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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Sub-Regional Office; Location Change

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(8)(a) (45 FR 80467) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR Part 2400 *et seq.*, to establish a new office address for the location of the Authority's Honolulu, Hawaii Sub-Regional Office within the Authority's Los Angeles, California Regional Office. The Honolulu Sub-Regional Office's telephone numbers have not been changed.

EFFECTIVE DATE: April 5, 1982.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel (202) 382-0811.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (1981). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth office addresses and telephone numbers

of the Regional Directors of the Authority. Effective December 2, 1980, Appendix A, paragraph (d)(8)(a) of the rules and regulations was amended, at 45 FR 80467, to set forth the address and telephone numbers for the location of the Authority's Honolulu, Hawaii Sub-Regional Office within the Authority's Los Angeles, California Regional Office. This amendment sets forth the changed office address of the Honolulu, Hawaii Sub-Regional Office of the Authority. The Honolulu Sub-Regional office's telephone numbers have not been changed. Accordingly, in Appendix A to Chapter XIV, paragraph (d)(8)(a) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1981)) is amended to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(8)(a) *Honolulu, Hawaii Sub-Regional Office*—Room 4113, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, Telephone: FTS-556-0220, through the San Francisco FTS Operator, Commercial—(808) 546-8355.

(5 U.S.C. 7134)

Dated: April 13, 1982.

For the Authority,

James J. Shepard,
Executive Director.

For the General Counsel,

S. Jesse Reuben,
Deputy General Counsel.

Federal Labor Relations Authority.

[FR Doc. 82-10566 Filed 4-16-82; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1007

[Milk Order No. 7; Docket No. AO-366-A18]

Milk in the Georgia Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the pooling provisions of the Georgia

Federal milk marketing order. The amendments will result in a distributing plant located within the marketing area that processes and distributes primarily aseptically processed fluid milk products being fully regulated under the order irrespective of the market or markets in which the products may be distributed. This action, which is based on evidence received at a public hearing held at Hapeville, Georgia, on January 21, 1982, is necessary to ensure a stable regulatory environment for such a plant. The hearing was requested by a dairy farmer cooperative association that is now constructing this type of milk plant at Savannah, Georgia. Cooperative associations representing more than two-thirds of the producers in the Georgia market have approved the issuance of the amended order.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-4829).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued January 5, 1982; published January 8, 1982 (47 FR 962).

Correction: Published January 14, 1982 (47 FR 2122).

Recommended Decision: Issued March 4, 1982; published March 9, 1982 (47 FR 10053).

Final Decision: Issued March 30, 1982; published April 7, 1982 (47 FR 14919).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure

governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Administrator, Agricultural Marketing Service, was issued March 4, 1982, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued March 30, 1982. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1982, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the *Federal Register*. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which

is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1007

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered. That on and after the effective date hereof, the handling of milk in the Georgia marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1007—MILK IN GEORGIA MARKETING AREA

1. Section 1007.7 is revised to read as follows:

§ 1007.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A distributing plant, other than a plant specified in paragraph (d) of this section, that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total Class I disposition, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted health authority for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraphs (a) or (d) of this section. A plant that was a pool plant pursuant to this paragraph in each of the

immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) For the purpose of qualifying a supply plant under paragraph (b) of this section, a cooperative association supplying pool distributing plants during the month at least two-thirds of the producer milk of its members (including both milk delivered directly from their farms and that transferred from the supply plant(s) of the cooperative) may count (irrespective of other requirements of § 1007.9(c)) as shipments from the plant to pool distributing plants the milk delivered to pool distributing plants under § 1007.9(c); in the event the cooperative operates more than one supply plant, all such deliveries shall be assigned, for this purpose, to the supply plant nearest Atlanta, Ga.

(d) A distributing plant that meets the following conditions:

(1) The plant is located in the marketing area;

(2) The plant has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.13; and

(3) The principal activity of such plant is the processing and distribution of aseptically processed fluid milk products.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt distributing plant; and

(3) A plant (except a plant that is a pool plant pursuant to paragraph (d) of this section) that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraphs (a) or (b) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants pursuant to paragraphs (a) or (d) of this section than is disposed of from such plant in the marketing area

regulated pursuant to the other order as route disposition and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

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

Effective date: May 1, 1982.

