduate programs (as distinguished from centers), as authorized by section 602.

Regulations are not issued or proposed for programs or program components for which funds are not available during the current fiscal year. Any obligation of the Secretary to develop and publish regulations for these programs is satisfied by the publication of the general regulations governing newly funded programs, 34 CFR Parts 75 and 76, which were published in the **Federal Register** on December 22, 1980, 45 FR 84058.

Programs for Which Regulations Are Issued

Regulations are included in this document for the programs under the following statutory authorities:

—Section 602 of the Higher Education Act (National Resource Centers, 34 CFR Part 656 and Fellowships 34 CFR Part 657);

—Section 604 of the Act (Undergraduate International Studies and Foreign Language Program) (34 CFR Part 658);

—Section 605 of the Act (International Research and Studies) (34 CFR Part 660).

Part 655 contains definitions and certain provisions—including some selection criteria common to all four programs and applies to all of the programs. It is designed to shorten and simplify the regulations for the programs by avoiding needless repetition of common provisions.

References to EDGAR

Readers will note that references to the Education Department General Administrative Regulations (EDGAR) cite Title 34 of the Code of Federal Regulations. EDGAR was transferred to Title 34, through final regulations published in the **Federal Register** on November 21, 1980 (45 FR 77368).

However, EDGAR was initially published in the **Federal Register** on April 3, 1980 (45 FR 22494) under Title 45 of the Code of Federal Regulations (CFR). For readers wishing to refer to that EDGAR document, the following cross-references will be helpful:

45 CFR Part 74 is now 34 CFR Part 74
45 CFR Part 100a is now 34 CFR Part 75
45 CFR Part 100b is now 34 CFR Part 76
45 CFR Part 100c is now 34 CFR Part 77

Invitation To Comment

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Executive Order 12291

These final regulations have been reviewed by the Department in accordance with Executive Order 12291. They are classified as non-major regulations because they do not meet the criteria for major regulations established in the order.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Numbers 84.015, International Studies Centers and Foreign Language and Area Studies Fellowships; 84.016, International Studies Programs and 84.017, Foreign Language and Area Studies Research)

Dated: March 26, 1982.

T. H. Bell,

Secretary of Education

The Secretary revises Part 655 of Title 34 of the Code of Federal Regulations to read as follows:

PART 655—INTERNATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

Subpart A—General

Sec.
655.1 Which programs do these regulations govern?
655.3 What regulations apply to the International Education Programs?
655.4 What definitions apply to the International Education Programs?

Subpart B—What Kinds of Projects Does the Secretary Assist?

655.10 What kinds of projects does the Secretary assist?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

655.30 How does the Secretary evaluate an application?
655.31 What general selection criteria does the Secretary use?

Authority: Secs. 601–607, Higher Education Act of 1965, as amended, 20 U.S.C. 1121–1127, unless otherwise noted.

Subpart A—General

§ 655.1 Which programs do these regulations govern?

The regulations in this part govern the administration of the following programs in international education:

(a) The National Resource Centers Program and the Foreign Language and Area Studies Fellowships Program (section 602 of the Higher Education Act of 1965);

(b) The Undergraduate International Studies and Foreign Language Program (section 604); and

(c) The International Research and Studies Program (section 605).

(20 U.S.C. 1121–1127)

§ 655.3 What regulations apply to the International Education Programs?

The following regulations apply to the International Education Programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (formerly 45 CFR Part 100a (Direct Grant Programs)) and 34 CFR Part 77 (formerly 45 CFR Part 100c (Definitions)).

(b) The regulations in this part 655; and

(c) As appropriate, the regulations in—

(1) 34 CFR Part 656 (National Resource Centers);

(2) 34 CFR Part 657 (Foreign Language and Area Studies Fellowships Program);

(3) 34 CFR Part 658 (Undergraduate International Studies and Foreign Language Program); and

(4) 34 CFR Part 660 (International Research and Studies Program).

(20 U.S.C. 1121–1127; 1221e–3)

§ 655.4 What definitions apply to the International Education Programs?

(a) *Definitions in EDGAR.* The following terms used in this part and 34 CFR Parts 656, 657, 658, and 660 are defined in 34 CFR Part 77:

Acquisition
Applicant
Application
Award
Budget
Contract
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Grant period
Local educational agency
Nonprofit
Project
Project period
Private
Public
Secretary
State educational agency
Supplies

(20 U.S.C. 1121–1127)

(b) *Definitions that apply to these programs:* The following definition applies to International Education Programs:

"Combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

"An institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act, as amended.

(20 U.S.C. 1121–1127, and 1141)

Subpart B—What Kinds of Projects Does the Secretary Assist?

§ 655.10 What kinds of projects does the Secretary assist?

Subpart B of 34 CFR Parts 656, 657, 658, and 660 describes the kinds of projects that the Secretary assists under the International Education Programs.

(20 U.S.C. 1021–1027)

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 655.30 How does the Secretary evaluate an application?

The Secretary evaluates all applications for International Education Programs on the basis of—

(a) The general criteria in § 655.31; and

(b) The specific criteria in, as applicable, Subpart D of 34 CFR Parts 656, 657, 658, and 660.

(20 U.S.C. 1121–1127)

§ 655.31 What general selection criteria does the Secretary use?

(a) *Plan of operation.* (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons.

(b) *Quality of key personnel.* (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students; and

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) Other than library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1121–1127)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 656 to read as follows:

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR LANGUAGE AND AREA OR LANGUAGE AND INTERNATIONAL STUDIES

Subpart A—General

Sec.

656.1 What is the National Resource Centers Program?
656.2 Eligible parties: National Resource Centers.
656.3 What regulations apply to the National Resource Centers Program?
656.4 What definitions apply to the National Resource Centers Program?

Subpart B—What Kinds of Projects Does the Secretary Assist under This Program?

656.10 What activities must a National Resource Center conduct?
656.11 What types of centers receive assistance?
656.12 What levels of instruction may a National Resource Center provide?

Subpart C—How Does One Apply for a Grant?

656.20 How does an institution submit an application for a Center and a quota of fellowships?

Subpart D—How Does the Secretary Make a Grant?

656.30 How does the Secretary evaluate an application under the National Resource Centers Program?
656.31 What selection criteria does the Secretary use?
656.32 [Reserved]
656.33 What priorities may the Secretary establish for National Resource Centers?

Subpart E—What Conditions Must Be Met by a Grantee?

656.40 What are the limitations on allowable costs?

Authority: Sec. 602, Higher Education Act of 1965 as amended, 20 U.S.C. 1122, unless otherwise noted.

Subpart A—General

§ 656.1 What is the National Resource Centers Program?

The National Resource Centers Program for Language and Area or Language and International Studies (National Resource Centers Program) is designed to provide Federal funds through grants or contracts to institutions of higher education, or combinations of such institutions to establish, strengthen, and operate graduate and undergraduate centers that will be national resources—

(a) For the teaching of any modern foreign language;

(b) For instruction in fields needed to provide a full understanding of the areas, regions, or countries in which the modern language is commonly used; or

(c) For research or training in international studies and the international aspects of professional and other fields of study.

(20 U.S.C. 1122(a))

§ 656.2 Eligible parties: National Resource Centers.

An institution of higher education or a combination of institutions of higher education is eligible to apply for assistance under this part to establish or operate a National Resource Center.

(20 U.S.C. 1122(a)(1))

§ 656.3 What regulations apply to the National Resource Centers Program?