Signed at Washington, D.C., on: April 14, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-10597 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1068

[Docket No. AO-178-A37]

Milk in the Upper Midwest Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes some of the pooling provisions for reserve supply plants in the Upper Midwest milk order. Also it revises a price zone within the marketing area, modifies the handler definition with respect to cooperative associations and revises the provisions concerning payments to individual producers. This action is based on industry proposals considered at a public hearing held April 14-15, 1981. The amendments are needed to reflect current marketing conditions and to assure orderly marketing in the area.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Previous documents in this proceeding:

Notice of Hearing: Issued March 9, 1981, published March 13, 1981 (46 FR 16689).

Extension of Time: Issued May 15, 1981, published May 20, 1981 (46 FR 27501).

Recommended decision: Issued October 27, 1981, published November 2, 1981 (46 FR 54366).

Final decision: Issued February 19, 1982, published February 26, 1982 (47 FR 8367).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in

connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued October 27, 1981, and the decision of the Deputy Assistant Secretary, Marketing and Inspection Services containing all amendment provisions of this order was issued February 19, 1982. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the

order effective May 1, 1982, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1068

Milk marketing orders, milk, dairy products.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Upper Midwest marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. In § 1068.7, paragraph (d)(4)(ii)(a) is revised to read as follows:

§ 1068.7 Pool plant.

* * * * *

(d) * * *

(4) * * *

(ii) * * *

(a) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler provided that shipments from sources other than the plant(s) subject to the call and milk supplies for which a cooperative association is the handler pursuant to § 1068.9(c) must be in addition to any shipments already being made by the handler and may not result from shifting milk supplies from a pool

distributing plant outside the call area to one within the call area; and

§ 1068.9 [Amended]

2. Section 1068.9 is amended by removing the language "of another handler" in paragraphs (b) and (c).

§ 1068.52 [Amended]

3. Section 1068.52(a)(2)(i) is amended by removing the word "Washington".

4. In § 1068.73, paragraphs (a), (d) and the introductory text of paragraph (c) preceding subparagraph (1) are revised and a new paragraph (a-1) is added to read as follows:

§ 1068.73 Payments to producers and to cooperative associations.

(a) On or before the 25th day of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the month from a cooperative association:

(1) That is a handler pursuant to § 1068.9(a), at not less than the Class I price for the month at the location of the transferee or transferor plant, whichever is higher, adjusted by the butterfat differential for the preceding month;

(2) That is a handler pursuant to § 1068.9(c), at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month; and

(3) That is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

(a-1) On or before the 4th day after the end of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the month from a producer for whom payment is not being made pursuant to paragraph (a) of this section and who has not discontinued shipping to such handler, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

(c) On or before the 18th day after the end of the month, each handler shall make payment at not less than the uniform price for the month, as adjusted by the butterfat differential specified in § 1068.74 and location adjustments specified in § 1068.75, for all skim milk and butterfat received during the month (less the partial payment pursuant to

paragraphs (a) and (a-1) of this section) to:

(d) In making payments pursuant to paragraphs (a)(2) and (3), (a-1) and (c) of this section, deductions may be made for marketing services pursuant to § 1068.86 and for any proper deductions authorized by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1068.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

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

Effective date: May 1, 1982.

Signed at Washington, D.C. on: April 14, 1982.

C. W. McMillan,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 82-10598 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-19-AD; Amdt. 39-4367]

Airworthiness Directives; British Aerospace Model HS/DH Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the wing flap actuator on certain British Aerospace Model HS/DH 125 airplanes. The AD is needed to prevent a possible hydraulic system failure and flap malfunction.

DATE: Effective date April 26, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESS: The applicable service bulletin may be obtained from British Aerospace, Aircraft Group, Hatfield, Hertfordshire, England AL109TL, Attention: Technical Manuals Distribution Center.

FOR FURTHER INFORMATION CONTACT:

Robert J. Huhn, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 E. Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION:

The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace Corporation HS-125 Service Bulletin 27-125 mandatory. This service bulletin requires the replacement of wing flap actuators P/N AIR45566 or AIR45568 on certain BAe HS-125 airplanes at intervals of every 8,000 landings. Cracks have been found in the actuator bodies which, if allowed to remain, could result in the inability to operate the flaps from either the main or auxiliary hydraulic power systems. A failure could also result in the flap moving from the selected position. In order to prevent this from occurring, the CAA, which is the Civil Air Authority of the United Kingdom, is requiring replacement of the flap actuators after they have accumulated 8,000 landings in accordance with BAe HS-125 Service Bulletin 27-125 dated March 19, 1979.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires the replacement of the flap actuators mentioned above at intervals of 8,000 landings on HS-125 airplanes.

Since a situation 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 amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

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:

British Aerospace: Applies to British Aerospace Models HS/DH 125 airplanes series 1A, 3A, and variants that have not been modified in accordance with modification 25/5640, certificated in all

categories. Compliance is required as indicated, unless already accomplished. To prevent hydraulic pressure loss in the wing flap system and wing flap movement away from the selected position:

1. Within the next 100 landings or prior to accumulating 8,000 landings, whichever occurs later, after the effective date of this AD and at each 8,000 landing interval thereafter, replace wing flap actuator P/N AIR45566 or AIR45568 in accordance with the "Accomplishment Instructions" of British Aerospace Service Bulletin SB.27-125 dated March 19, 1979. Note: Operators who can substantiate the number of landings on the flap jack assembly may use this in lieu of using the number of landings on the airplane for compliance with the AD.

2. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective April 26, 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 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Seattle, Washington, on April 6, 1982.

Charles R. Foster,
Director, Northwest Mountain Region.

[FR Doc. 82-10577 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-CE-11-AD; Amdt. 39-4368]

Airworthiness Directives; Piper PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two Airworthiness Directives (ADs), 76-10-06 and 81-11-03, which require repetitive inspections of the wing flap transmission on certain Piper PA-31 series airplanes incorporating a Dukes flap actuating system. This superseding AD continues in effect and expands these inspections and limits the extension angles of the wing flaps. It also requires related corresponding changes to operating limitations, normal and emergency procedures and performance information published in the current "FAA Approved Airplane Flight Manuals," or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual." This action reduces the possibility of a large asymmetric wing flap condition and the loss of aircraft control with a resulting aircraft accident.

DATES: Effective Date: April 22, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Piper Aircraft Corporation Service Bulletins No. 739 dated March 1, 1982, No. 741 dated March 1, 1982, and No. 494B dated July 17, 1979, and Piper Aircraft Corporation Service Letter No. 764A dated July 17, 1979, applicable to this AD, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. Copies of this documentation are also contained in the Rules Docket, Office of the Regional Counsel, FAA Central Region, Room 1558, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106.

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

SUPPLEMENTARY INFORMATION: This AD Amendment supersedes Amendments 39-2613, AD 76-10-06 (41 FR 20647) and 39-4113, AD 81-11-03 (46 FR 27098) affecting certain Piper PA-31 series airplanes. These superseded ADs were issued to prevent asymmetric flap extension by requiring repetitive inspections of the wing flap transmissions and flexible drive connections on certain Piper PA-31 series airplanes. Since issuance of these ADs, the FAA has determined that these

inspections require amplification to prevent failure of these components and resulting asymmetric flap conditions on Piper PA-31 series airplanes equipped with Dukes wing flap actuating systems.

In addition, the asymmetric flap condition emergency procedures specified for those Piper Model airplanes specified below have been reevaluated. The manufacturer has conducted tests which demonstrated that the Model PA-31, PA-31-300, PA-31-325, PA-31-350 and PA-31P airplanes are controllable with a 25-degree asymmetric wing flap condition and the Model PA-31T and PA-31T1 airplanes are controllable with a 15-degree asymmetrical flap which is the only intermediate position available.

Accordingly, expanded inspection procedures and new operating limitations were developed and made available in Piper Aircraft Corporation Service Bulletins No. 739 and 741. These bulletins contain instructions for pen and ink temporary changes which incorporate the new operating limitations and procedures in the applicable "Airplane Flight Manuals" or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual." These bulletins also require installation of operating limitation placards, changes to airspeed and flap position indicator markings and continue in effect the expanded repetitive inspection of the flap extension system.

Certain Piper models PA-31T and PA-31T1 airplanes were manufactured with a different design flap extension system and have a satisfactory service history. Therefore, the 15-degree flap extension limitation is not applicable to these airplanes. However, changes in emergency procedures developed by the manufacturer are applicable to these airplanes and considered necessary in the interest of safety.

Accordingly, since the conditions described herein are likely to exist or develop on other airplanes of the same type design, the FAA is issuing a new AD, superseding ADs 76-10-06 and 81-11-03, applicable to Piper PA-31 series airplanes, making provisions of the aforesaid manufacturer's service information mandatory.