The following regulations apply to this program:

(a) 34 CFR Part 655;

(b) The regulations in this Part 656; and

(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Program) and 34 CFR Part 77 (Definitions).

(20 U.S.C. 1121–1127)

§ 656.4 What definitions apply to the National Resource Centers Program?

(a) The definitions in 34 CFR 655.4 apply to this program.

(b) As used in this part a "Center" means a coordinated, concentration of the educational resources and activities described in §§ 656.10, 656.11 and 656.12. It has direct access to highly qualified faculty and advanced research or training resources and it encompasses various academic disciplines.

(20 U.S.C. 1122)

Subpart B—What Kinds of Projects Does the Secretary Assist under This Program?

§ 656.10 What activities must a National Resource Center conduct?

A National Resource Center receiving Federal assistance under this part shall—

(a)(1) Provide instruction—

(i) In any modern foreign language; or

(ii) In fields needed to provide a full understanding of the areas, regions, or countries in which that language is commonly used; or

(2) Provide training or research opportunities for students and faculty in international studies and the international aspects of professional and other fields of study.

(b) Provide outreach and consultative services on a local or regional basis as well as at the national level.

(c) If a graduate component is included, maintain specialized library collections and employ scholars engaged in research which relates to the subject area of the center.

(20 U.S.C. 1122(a); House Rept. 96–1337, 96 Cong. 2d Sess. p. 188; Sen. Rept. 96–733, 96 Cong. 2d Sess. p. 60)

§ 656.11 What types of centers receive assistance?

(a) The Secretary may assist two types of National Resource Centers.

(b) One type of center focuses on a single country or on one or more world areas (such as East Asia, Africa, or the Middle East) and offers instruction in the principal language or languages of that country or area and those disciplinary fields necessary to provide a full understanding of the country or area.

(c) The second type focuses on international studies, or on the international aspects of contemporary issues or topics (such as international business or energy) and makes instruction in modern foreign languages available to students undergoing training at the center.

(20 U.S.C. 1122(a))

§ 656.12 What levels of instruction may a National Resource Center provide?

(a) A center may provide training—

(1) At the graduate, professional, and undergraduate level;

(2) At the undergraduate level only; or

(3) At the graduate or professional level only.

(b) A four-year institution that provides instruction at the undergraduate level only must demonstrate to the Secretary in its application that its program is of national importance and is exemplary in terms of excellence and innovation.

(20 U.S.C. 1122(a); House Rept. 96–1337, 96 Cong. 2d Sess. p. 188; and Sen. Rept. 96–733 2d Sess. p. 60)

Subpart C—How Does One Apply for a Grant or Fellowship?

§ 656.20 How does an institution submit an application for a Center and a quota of fellowships?

An institution that applies for a grant to operate a center under this part and for a quota of fellowships under 34 CFR Part 657 may submit one application for both.

(20 U.S.C. 1122)

Subpart D—How Does the Secretary Make a Grant?

§ 656.30 How does the Secretary evaluate an application under the National Resource Centers and Fellowships Program?

(a) The Secretary evaluates an application for a National Resource Center under the criteria in § 656.31.

(b) In general, the Secretary awards up to 160 possible points for these criteria. However, if priority criteria are used, the Secretary awards up to 170 possible points. The maximum possible points for each criterion are shown in parentheses.

(20 U.S.C. 1122(a))

§ 656.31 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating applications for centers:

(a) *Plan of operation.* (15) (See 34 CFR 655.31(a))

(b) *Quality of key personnel.* (25) (See 34 CFR 655.31(b))

(c) *Budget and cost effectiveness.* (10) (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d))

(e) *Adequacy of resources.* (10) (See 34 CFR 655.31(e))

(f) *Commitment to the subject area on which the center focuses.* (10)

(1) The Secretary reviews each application for information that shows the applicant's commitment to the subject area on which the center focuses. (See § 656.11)

(2) The Secretary reviews each application for information that shows—

(i) The degree of institutional commitment to the subject area for which funding is sought as shown by the institution's previous record of accomplishment and support for that subject area;

(ii) The extent to which the institution provides financial and other support to the center, to tenured faculty members of the center, and to qualified students in fields related to the center.

(g) *Strength of library.* (15) The strength of the institution's library in the subject area and the educational levels (graduate, professional, undergraduate) on which the center focuses, and the extent to which the institution provides financial support for the acquisition of library materials in that subject area.

(h) *Quality of the center's instructional program.* (25)

(1) The Secretary reviews each application for information that shows the quality of the applicant's program of instruction in the subject area on which the center focuses.

(2) The Secretary reviews each application for information that shows—

(i) The quality and extent of the center's course offerings;

(ii) The quality of the center's language training program or the quality of the language training program that is made available under § 656.11(b); and

(iii) The extent to which the center employs a sufficient number of scholars or teaching faculty to enable the center to carry out its purposes.

(i) *Quality of the center's relationships within the institution.* (10)

(1) The Secretary reviews each application for information that shows the quality of the center's relationships within the institution.

(2) The Secretary reviews each application for information that shows—

(i) The extent to which the center provides multi- and interdisciplinary instruction; and

(ii) The extent to which the center has entered into cooperative arrangements with other departments, schools, and professional programs of the institution.

(j) *Overseas activities.* (10)

(1) The Secretary reviews each application for information that shows—with regard to the subject area on which the center focuses—the extent of the applicant's overseas activities and cooperation with foreign educators, institutions, and governments.

(2) The Secretary looks for information that shows—

(i) The adequacy of the provisions for relevant overseas experience for faculty and students in the center's program; and

(ii) The extent to which provision is made for cooperation with foreign educators, institutions, and governments.

(k) *Need and potential impact.* (15)

(1) The Secretary reviews each application for information that shows the need for, and potential impact of, the applicant's proposed activities.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities serve national needs;

(ii) The extent to which an improved program in language and area studies or language and international studies will be available at the applicant institution at the termination of the grant period; and

(iii) The potential impact of the proposed project in improving the knowledge of languages, areas, or international studies at the national level.

(20 U.S.C. 1122)

(l) *Outreach activities.* (10).

(1) The Secretary reviews each application for information that shows the extent of the applicant's outreach activities.

(2) The Secretary looks for information that shows—

(i) The quality of the services the center provides to persons and organizations outside the center as these services relate to the provision of information and training primarily for national groups, but, also, for regional and local groups; and

(ii) The contribution of these outreach services to curriculum development, faculty development, pre-professional training, and public understanding.

(m) *Degree to which priorities are served.* (10)

If, under the provisions of § 656.34, the application notice lists specific priorities for centers, the Secretary looks for evidence of the degree to which those priorities are being served.

(20 U.S.C. 1122)

§ 656.32 [Reserved]

§ 656.33 What priorities may the Secretary establish for National Resource Centers?

(a) The Secretary may each year select for funding priority—(1) *Educational levels;* for example, centers whose instructional level is both undergraduate and graduate, centers providing only undergraduate instruction, or centers only providing only graduate instruction.

(2) *Types of centers;* for example, centers focusing on a single area; on international studies; or on particular issues or topics, such as business or energy; or on a combination of these; and

(3) *Specific countries or geographic regions or areas of the world;* for example, Canada or Mexico, East Asia, Africa, or the Middle East.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(20 U.S.C. 1122(a))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 656.40 What are the limitations on allowable costs?

Equipment costs exceeding five percent of the grant are not allowable.