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

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

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:

Piper Aircraft Corporation: Applies to Models PA-31 (S/Ns 31-2 thru 31-7812129), PA-31-300 (S/Ns 31-2 thru 31-511), PA-31-325 (S/Ns 31-7300932 thru 31-7812129), PA-31-350 (S/Ns 31-5001 thru 31-7852171), PA-31T (S/Ns 31T-7400002 thru 31T-7820092, except 31T-7820067), PA-31T1 (S/Ns 31T-7804001 thru 31T-7804011) and PA-31P (S/Ns 31P-1 thru 31P-7730012) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To prevent loss of control due to flap asymmetric conditions caused by failure of the flap extension system, accomplish the following:

(a) On Models PA-31 (S/Ns 31-2 thru 31-7812129), PA-31-300 (S/Ns 31-2 thru 31-511), PA-31-325 (S/Ns 31-7300932 thru 31-7812129), PA-31-350 (S/Ns 31-5001 thru 31-7852171) and PA-31P (S/Ns 31P-1 thru 31P-7730012) airplanes.

1. Within 25 hours time-in-service after the effective date of this AD, restrict maximum flap extension to 25 degrees by installation of temporary instrument markings and placards and incorporation of pen and ink changes in the applicable "Airplane Flight Manuals" or "Pilot's Operating Handbook and FAA Approved Flight Manual" in accordance with Part I of Piper Service Bulletin No. 739, dated March 1, 1982. The installation of permanent kits prescribed in paragraph (a)4 below meets these requirements.

2. Within 100 hours time-in-service after the effective date of this AD, and thereafter at intervals not exceeding 500 hours time-in-service, inspect the flap flexible drive shaft assemblies for alignment, wear and security of attachment of end fittings to the flexible shaft. Replace unsatisfactory parts in accordance with Part II of Piper Service Bulletin No. 739, dated March 1, 1982.

3. Within the next 100 hours time-in-service after the effective date of this AD or when last accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not exceeding 100 hours time-in-service, inspect the wing flap transmission for excessive wear. Rework or replace this assembly as necessary in accordance with "Instructions No. 1" of Piper Service Bulletin 494B dated July 17, 1979.

4. On or before August 1, 1982, install Piper Flap Travel Restrictions and Placard Kit, P/N 764 396 in Model PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes and P/N 764 397 in Model PA-31P airplanes.

(b) On Model PA-31T (S/Ns 31T-7400002 thru 31T-7520013) airplanes:

1. Within 25 hours time-in-service after the effective date of this AD, restrict maximum flap extension to 15 degrees by installation of temporary instrument markings and placards and incorporation of pen and ink changes in the "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" in accordance with Part I of Piper Service

Bulletin No. 741, dated March 1, 1982. The installation of permanent placards and manual revisions prescribed by paragraph (b)4 below meets this requirement.

2. Within the next 100 hours time-in-service after the effective date of this AD and thereafter at intervals not exceeding 500 hours time-in-service, inspect the flap flexible drive shaft assemblies for alignment, wear and security of attachment of end fittings to the flexible shaft. Replace unsatisfactory parts in accordance with Part I B, Piper Service Bulletin No. 741, dated March 1, 1982.

3. Within the next 100 hours time-in-service after the effective date of this AD or since last accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not to exceed 100 hours time-in-service, inspect the wing flap transmission for excessive wear. Rework or replace this assembly as necessary in accordance with "Instructions No. 1" of Piper Service Bulletin No. 494B, dated July 17, 1979.

4. On or before August 1, 1982, install a permanent Autopilot/Flap Operation Placard, Piper P/N 81009-02 and permanent "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" revisions incorporating the same information specified in paragraph (b)1.

5. Upon installation of Piper Kit 764-398, Wing Flap Transmission Modification Kit, the restrictions and inspections required by paragraphs (b)1 and 2 are no longer required and temporary markings and manual revisions may be removed and the requirements of paragraph (c) below become applicable.

(c) On Model PA-31T (S/Ns 31T-7520014 thru 31T-7820066, 31T-7820068 thru 31T-7820092) and those airplanes having S/N 31T-7400002 thru 31T-7520013 if Piper Kit 764 398 is installed and Model PA-31T1 (S/Ns 31T-7804001 thru 31T-7804011) airplanes:

1. Within the next 25 hours time-in-service after the effective date of this AD, install a Temporary Autopilot/Flap Operating Placard and make temporary changes in the "Airplane Flight Manual" or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" in accordance with Part II of Piper Service Bulletin No. 741, dated March 1, 1982. The installation of a permanent placard and manual revisions prescribed by paragraph (c)3 below meets these requirements.

2. Within the next 100 hours time-in-service after the effective date of this AD, or when last accomplished under AD 76-10-06 or AD 81-11-03 and thereafter at intervals not exceeding 100 hours time-in-service, inspect the wing flap transmission for excessive wear. Rework or replace this assembly as necessary in accordance with "Instructions No. 1" of Piper Service Bulletin 494B, dated July 17, 1979.

3. On or before August 1, 1982, install a permanent Autopilot/Flap Operation Placard, Piper P/N 81109-02 and permanent "Pilot's Operating Handbook and FAA Approved Flight Manual" revisions incorporating the same information specified in paragraph (c)1.

(d) Upon submission of substantiating data by an owner or operator, through an FAA Maintenance Inspector, the Chief, Atlanta Aircraft Certification Office, FAA, may

adjust the inspection intervals and compliance times specified in this AD.

(e) An equivalent method of compliance with this AD when used must be approved by the Chief, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320.

Note.—In the event replacement flexible drive shafts are not available for the PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes, the airplane may be operated with flaps secured in the full-up position provided appropriate performance data is used.

This amendment becomes effective April 22, 1982.

This amendment supersedes ADs 76-10-06 (Amendment 39-2613) and 81-11-03 (Amendment 39-4113).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 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 modification of 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 April 7, 1982.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 82-10579 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-18-AD; Amdt. 39-4366]

Airworthiness Directives; British Aerospace Model HS/BH/DH 125 Airplanes up to and Including Series 600

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that requires an inspection for clearance between the left hand engine fuel line and the flap control unit input lever and rework as necessary on certain British Aerospace Model HS/BH/DH 125 aircraft. If clearance is insufficient, chafing or failure of the fuel line and inability to fully retract flaps can occur.

DATES: Effective date April 26, 1982.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

R. J. Huhn, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION:

The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace Corporation HS-125 Service Bulletin 28-69 mandatory. One incident has occurred in service in which the flaps could not be fully retracted. Inspection revealed that the flap control input rod eye-end had chafed the left hand engine fuel line so that metal buildup restricted the final movement of the flap selector. The fuel line was deeply grooved. If a fuel line should fail, a serious fire hazard would exist. In order to prevent this from occurring, the CAA, which is the Civil Airworthiness Authority of the United Kingdom, is requiring an inspection for clearance between the left hand engine fuel line and the flap control input lever on certain HS-125 airplanes in accordance with HS-125 Service Bulletin 28-69, Revision 1, dated June 25, 1979. If adequate clearance does not exist, rework to provide such clearance must be accomplished.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires an inspection for clearance and possible rework between the flap control

mechanism and the fuel line as mentioned above.

Since a situation 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 amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39—Aviation

Safety, Aircraft.

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: *British Aerospace (Hawker Siddeley):* Applies to all Model HS/BH/DH 125 Series 3A/R, 3A/RA, 400A, 400A with Modification 25/2550, 600A, and 600A with Modification 25/2468 airplanes certificated in all categories. Compliance is required as indicated. To prevent structural failure of the fuel line, accomplish the following:

1. Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished, visually inspect for clearance between the flap control unit input lever and the left hand engine fuel line and rework, if necessary, in accordance with paragraph 2, "Accomplishment Instructions," of British Aerospace, Aircraft Group, 125 Service Bulletin (SB) No. 28-69, Revision 1, dated June 25, 1979.

2. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

3. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Seattle area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to a 5 U.S.C. 552(a)(1).

This amendment becomes effective April 26, 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 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Seattle, Washington, on April 6, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-10546 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-27-AD; Amdt. 39-4365]

Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to Lockheed-California Company Model L-1011-385 Series airplanes, Serial Numbers 1001 through 1051, inclusive, which requires inspections for cracks in the Fuselage Station (FS) 1363 bulkhead and repair and/or replacement of defective parts as necessary. This amendment establishes optional terminating action for the inspections by providing a permanent modification to the structure.

DATES: Effective date: April 26, 1982.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT:

Harvey A. Chimerine, Aerospace Engineer, Airframe Branch, ANM-120L, Federal Aviation Administration,

Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2825.

SUPPLEMENTARY INFORMATION: On August 21, 1981, telegraphic AD T81-18-51 was issued to all known operators of Lockheed-California Company Model L-1011-385 Series airplanes, Serial Numbers 1001 through 1051 inclusive, effective upon receipt, requiring inspection for cracks in FS 1363 bulkhead and repair and/or replacement, as necessary. This action was initiated by reports of fuselage cracks in the main landing gear wheel well area at FS 1363. If left unattended, crack progression may result in rapid decompression of the airplane.