(20 U.S.C. 1122)

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 657 to read as follows:

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

Subpart A—General

Sec.

657.1 What is the Foreign Language and Area Studies Fellowships Program?
657.2 Who is eligible to apply for a quota of fellowships?
657.3 Who is eligible to receive a fellowship?
657.4 What regulations apply to the Foreign Language and Area Studies Fellowships Program?
657.5 What definitions apply to the Foreign Language and Area Studies Fellowships Program?

Subpart B—What Kinds of Projects Does the Secretary Assist under this Program? [Reserved]

Subpart C—How Does An Institution and A Student Submit an Application?

657.20 How does an institution submit an application for a quota of fellowships and for a Center?
657.21 How does a student apply for a fellowship?

Subpart D—How Does the Secretary select an Institution for an Allocation of Fellowships?

657.30 How does the Secretary evaluate an application under the Fellowships Program?
657.31 What criteria does the Secretary use in selecting institutions for an allocation of fellowships?

Subpart E—What Conditions Must be Met by a Grantee?

657.40 What is the duration of individual fellowships?
657.41 What is the amount of a fellowship?
657.42 What is the payment method for fellowships?
657.43 What are the limitations on the use of funds for overseas fellowships and undergraduate travel?
657.44 Under what circumstances must an institution terminate a fellowship?

Authority: Sec. 602, Higher Education Act of 1965 as amended (20 U.S.C. 1122), unless otherwise noted.

Subpart A—General

§ 657.1 What is the Foreign Language and Area Studies Fellowship Program?

Under the Foreign Language and Area Studies Fellowship Program, the Secretary awards fellowships (stipends) through institutions of higher education to students who are:

(a) Enrolled in an approved center or program; and

(b) Undergoing advanced training, which includes the conduct of research with regard to subparagraphs (b)(3)and (b)(4) of the section, in—

(1) Any modern foreign language;

(2) Disciplines needed to provide a full understanding of the area, regions or countries in which such a language is used;

(3) International studies; or

(4) International aspects of professional and other fields of study.

(20 U.S.C. 1122)

§ 657.2 Who is eligible to apply for a quota of Fellowships?

(a) The Secretary awards an allocation of fellowships to an institution of higher education that operates an approved center or program that—

(1) Teaches modern foreign languages;

(2) Provides instruction in the fields needed for a full understanding of the area, regions, or countries in which the modern foreign languages are commonly used; or

(3) Provides research and training in international studies or the international aspects of professional and other fields of study.

(b) The Secretary uses the criteria set out in § 657.31 to both evaluate applications for a quota of fellowships and to approve centers and programs for the purpose of receiving a quota of fellowships.

(c) An institution does not need to receive a grant under the National Resource Center Program, 34 CFR Part 656, or the Undergraduate International Studies and Foreign Language Program, 34 CFR Part 658, to receive a quota of fellowships under this Part.

(20 U.S.C. 1122)

§ 657.3 Who is eligible to receive a Fellowship?

(a) A student is eligible to receive a fellowship if the student—

(1)(i) Is a citizen or national of the United States;

(ii) Is a permanent resident of the United States;

(iii) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intention of becoming a citizen or permanent resident; or

(iv) Is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(2) Is accepted for enrollment or is enrolled in an institution receiving an allocation of fellowships;

(3) Is accepted for—

(i) Advanced training in a foreign language and area or international studies; or

(ii) Research and training in the international aspects of professional and other fields of study; and

(4) Shows potential for high academic achievement, based on such indices as grade point average, class ranking, or similar measures that the institution may determine.

(b) A student is eligible to receive a fellowship for use outside the United States if the student—

(1) Meets the requirements under paragraph (a) of this section; and

(2) Is enrolled in an advanced overseas language program established by a United States institution; or

(3) Is engaged in study or research that cannot be done in the United States and is affiliated with an overseas institution of higher education or an appropriate organization in the host country.

(c) To award a fellowship for use overseas, an institution must obtain the advance approval of the Secretary.

(20 U.S.C. 1122)

§ 657.4 What regulations apply to the Foreign Language and Area Studies Fellowship Program?

The following regulations apply to this program:

(a) 34 CFR Part 655;

(b) The regulations in this Part 657; and

(c) The Education Department General Administrative Regulations EDGAR in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(20 U.S.C. 1122)

§ 657.5 What definitions apply to the Foreign Language and Area Studies Fellowship Program?

The following definitions apply to the Fellowship Program:

(a) The definitions in 34 CFR 655.4.

(b) "Center" means a center as defined in 34 CFR 656.4.

(c) "Fellow" means a person who receives a stipend under Title VI of the Higher Education Act (HEA).

(d) "Fellowship" means the stipend paid a fellow under Title VI of the HEA.

(e) "Program" means (1) a program of study offering advanced training and research opportunities in modern foreign languages and disciplines needed to provide a full understanding of the area, regions or countries in which such languages are used, or, (2) a program offering foreign languages and international studies or the international aspects of professional and other fields of study.

(20 U.S.C. 1121–1127)

Subpart C—How Does an Institution and a Student Submit an Application?

§ 657.20 How does an institution submit an application?

An institution that applies a quota of Fellowships under this Part and a grant to operate a center under 34 CFR Part 656 may submit one application for both activities.

(20 U.S.C. 1122)

§ 657.21 How does a student apply for a Fellowship?

(a) An applicant for a fellowship submits an application to an institution that has received a quota of fellowships.

(b) The applicant shall provide sufficient information to enable the institution to determine—

(1) Whether he or she is eligible to receive a fellowship; and

(2) Whether he or she should be selected for a fellowship on the basis of the selection criteria set forth in § 657.3.

(20 U.S.C. 1122)

Subpart D—How Does the Secretary Select an Institution for an Allocation of Fellowships?

§ 657.30 How does the Secretary evaluate an application under the Fellowship Program?

(a) The Secretary evaluates an application for an allocation of fellowships based upon the quality of the applicant's center or program. The applicant's center or program is evaluated and approved under the criteria set forth in § 657.31.

(b) In general, the Secretary awards up to 160 possible points for these criteria. However, if priority criteria are used, the Secretary awards up to 170 possible points. The maximum possible points for each criterion are shown in parentheses.

(20 U.S.C. 1122)

§ 657.31 What criteria does the Secretary use in selecting institutions for an allocation of Fellowships?

The Secretary selects applicants for a quota of fellowships on the basis of the quality of the applicant's center or program. The Secretary uses the following criteria in evaluating the applicant's center or program.

(a) *Plan of operation.* (15) (See 34 CFR 655.31(a))

(b) *Quality of key personnel.* (25) (See 34 CFR 655.31(b))

(c) *Budget and cost effectiveness.* (10) (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d))

(e) *Adequacy of resources.* (10) (See 34 CFR 655.31(e))

(f) *Commitment to the subject area on which the center or program focuses.* (10)

(1) The Secretary reviews each application for information that shows the applicant's commitment to the subject area on which the center or program focuses.

(2) The Secretary reviews each application for information that shows—

(i) The degree of institutional commitment to the subject area of the center or program for which funding is sought as shown by the institution's previous record of accomplishment and support for that subject area; and

(ii) The extent to which the institution provides financial and other support to the center or program, to tenured faculty members of the center or program, and to qualified students in fields related to the center or program.

(g) *Strength of library.* (15)

(1) The strength of the institution's library in the subject area of the center or program, and the extent to which the institution provides financial support for the acquisition of library materials in that subject area.