When Airworthiness Directive AD 81-18-51 R1, Amendment 39-4242, was published in the *Federal Register* at 46 FR 52091, October 26, 1981, to make it effective to all persons, it differed from the telegraphic AD by including the establishment of a repetitive inspection interval of 500 landings when inspected in accordance with Lockheed-California Company L-1011 Service Bulletin 093-53-206. Subsequently, Amendment 39-4242 was amended by Amendment 39-4279 at 46 FR 60806, December 14, 1981, by increasing the repetitive inspection interval from 500 to 1000 landings.

After issuing Amendment 39-4279, the FAA evaluated substantiating data for a permanent modification to the structure at FS 1363 bulkhead and determined that incorporation of this modification eliminates the need for the repetitive inspections required by this amendment. Therefore, the FAA is amending Amendment 39-4279 to provide a permanent modification as optional terminating action as specified in Lockheed-California Company L-1011 Service Bulletin 093-53-207, dated January 26, 1982.

Since this amendment provides an alternate means of compliance, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

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 amending AD 81-18-51 R2, Amendment 39-4279 (46 FR 60806, December 14, 1981), by adding a new

paragraph A.3. to read as follows:

A.3. Permanent modifications to the FS 1363 bulkhead structure in accordance with Lockheed-California Company L-1011 Service Bulletin 093-53-207 dated January 26, 1982, eliminates the requirement for the periodic inspections specified in this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective April 26, 1982.

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

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation, and I certify that it will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in Seattle, Washington on April 6, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-10545 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-14]

Alteration of Control Zone, Atlanta, Georgia (Charlie Brown County Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule alters the description of the Atlanta, Georgia (Charlie Brown County Airport), Control Zone by correcting the airport name. The name of Charlie Brown County Airport has been changed to Fulton County Airport-Brown Field, and it is necessary to alter the description to reflect this change.

DATES: Effective date: 0901 G.m.t., July 8, 1982. Comments on the rule must be received before June 20, 1982.

ADDRESSES: Send comments on the rule 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 Atlanta, Georgia (Charlie Brown County Airport), control zone described in § 71.171 (46 FR 455) the name of the airport is specified as Charlie Brown County Airport. The name of the airport has been changed to Fulton County Airport-Brown Field. This rule will alter the description to reflect the proper name of the airport.

This amendment represents a change in the technical description of the control zone 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 corrects the name of the airport upon which a control zone is designated. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 455) is further amended, effective 0901 G.m.t., July 8, 1982, by deleting the present description of the Atlanta, Georgia (Charlie Brown County Airport) control zone, and substituting the following therefor:

Atlanta, Georgia (Fulton County Airport-Brown Field)

Within a 5-mile radius of Fulton County Airport-Brown Field (Latitude 33°46'35" N., Longitude 84°31'15" 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. 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 I certify 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.

Issued in East Point, Georgia, on April 7, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-10542 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-15]

Alteration of Control Zone, Atlanta, Georgia (Dobbins AFB/ NAS Atlanta)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule alters the description of the Atlanta, Georgia (Dobbins AFB/NAS Atlanta), Control Zone by correcting the names of two airports.

EFFECTIVE DATE: 0901 G.m.t., July 8, 1982. Comments on the rule must be received before June 20, 1982.

ADDRESSES: Send comments on the rule 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 Atlanta, Georgia (Dobbins AFB/NAS Atlanta), control zone described in § 71.171 (46 FR 455) the name of the airports are specified as Dobbins AFB/NAS Atlanta and Charlie Brown County Airport. This rule will alter the description to reflect the proper names as being Dobbins AFB and Fulton County Airport-Brown Field.

This amendment represents a change in the technical description of the control zone 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 corrects the names of the airports upon which the control zone is predicated. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 455) is further amended, effective 0901 GMT, July 8, 1982, as follows:

Atlanta, Georgia (Dobbins AFB)

By amending § 71.171 in the description of the Atlanta, Georgia (Dobbins AFB/NAS Atlanta), Control Zone by deleting the words, " * * * Dobbins AFB/NAS Atlanta * * * " and " * * * Charlie Brown County Airport * * * ", and substituting for them the words, " * * * Dobbins AFB * * * " and " * * * Fulton County Airport-Brown Field * * * "

(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. 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 I certify 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.

Issued in East Point, Georgia, on April 7, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-10541 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AAL-15]

Establishment of Gambell, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a transition area in the vicinity of Gambell, AK. This action provides controlled airspace needed to accommodate prescribed instrument approach procedures.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On December 14, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area to provide controlled airspace in the vicinity of Gambell, AK, as published in the Federal Register (46 FR 60829). A nondirectional radio beacon (NDB) has been installed at Gambell, AK, and two instrument approach procedures have been developed which use this aid. The transition area is needed to provide protected airspace to accommodate these instrument approach procedures. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received but was subsequently withdrawn. Except for editorial changes, and minor corrections in the airspace descriptions, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area that extends upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Gambell, AK, NDB 352° bearing extending from the NDB to 18.5 miles north of the NDB and within 9.5 miles west and 4.5 miles east of the NDB 172° bearing extending from the NDB to 18.5 miles south of the NDB.

List of Subjects in 14 CFR Part 71

Aviation safety; Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14

CFR Part 71) is amended, effective 0901 GMT, July 8, 1982, as follows:

Gambell, AK [New]

By adding Gambell, AK, Transition Area to read as follows:

Gambell, AK

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Gambell, AK, NDB (lat. 63°45'50"N., long. 171°43'50"W.) 352° bearing extending from NDB to 18.5 miles north of the NDB and within 9.5 miles west and 4.5 miles east of the NDB 172° bearing extending from the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, DC, on April 9, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-10578 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-11]

Alteration of Transition Area, Koscusko, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule redesignates extensions in the Koscusko, Mississippi, transition area. The bearings used to define portions of the airspace are being changed because of a change in magnetic variation. No change in airspace is intended.

EFFECTIVE DATE: 0901 GMT, June 1, 1982. Comments on the rule must be received before May 15, 1982.

ADDRESSES: Send comments on the rule 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 Koscusko, Mississippi, transition area described in § 71.181 (46 FR 540) extensions are predicated on the 142° and 310° bearing from the Koscusko RBN. Due to a change in magnetic variation in the Koscusko area, these bearings have changed to 144° and 311°. This redesignation of extensions requires no additional airspace.

This amendment represents 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 redesignates two transition area extensions to reflect a change in magnetic variation. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

List of Subjects in 14 CFR Part 71

Aviation safety control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of

Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, June 1, 1982, as follows:

Kosciusko, Mississippi

" * * * 142° and 310° bearings * * * " is deleted and " * * * 144° and 311° bearings * * * " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 8(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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 I certify 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, Georgia, on April 5, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-10580 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 22826; Amdt. No. 1214]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and

publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Standard instrument approaches, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective June 10, 1982.

Belleville, KS—Belleville Muni., VOR/DME-A, Amdt. 1

Punxsutawney, PA—Punxsutawney Muni., VOR/DME-A Original.

* * * Effective May 27, 1982.

Haleyville, AL—Posey Field, VOR/DME-A, Amdt. 3

Talladega, AL—Talladega Muni., VOR/DME-Rwy 3, Amdt. 4

Hope, AR—Hope Municipal, VOR/DME Rwy 4 Amdt. 6

Douglas Bisbee, AZ—Bisbee-Douglas Intl, VOR Rwy 17, Amdt. 1

Douglas Bisbee, AZ—Bisbee-Douglas Intl, VOR/DME Rwy 17, Amdt. 2

Chino, CA—Chino, VOR-A, Amdt. 1, cancelled

Chino, CA—Chino, VOR-C, Original

Gaylord, MI—Otsego County, VOR Rwy 9, Amdt. 3

Gaylord, MI—Otsego County, VOR Rwy 27, Amdt. 3

Manistique, MI—Schoolcraft County, VOR Rwy 27, Amdt. 5

Pellston, MI—Emmet County, VOR Rwy 23, Amdt. 9

Ely, MN—Ely Muni., VOR Rwy 12, Amdt. 3

Ely, MN—Ely Muni., VOR Rwy 30, Amdt. 3

Ely, MN—Ely Muni., VOR/DME Rwy 12, Amdt. 1

Ely, MN—Ely Muni., VOR/DME Rwy 30, Amdt. 1

Faribault, MN—Faribault Muni., VOR-A, Amdt. 1

Ravenna, OH—Portage County, VOR-A, Amdt. 3

Enid, OK—Enid Woodring Muni., VOR Rwy 17, Amdt. 7

Enid, OK—Enid Woodring Muni., VOR Rwy 35, Amdt. 8

Gage, OK—Gage-Shattuck, VOR-A, Amdt. 8

Tulsa, OK—Richard Lloyd Jones, Jr., VOR/DME-A, Amdt. 2

Knoxville, TN—McGhee-Tyson, VOR Rwy 22R, Amdt. 4

Giddings, TX—Giddings-Lee County, VOR/DME-A, Amdt. 2

Chesapeake, VA—Chesapeake Muni., VOR/DME Rwy 4, Amdt. 2, cancelled.