(2) The Secretary reviews each application for information that shows whether the library is intended to support a graduate and/or undergraduate center or program.

(h) *Quality of the center or program's instructional program.* (25)

(1) The Secretary reviews each application for information that shows the quality of the applicant's program of instruction in the subject area on which the center or program focuses.

(2) The Secretary reviews each application for information that shows—

(i) The quality and extent of the course offerings;

(ii) The quality of the language training program; and

(iii) The extent to which a sufficient number of scholars or teaching faculty are employed to enable the center or program to carry out its purposes.

(i) *Quality of the center or program's relationships within the institution.* (10)

(1) The Secretary reviews each application for information that shows the quality of the center or program's relationships within the institution.

(2) The Secretary reviews each application for information that shows—

(i) The extent to which multi- and interdisciplinary instruction is included; and

(ii) The extent to which cooperative arrangements with other departments, schools, and professional programs of the institution exist.

(j) *Overseas activities.* (10)

(1) The Secretary reviews each application for information that shows—with regard to the subject area on which the center or program focuses—the extent of the applicant's overseas activities and cooperation with foreign educators, institutions, and governments.

(2) The Secretary looks for information that shows—

(i) The adequacy of the provisions for relevant overseas experience for faculty and students; and

(ii) The extent to which provision is made for cooperation with foreign educators, institutions, and governments.

(k) *Need and potential impact.* (15)

(1) The Secretary reviews each application for information that shows the need for, and potential impact of, the center or program's proposed activities.

(2) The Secretary looks for information that shows—

(i) The extent to which the center or program supports activities that are needed nationwide;

(ii) The extent to which an improved program in language and area studies or language and international studies will be available at the applicant institution at the termination of the grant period; and

(iii) The potential impact of the center and program in improving the knowlege of languages, areas, or international studies at the national level.

(l) *Relevance to employment possibilities.* (5)

(1) The Secretary reviews each application for an allocation of fellowships for information that shows that the fields of study in which fellowships are to be awarded are relevant to employment possibilities.

(2) The Secretary looks for information that shows the relationship between the applicant's proposed program of instruction and the institution's recent record of placement of students.

(m) *Degree and linguistic proficiency requirements.* (5) The Secretary reviews each application for the adequacy of the degree requirements, including the requirements for language proficiency, for students enrolled in the program.

(20 U.S.C. 1122(b))

(n) *Priorities.* (10) The Secretary may establish priorities each year for the allocation of fellowships. These priorities relate to: certain world areas, countries, languages; levels of language offerings, academic disciplines; topics; or combination of any of these categories. For example, a priority may be for a specific language such as Chinese, a world area or country such as East Asia or Mexico, an academic

discipline such as linguistics or sociology, a topic such as population growth and planning, or international trade and business.

(20 U.S.C. 1122)

Subpart E—What Conditions Must Be Met by Grantee?

§ 657.40 What is the duration of allocation of Fellowships and individual Fellowships?

(a) An institution may award a fellowship to an individual for—

(1) One academic year;

(2) One academic year and one summer session;

(3) One summer session subject to paragraph (b) of this section; or

(4) As many academic terms or summer sessions as it takes to complete his or her academic study within the time period covered by the allocation.

(b) A student may receive a fellowship for a summer session only if the fellow is enrolled in a summer program that offers the equivalent of one academic year of modern foreign language study (normally 10–12 semester hours).

(20 U.S.C. 1122(b))

§ 657.41 What is the amount of a Fellowship?

(a) An institution may award a fellowship in an amount that covers the cost of tuition and fees and an allowance for subsistence.

(b) The Secretary announces the expected amounts of subsistence allowances and any other fellowship costs in the annual application notice published in the **Federal Register**.

(20 U.S.C. 1122(b))

§ 657.42 What is the payment method for Fellowships?

(a) An institution of higher education participating in the fellowship program pays fellows in installments during the term of the fellowship.

(b) An institution shall make a payment only to a fellow who is enrolled and in good standing.

(c)(1) A fellow shall notify the institution that made the award of any overpayment or underpayment of award benefits.

(2) The institution shall make appropriate adjustments.

(20 U.S.C. 1122(b))

§ 657.43 What are the limitations on use of funds for overseas Fellowships and undergraduate travel?

(a) An institution must obtain the advance approval of the Secretary to award a fellowship for use overseas.

(b) An institution may not pay for undergraduate travel—

(1) Without the advance approval of the Secretary; and

(2) Unless the Secretary determines that these funds will be expended as part of a formal program of supervised study organized or approved by and recognized for credit by an eligible institution.

(20 U.S.C. 1122(c))

§ 657.44 Under what circumstances must an institution terminate a Fellowship?

An institution shall terminate a fellowship to an individual if the individual is no longer enrolled and in good standing at the institution.

(20 U.S.C. 1122(b))

The Secretary revises Title 34 of the Code of Federal Regulations by revising Part 658 to read as follows:

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

Subpart A—General

Sec.

658.1 What is the Undergraduate International Studies and Foreign Language Program?
658.2 Who is eligible to apply for assistance under this program?
658.3 What regulations apply to the Undergraduate International Studies and Foreign Language Program?
658.4 What definitions apply to the Undergraduate International Studies and Foreign Language Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

658.10 For what kinds of projects does the Secretary assist institutions of higher education?
658.11 What projects and activities may a grantee conduct under this program?
658.12 For what kinds of projects does the Secretary assist associations and organizations?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

658.30 How does the Secretary evaluate an application?
658.31 What selection criteria does the Secretary use?
658.32 What additional criteria does the Secretary apply to institutional applications?
658.33 What additional criterion does the Secretary apply to applications from organizations and associations?
658.34 What additional factors does the Secretary consider in selecting grant recipients?

Subpart E—What Conditions Must Be Met by a Grantee?

658.40 What are the limitations on allowable costs?

Authority: Sec. 604, Higher Education Act of 1965 as amended (20 U.S.C. 1124), unless otherwise noted.

Subpart A—General

§ 658.1 What is the Undergraduate International Studies and Foreign Language Program?

The Undergraduate International Studies and Foreign Language Program is designed to provide Federal financial assistance to institutions of higher education or combinations of such institutions to strengthen and improve undergraduate instruction in international studies and foreign languages in the United States.

(20 U.S.C. 1124)

§ 658.2 Who is eligible to apply for assistance under this program?

The following are eligible to apply for assistance under this part:

(a) Institutions of higher education.

(b) Combinations of institutions of higher education.

(c) Public and private nonprofit agencies and organizations, including professional and scholarly associations.

(20 U.S.C. 1124)

§ 658.3 What regulations apply to the Undergraduate International Studies and Foreign Language Program

The following regulations apply to this program:

(a) 34 CFR Part 655.

(b) The regulations in this Part 658.

(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(20 U.S.C. 1121–1127)

§ 658.4 What definitions apply to the Undergraduate International Studies and Foreign Language Program?

The definitions in 34 CFR 655.4 apply to this program.

(20 U.S.C. 1121–1127)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 658.10 For what kinds of projects does the Secretary assist institutions of higher education?

(a) The Secretary may provide assistance to an institution of higher education or a combination of institutions to plan, develop, and carry out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages.

(b) The Secretary gives consideration to an applicant that proposes a comprehensive program that—

(1) Initiates new or revised courses in international studies;

(2) Makes instruction in foreign languages available to students in the program; and

(3) Takes place primarily in the United States.

(c) The comprehensive program shall focus on—

(1) International or global studies;

(2) A single world area and its languages; or

(3) Issues or topics, such as environmental studies or international business.

(20 U.S.C. 1124(a))

§ 658.11 What projects and activities may a grantee conduct under this program?

The Secretary awards grants under this part to assist in carrying out projects and activities that are an integral part of a comprehensive program to improve undergraduate instruction in international studies and foreign languages. These include projects such as:

(a) Planning for the development and expansion of the undergraudate curriculum in international studies and foreign languages;

(b) Teaching, research, curriculum development, and related activities such as—

(i) Conducting faculty workshops, conferences, and special lectures;

(ii) Developing and testing new curricular materials, including self-instructional materials in foreign languages, or specialized language materials dealing with a particular subject matter (such as business or law);

(iii) Initiating new and revised courses in international studies and foreign languages;

(iv) Developing ways to use the media, or developing projects to improve the effectiveness of sharing resources and materials;

(v) Developing standards to identify successful strategies for incorporating international aspects into the curriculum;

(c) Training faculty members in foreign countries or bringing foreign scholars to U.S. institutions;

(d) Placing U.S. faculty members in internships with international associations or with governmental and nongovernmental organizations in the U.S. or abroad t improve their understanding of international affairs;

(e) Initiating special bi-national or bilateral programs;

(f) Integrating undergraduate education with terminal master's degree programs;

(g) Developing an international dimension in teacher training; and

(h) Combining the teaching of international studies with professional or pre-professional training.

(20 U.S.C. 1124)

§ 658.12 For what kinds of projects does the Secretary assist associations and organizations?

The Secretary may award grants under this part to public and private nonprofit agencies and organizations including scholarly associations, that propose projects that will make an especially significant contribution to strengthening and improving undergraduate instruction in international studies and foreign languages at institutions of higher education.

(20 U.S.C. 1124(b))

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 658.30 How does the Secretary evaluate an application?

(a)(1) The Secretary evaluates an application from an institution of higher education or a combination of such institutions on the basis of the criteria in §§ 658.31 and 658.32. The Secretary awards up to 85 possible points for these criteria.

(2) Under §§ 658.31 and 658.32 the Secretary evaluates applications for funding on a percentage score based upon the number of points an application receives and the maximum number of points possible.

(b)(1) The Secretary evaluates an application from an agency or organization or professional or scholarly association on the basis of the criteria in §§ 658.31 and 658.33. The Secretary awards up to 75 possible points for these criteria.

(2) Under §§ 658.31 and 658.33 the Secretary evaluates applications for funding on a percentage score based upon the number of points an application receives and the maximum number of points possible.

(c) The maximum possible points for each criterion are indicated in parentheses.

(20 U.S.C. 1124)

§ 658.31 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating an application for a project under this part.

(a) *Plan of operation.* (10) (See 34 CFR 655. 31(a))

(b) *Quality of key personnel.* (10) (See 34 CFR 655.31(b))

(c) *Budget and cost effectiveness.* (10) (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d))

(e) *Adequacy of resources.* (10) (See 34 CFR 655.31(e))

(20 U.S.C. 1124)

§ 658.32 What additional criteria does the Secretary apply to institutional applications?

In addition to the criteria referred to in § 658.31, the Secretary applies the following criteria to applications submitted by an institution of higher education or a combination of such institutions:

(a) *Commitment to international studies.* (15)

(1) The Secretary reviews each application for information that shows the applicant's commitment to the international studies program.

(2) The Secretary looks for information that shows—

(i) The institution's current strength as measured by the number of international studies courses offered;

(ii) The extent to which planning for the implementation of the proposed program has involved the applicant's faculty, as well as administrators;

(iii) The institutional commitment to the establishment, operation, and continuation of the program as demonstrated by optimal use of available personnel and other resources; and

(iv) The institutional commitment to the program as demonstrated by the use of institutional funds in support of the program's objectives.

(b) *Elements of the proposed international studies program.* (15)

(1) The Secretary reviews each application for information that shows the nature of the applicant's proposed international studies program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities will contribute to the implementation of a comprehensive program in international studies and foreign languages at the applicant institution;

(ii) The interdisciplinary aspects of the program;

(iii) The number of new and revised courses with an international perspective that will be added to the institution's programs; and

(iv) The applicant's plans to improve or expand language instruction.

(c) *Need for and prospective results of the proposed program.* (10)

(1) The Secretary reviews each application for information that shows the need for and the prospective results of the applicant's proposed program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities are needed at the applicant institution;

(ii) The extent to which the proposed use of Federal funds will result in the implementation of a comprehensive program in international studies and foreign languages at the applicant institution;

(iii) The likelihood that the activities initiated with Federal funds will be continued after Federal assistance is terminated; and

(iv) The adequacy of the provisions for sharing the materials and results of the program with other institutions of higher education.

(20 U.S.C. 1124)

§ 658.33 What additional criterion does the Secretary apply to applications from organizations and associations?

In addition to the criteria referred to in § 658.31, the Secretary applies the following criterion to applications from organizations and associations:

(a) *Need for and potential impact of the proposed project in improving international studies and the study of modern foreign language at the undergraduate level.* (30)

(b) The Secretary reviews each application for information that shows the need for and the potential impact of the applicant's proposed projects in improving international studies and the study of modern foreign language at the undergraduate level.

(1) The Secretary looks for information that shows—

(i) The extent to which the applicant's proposed apportionment of Federal funds among the various budget categories for the proposed project will contribute to achieving results;

(ii) The international nature and contemporary relevance of the proposed project;

(iii) The extent to which the proposed project will make an especially significant contribution to the improvement of the teaching of international studies or modern foreign languages at the undergraduate level; and

(iv) The adequacy of the applicant's provisions for sharing the materials and results of the proposed project with the higher education community.

(20 U.S.C. 1124(b))

§ 658.34 What additional factors does the Secretary consider in selecting grant recipients?

In addition to applying the selection criteria in, as appropriate, §§ 658.31, 658.32, and 658.33, the Secretary, to the extent practicable and consistent with the criterion of excellence, seeks to—

(a) Achieve an equitable geographic distribution of awards throughout the U.S.; and

(b) Encourage diversity by ensuring that a variety of types of projects and institutions receive funding.

(20 U.S.C. 1124 and 1126); H. Rept. 96–1337 96 Cong. 2d. Sess. p. 189))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 658.40 What are the limitations on allowable costs?

Equipment costs may not exceed five percent of the grant amount.

(20 U.S.C. 1124)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 660 to read as follows:

PART 660—THE INTERNATIONAL RESEARCH AND STUDIES PROGRAM

Subpart A—General

Sec.

660.1 What is the International Research and Studies Program?
660.2 Who is eligible to apply for grants under this program?
660.3 What regulations apply to the International Research and Studies Program?
660.4 What definitions apply to the International Research and Studies Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

660.10 What activities does the Secretary assist?

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

660.30 How does the Secretary evaluate an application?
660.31 What selection criteria does the Secretary use for all applications for a grant?
660.32 What additional selection criteria does the Secretary use for an application for a research project, a survey, or a study?
660.33 What additional selection criteria does the Secretary use for an application to develop specialized instructional materials?
660.34 What priorities may the Secretary establish?
660.35 What additional factors does the Secretary consider in selecting grant recipients?

Subpart E—What Conditions Must Be Met by a Grantee?

660.40 What are the limitations on allowable costs?

Authority: Section 605 of the Higher Education Act of 1965, as amended (20 U.S.C. 1125), unless otherwise noted.

Subpart A—General

§ 660.1 What is the International Research and Studies Program?

The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of the International Education Program authorized by Part A of Title VI of the Higher Education Act of 1965. The research and studies may include, but are not limited to—

(a) Studies and surveys to determine the need for increased or improved instruction in modern foreign languages and in other fields needed to provide a full understanding of the places in which such languages are commonly used;

(b) Research on more effective methods of providing instruction and evaluating competency in such foreign languages and other fields; and

(c) Development of specialized materials for use in providing such instruction and evaluation or for use in training individuals to provide such instruction and evaluation.

(20 U.S.C. 1125)

§ 660.2 Who is eligible to apply for grants under this program?

Public and private agencies, organizations, and institutions, and individuals are eligible to apply for grants under this part.

(20 U.S.C. 1125)

§ 660.3 What regulations apply to the International Research and Studies Program?

The following regulations apply to this program:

(a) 34 CFR Part 655;

(b) The regulations in this Part 660; and

(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(20 U.S.C. 1121–1127)

§ 660.4 What definitions apply to the International Research and Studies Program?

The definitions in 34 CFR 655.4 apply to this program.

(U.S.C. 1121–1127)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 660.10 What activities does the Secretary assist?

An applicant may apply for funds to carry out any of the following types of activities:

(a) Studies and surveys to determine the need for increased or improved instruction in—

(1) Modern foreign languages; and

(2) Area studies and related fields needed to provide full understanding of the places in which those languages are commonly used.

(b) Research and studies—

(1) On more effective methods of instruction in modern foreign languages, area studies, or related fields; or

(2) To evaluate competency in those foreign languages, area studies, or related fields.

(c) The development of specialized materials—

(1) For use by students and teachers of modern foreign languages, area studies, and related fields; and

(2) For use in—

(i) Providing such instruction and evaluation; or

(ii) Training individuals to provide such instruction and evaluation.

(d) Research, surveys, studies, or the development of instructional materials that serve to enhance international understanding.

(e) Other research or material development projects that further the purposes of the International Education Program authorized by Part A of Title VI of the (HEA).

(20 U.S.C. 1125)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 660.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a research project, a study, or a survey on the basis of the criteria in §§ 660.31 and 660.32.

(b) The Secretary evaluates an application for the development of specialized instructional materials on the basis of the criteria in §§ 660.31 and 660.33

(c) The Secretary awards up to 100 possible points for these criteria. The maximum possible points for each criterion are shown in parentheses.

(20 U.S.C. 1125)

§ 660.31 What selection criteria does the Secretary use for all applications for a grant?

The Secretary uses the following criteria in evaluating applications for research or studies projects:

(a) *Plan of operation.* (10) (See 34 CFR 655.31(a))

(b) *Quality of key personnel.* (10) (See 34 CFR 655.31(b))

(c) *Budget and cost effectiveness.* (10) (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (5) (See 34 CFR 655.31(d))

(e) *Adequacy of resources.* (5) (See 34 CFR 655.31(e))

(20 U.S.C. 1125)

§ 660.32 What additional selection criteria does the Secretary use for an application for a research project, a survey, or a study?

In addition to the criteria referred to in § 660.31, the Secretary applies the following criteria to an application for a research project, study, or survey:

(a) *Need for the project.* (10) The Secretary reviews each application for information that shows—

(1) A need for the proposed project in the field of study on which the project focuses; and

(2) That the proposed project will provide information about the present and future needs of the United States for study in foreign language and other related fields.

(b) *Usefulness of expected results.* (10) The Secretary reviews each application for information that shows the extent to which the results of the proposed project are likely to be used by other research projects or programs with similar objectives.

(c) *Development of new knowledge.* (10) The Secretary reviews each application for information that shows that the extent to which the proposed project is likely to develop new knowledge that will contribute to the purposes of the International Education Program authorized by Part A of Title VI of the HEA.

(d) *Formulation of problems and knowledge of related research.* (10) The Secretary reviews each application for information that shows that problems, questions, or hypotheses to be dealt with by the applicant—

(1) Are well formulated; and

(2) Reflect adequate knowledge of related research.

(e) *Specificity of statement of procedures.* (10) The Secretary reviews each application for the specificity and completeness of the statement of procedures to be followed, including a discussion of such components as sampling techniques, controls, data to be gathered, and statistical and other analyses to be undertaken.

(f) *Adequacy of methodology and scope of project.* (10) The Secretary reviews each application for information that shows—

(1) The adequacy of the proposed teaching, testing, and research methodology; and

(2) The size, scope, and duration of the proposed project.

(20 U.S.C. 1125)

§ 660.33 What additional selection criteria does the Secretary use for an application to develop specialized instructional materials?

In addition to the criteria referred to in § 660.31, the Secretary applies the following criteria to an application for assistance to develop specialized instructional materials.

(a) *Need for the project.* (10) The Secretary reviews each application for information that shows that—

(1) The proposed materials are needed in the educational field of study on which the project focuses; and

(2) The language or languages, the area, region, or country, or the issues or studies for which the materials are to be developed, are of sufficient priority and significance to the national interest to warrant financial support by the Federal Government.

(b) *Potential for the use of materials in other programs.* (10) The Secretary reviews each application for information that shows the extent to which the proposed materials may be used elsewhere in the United States.

(c) *Account of related materials.* (10) The Secretary reviews each application for information that shows that—

(1) All existing related or similar materials have been accounted for and the critical commentary on their adequacy is appropriate and accurate; and

(2) The proposed materials will not duplicate any existing adequate materials.

(d) *Likelihood of achieving results.* (10) The Secretary reviews each application for information that shows that the outlined methods and procedures for preparing the materials are practicable and can be expected to produce the anticipated results.

(e) *Expected contribution to other programs.* (10) The Secretary reviews each application for information that shows the extent to which the proposed work may contribute significantly to strengthening, expanding, or improving programs of foreign language studies, area studies, or international studies in the United States.

(f) *Description of final form of materials.* (5) The Secretary reviews each application for information that shows a high degree of specificity in the description of the contents and final form of the proposed materials.

(g) *Provisions for pretesting and revision.* (5) The Secretary reviews each application for information that shows that adequate provision has been made for—

(1) Pretesting the proposed materials; and

(2) If necessary, revising the proposed materials before publication.

(20 U.S.C. 1125)

§ 660.34 What priorities may the Secretary establish?

(a) The Secretary may each year select for funding from among the following priorities:

(1) Categories of eligible projects described in § 660.10.

(2) Specific languages or regions for study or materials development; for example, the Near or Middle East, South Asia, Southeast Asia, Eastern Europe, Inner Asia, the Far East, Africa or Latin America, or the languages of those regions.

(3) Topics of research and studies; for example, language acquisition processes, methodology of foreign language instruction, foreign language proficiency testing, or assessments of resources and needs.

(4) Levels of education; for example, elementary, secondary, postsecondary or university-level education, or teacher education.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(20 U.S.C. 1126)

§ 660.35 What additional factors does the Secretary consider in selecting grant recipients?

To the extent practicable and consistent with the criterion of excellence, the Secretary shall award grants in such manner as will achieve an equitable distribution of funds throughout the Nation.

(20 U.S.C. 1126; House Rept. 1337, 96 Cong. 2d Sess. p. 189)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 660.40 What are the limitations on allowable costs?

Funds awarded under this part may not be used for the training of students and teachers.

(20 U.S.C. 1125)

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BILLING CODE 4000-01-M

federal register

Thursday
April 1, 1982

Part VI

Department of Transportation

Federal Aviation Administration

Rotorcraft; Location and Size of Registration Marks

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 45

[Docket No. 17528; Notice No. 82-6]

Location and Size of Registration Marks on Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to require the display of identification marks, N-numbers, at least 12 inches high on rotorcraft fuselage sides, the same as for fixed-wing aircraft. The proposal would eliminate the 20-inch-high N-numbers on the bottom surface of rotorcraft and the 2-inch-high side surface marks near the cabin now required by the Federal Aviation Regulations. The change is intended to: (1) Provide rotorcraft manufacturers and owners economic relief from the costly 20-inch-high marking requirements; (2) avoid the existing burden of compliance with the current rule when attaching accessories on the bottom surface, such as searchlights, floats, loudhailers, external cargo hooks, etc., that interfere with the display of 20-inch-high N-numbers; and (3) standardize identification of aircraft marks.

To avoid the burden of compliance, rotorcraft displaying the large bottom surface marks and small side surface marks prior to the effective date of the amendment would be allowed to continue to display those marks until the rotorcraft is repainted or the marks are repainted, restored, or changed. This notice is in response to a petition for rulemaking from the Robinson Helicopter Company.

DATE: Comments must be received on or before July 30, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 17528, 800 Independence Avenue, SW., Washington, D.C. 20591 or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments delivered may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Joseph Gwiazdowski (AWS-200), Aircraft Manufacturing Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone: (202) 426-8361.

SUPPLEMENTAL INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the above specified address. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. Commenters who wish the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped post card on which the following statement is written: "Comments to Docket Number 17528." The post card will be date/time stamped and returned to the commenter. The proposals in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing 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 notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed Rule

Background

Civil Air Regulations Amendment 1-4, published in the **Federal Register** on January 6, 1961 (26 FR 93), established 12-inch-high marks as a standard for displaying indentification marks on fixed-wing aircraft. The U.S. Air Force advocated those marks as means of decreasing the collision hazard associated with air-to-air identification. Air traffic controllers advised that large side marks aid in control of air traffic. Amendment 1-4 unintentionally deleted the standard rotorcraft marking requirements for 20-inch-high marks on the bottom surface of rotorcraft fuselages. Amendment 1-5, published on April 18, 1961 (26 FR 3274), noted the unintentional deletion and reincorporated the 20-inch rotorcraft marks since rotorcraft were considered outside the scope of Amendment 1-4. No other reasons were given for maintaining 20-inch-high marks on rotorcraft, even though all the information available on 20-inch underwing marks showed that those marks were only useful under ideal conditions and were, therefore, eliminated from airplanes.

Subsequently, Part 45 of the Federal Aviation Regulations (FAR) was again amended (Amendment 45-9, published in the **Federal Register** on August 15, 1977 [42 FR 41101]) to reduce the minimum size of the required nationality and registration marks on certain small fixed-wing aircraft from 12 inches high to 3 inches high. Included in Amendment 45-9 was a denial, as being costly and ineffective, of a petition for rulemaking from the Citizens Task Force on Noise Control of Seattle, Washington, to require 18-inch-high underwing nationality and registration marks on fixed-wing aircraft.

Finally, Amendment 45-13 (published in the **Federal Register** [46 FR 48600] on October 1, 1981) reverted back to 12-inch-high N-numbers as a result of needs in the aviation community to improve positive identification of aircraft displaying small 3-inch N-numbers.

The specific regulations involved in this petition, §§ 45.27 and 45.29, establish the location and size, respectively, of marks on a rotorcraft. Section 45-27(a) requires a rotorcraft to display marks on the bottom surface of the fuselage or cabin with the top of the marks toward the left side of the fuselage and on the side surface of the fuselage below the window lines, as near the cockpit as possible. Section 45.29(b)(3) requires that the marks on the bottom surface of a rotorcraft fuselage or cabin must be at least four-fifths as high as the fuselage is wide or 20 inches high, whichever is less. Marks on the side of the fuselage must be as high as practicable, but not less than 2 inches high; however, marks higher than 6 inches are not required.

Section 45.29(f) provides that if any surface required to be marked in accordance with § 45.27 is not large enough for full-size marks, marks as large as practicable shall be displayed on that surface. These marks are subject to approval by the Administrator.

Robinson Helicopter Company, Torrance, California, petitioned the

Administrator, under the rulemaking provisions of Part 11 of the FAR, to amend Part 45 by deleting the requirement for nationality and registration marks on the bottom surface of a rotorcraft for the same reasons as for a fixed-wing aircraft noted in Amendment 45–9. In Amendment 45–9, the FAA concluded that underwing marks on fixed-wing aircraft would be costly and ineffective for air-to-air and for positive ground-to-air identification except under ideal conditions. The petitioner cited the difficulty and relatively high cost of masking and painting as the reason for eliminating the now-required marks on the bottom surface of a helicopter.

On March 4, 1981, Bell Helicopter Textron, Fort Worth, Texas, petitioned the FAA for an exemption from § 45.29(b)(3)(i). Specifically, the petitioner requested that Bell Helicopter Models 206 and 222 be permitted to display bottom surface marks at least 7 inches high and Bell Helicopter Models 205, 212, 414, and 214ST be permitted to display marks at least 12 inches high. The petitioner indicated that it is virtually impossible to achieve any standardization of marks on those models due to the different sizes of optional kits that are installed. Those kits, such as searchlights, external cargo hooks, float kits, loudhailers (bullhorns), etc., cause the size of the marks to be determined by the requirements of § 45.29(f) which states, "* * * marks as large as practicable * * *."

Bell Helicopter Textron noted that the lack of N-number standardization, along with the difficulty of applying the marks over the numerous electrical cable fairings, inspection plates, etc., that are located on the bottom surface of the rotorcraft, presents both compliance and economic difficulties. The owner faces a continual economic burden under the present requirement since the registration numbers have to be replaced whenever the owner installs or removes a kit that mounts on the bottom of the rotorcraft.

FAA agrees that since underwing marks are not required to be displayed on a fixed-wing aircraft, the additional requirement for the bottom surface marks should not be imposed on a rotorcraft that operates in virtually the same environment.

Compliance

The proposed amendment would relieve the marking burden on rotorcraft manufacturers and owners since only 12-inch marks would be required in more accessible areas, rather than 20-inch marks on the fuselage botton and 2-inch marks on the sides as now required. The affected rotorcraft which display 20-inch marks and smaller fuselage side marks at least 2 inches high before the effective date of this amendment would be allowed to continue to display those marks until the rotorcraft is repainted or the marks are repainted, restored, or changed.

Regulatory Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket.

The FAA first determined the number of rotorcraft that would be impacted during the 10-year period starting from 1983, the assumed earliest year that the rule change could take effect. Based on a review of the *Census of U.S. Civil Aircraft* for calendar years 1970–1980, an annual increase factor of 10 percent was applied to determine the forecast number of new rotorcraft for the period 1983–1992. The FAA's analysis indicates that these new rotorcraft and existing rotorcraft require repainting and thus new registration marks, on average, every 5 years. Conversations with FBO's and rotorcraft manufacturers also revealed that the average 1981 dollar cost to apply the currently required registration marks (standard fuselage bottom and side) is $475. The proposed larger side markings would cost an average $240.

To determine the benefits and costs of the proposal over the period 1983–1992, FAA inflated the unit dollar values for the current and proposed registration mark requirements, multiplied the unit costs by the affected number of rotorcraft for each year, and discounted the totals to 1983.

Based on the above methodology, the discounted value of the expected benefits over the period 1983 to 1992 is approximately $16.2 million, whereas the discounted value of the costs over the same period is approximately $8.2 million, for a benefit/cost ratio of 1.98.

The actual cost savings may be larger than determined above because under current regulations owners of rotorcraft that install or remove kits or parts that mount on the bottom of the rotorcraft often have to re-mark the fuselage bottom to maintain compliance. Therefore, owners of such rotorcraft would receive only benefits from the elimination of the bottom marking requirement. These rotorcraft are still included, however, in the estimates of those that will have to be repainted with new marks every 5 years.

The FAA invites comments on the assumptions made and data provided in the regulatory evaluation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 45 of the Federal Aviation Regulations (14 CFR Part 45) as follows:

PART 45—IDENTIFICATION AND REGISTRATION MARKING

1. By amending § 45.27(a) to read as follows:

§ 45.27 Location of marks; nonfixed-wing aircraft.

(a) *Rotorcraft.* Each operator of a rotorcraft shall display on that rotorcraft horizontally on both side surfaces (cabin, fuselage, or tail boom) the marks required by § 45.23.

* * * * *

2. By amending § 45.29(b)(3) and (f) to read as follows:

§ 45.29 Size of marks.

* * * * *

(b) * * *

(3) Rotorcraft—must be at least 12 inches high, except that rotorcraft displaying, before (effective date), marks required by § 45.29(b)(3) in effect on (day before effective date) and rotorcraft manufactured on or after (effective date) but before (1 year after effective date) may display those marks until the aircraft is repainted or the marks are repainted, restored, or changed.

* * * * *

(f) If either one of the surfaces authorized for displaying required marks under § 45.25 is large enough for display of marks meeting the size requirements of this section and the other is not, full-size marks shall be placed on the larger surface. If neither surface is large enough for full-size marks, marks as large as practicable shall be displayed on the larger of the two surfaces. If any surface required to be marked by § 45.27 is not large enough for full-size marks, marks as large as practicable shall be displayed on the largest surface.

* * * * *

(Secs. 307(c), 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1401, and 1421(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—This proposal would have a net beneficial cost impact on rotorcraft owners and manufacturers. Specifically, rotorcraft displaying bottom surface marks before the effective date would be allowed to display those marks until the rotorcraft is repainted or the marks are repainted, restored, or changed. Further, the elimination of the costly 20-inch bottom surface marks would more than offset the size increase of the fuselage side marks to 12 inches. Since this document does not propose to impose requirements that

would result in any significant burden on owners or manufacturers, it has been determined that the proposal does not involve a major proposal under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons, I certify that under the criteria of the Regulatory Flexibility Act, this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities.

A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "for further information contact."

Issued in Washington, D.C., on March 4, 1982.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-8816 Filed 3-31-82; 8:45 am]

BILLING CODE 4910-13-M

Reader Aids

Federal Register
Vol. 47, No. 63
Thursday, April 1, 1982

INFORMATION AND ASSISTANCE

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CFR Unit	202-523-3419 523-3517
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

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FEDERAL REGISTER PAGES AND DATES, APRIL

13757-14130.....1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 16	May 3	May 17	June 1	June 30
April 2	April 19	May 3	May 17	June 1	July 1
April 5	April 20	May 5	May 20	June 4	July 6
April 6	April 21	May 6	May 21	June 7	July 6
April 7	April 22	May 7	May 24	June 7	July 6
April 8	April 23	May 10	May 24	June 7	July 7
April 9	April 26	May 10	May 24	June 8	July 8
April 12	April 27	May 12	May 27	June 11	July 12
April 13	April 28	May 13	May 28	June 14	July 12
April 14	April 29	May 14	June 1	June 14	July 13
April 15	April 30	May 17	June 1	June 14	July 14
April 16	May 3	May 17	June 1	June 15	July 15
April 19	May 4	May 19	June 3	June 18	July 19
April 20	May 5	May 20	June 4	June 21	July 19
April 21	May 6	May 21	June 7	June 21	July 20
April 22	May 7	May 24	June 7	June 21	July 21
April 23	May 10	May 24	June 7	June 22	July 22
April 26	May 11	May 26	June 10	June 25	July 26
April 27	May 12	May 27	June 11	June 28	July 26
April 28	May 13	May 28	June 14	June 28	July 27
April 29	May 14	June 1	June 14	June 28	July 28
April 30	May 17	June 1	June 14	June 29	July 29

CFR CHECKLIST; 1981–82 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981/82. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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21 Parts:	
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28 (Rev. 11/1/81)	**8.00**
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42 Parts:	
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44	**7.50**
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1–199	7.00
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46 Parts:	
1–29	5.50
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166–199	6.50
200–399	8.00
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47 Parts:	
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1–99	6.00
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CFR ISSUANCES
Projected 1982 CFR ISSUANCES
January and April Quarters

This list restates the complete publication plans for the January quarter and projects the publication plans for the April, 1982 quarter. A projected schedule that will include the July, 1982 quarter will appear in the first **Federal Register** issue of July, 1982, immediately after the CFR checklist.

For pricing information on available 1982 volumes consult the CFR checklist in this **Federal Register.**

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1982:

Title
CFR Index
1–2
3 Compilation
4
5 Parts:
1–1199
1200–end
7 Parts:
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210–299
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1060–1119
1120–1199
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1500–1899
1900–1944
1945–end
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Title
9 Parts:
1–199
200–end
10 Parts:
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500–end
11 (cover only)
12 Parts:
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14 Parts:
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1200–end
15 Parts:
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300–399
400–end
16 Parts:
0–149
150–999
1000–end

Titles revised as of April 1, 1982:

Title
17 Parts:
0–239
240–end
18 Parts:
1–149
150–399
400–end
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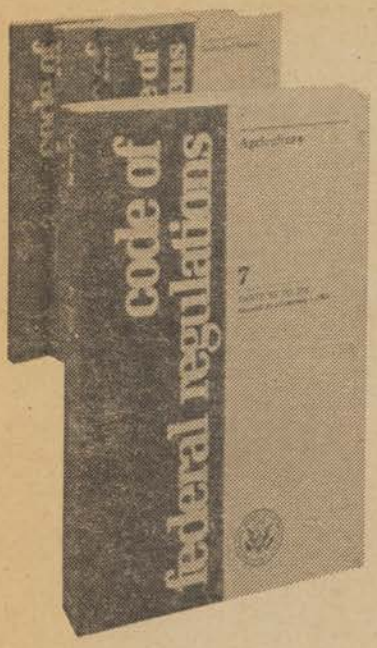
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22
23

24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (Cover only)
600–end
27 Parts:
1–199
200–end

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 30, 1982



Just Released

Code of Federal Regulations

Revised as of January 1, 1982

Quantity	Volume	Price	Amount
_____	Title 1—General Provisions	$5.50	$_____
_____	Title 7—Agriculture (Parts 1120 to 1199)	6.50	_____
_____	Title 8—Aliens and Nationality	6.00	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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