*** Effective May 13, 1982

Leeville, LA—Caillou Island, VOR/DME-A, Original

Lincoln, NE—Lincoln Muni., VOR Rwy 17L, Amdt. 3

Lincoln, NE—Lincoln Muni., VOR Rwy 17R, Amdt. 7

Ardmore, OK—Ardmore Muni., VOR Rwy 4, Amdt. 14

*** Effective April 1, 1982.

Pottstown, PA—Pottstown Muni., VOR-B, Amdt. 4

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

*** Effective May 27, 1982

Asheville, NC—Asheville Regional, LOC Rwy 16, Amdt. 1, Cancelled

Enid, OK—Enid Woodring Muni., LOC Rwy 35, Amdt. 2

*** Effective May 13, 1982

Mankato, MN—Mankato Muni., LOC Rwy 33, Orig.

Lincoln, NE—Lincoln Muni., LOC BC Rwy 17R, Amdt. 4, cancelled

Ardmore, OK—Ardmore Muni., LOC Rwy 30, Original

Alice, TX—Alice International, LOC Rwy 31, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

*** Effective July 8, 1982

Unalaska, AK—Unalaska, NDB-A, Amdt. 1

Unalaska, AK—Unalaska, NDB/DME-B, Amdt. 1

*** Effective June 10, 1982.

Belleville, KS—Belleville Muni., NDB Rwy 17, Amdt. 1

Belleville, KS—Belleville Muni., NDB Rwy 35, Amdt. 1

Miller, SD—Miller Muni., NDB Rwy 13, Orig.

*** Effective May 27, 1982

Macon, GA—Lewis B. Wilson, NDB Rwy 5, Amdt. 19

Lewiston, ID—Lewiston-Nez Perce County, NDB-A, Orig.

Homer, LA—Homer Muni., NDB Rwy 12, Original

Gaylord, MI—Otsego County, NDB Rwy 9, Amdt. 4

Jackson, MN—Jackson Muni., NDB Rwy 13, Amdt. 6

Asheville, NC—Asheville Regional, NDB Rwy 16, Amdt. 13

Asheville, NC—Asheville Regional, NDB Rwy 34, Amdt. 14

Enid, OK—Enid Woodring Muni., NDB Rwy 35, Amdt. 1

Giddings, TX—Giddings-Lee County, NDB Rwy 17, Amdt. 1

Mc Kinney, TX—McKinney Municipal, NDB Rwy 17, Original

*** Effective May 13, 1982

Lincoln, NE—Lincoln Muni., NDB Rwy 35L, Amdt. 7

Ardmore, OK—Ardmore Muni., NDB Rwy 8, Amdt. 12, cancelled

Ardmore, OK—Ardmore Muni., NDB Rwy 30, Original

*** Effective March 30, 1982

Aniak, AK—Aniak, NDB Rwy 28, Amdt. 8

Aniak, AK—Aniak, NDB/DME Rwy 28, Amdt. 1

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

*** Effective May 27, 1982

Tampa, FL—Tampa Intl, ILS Rwy 18R, Original

Macon, GA—Lewis B. Wilson, ILS Rwy 5, Amdt. 21

Lewiston, ID—Lewiston-Nez Perce County, ILS Rwy 26, Amdt. 8

Asheville, NC—Asheville Regional, ILS Rwy 16, Orig.

Asheville, NC—Asheville Regional, ILS Rwy 34, Amdt. 19

Knoxville, TN—McGhee-Tyson, ILS Rwy 22R, Amdt. 5

*** Effective May 13, 1982

Lincoln, NE—Lincoln Muni., ILS Rwy 17R, Original

Lincoln, NE—Lincoln Muni., ILS Rwy 35L, Amdt. 7

*** Effective March 30, 1982

Aniak, AK—Aniak, ILS/DME Rwy 10, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

*** Effective May 27, 1982

Asheville, NC—Asheville Regional, RADAR-1, Amdt. 4

Knoxville, TN—McGhee-Tyson, RADAR-1, Amdt. 19

Huntington, WV—Tri-State/Walker Long Field, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

*** Effective May 27, 1982

Faribault, MN—Faribault Muni., RNAV Rwy 12, Original

Ravenna, OH—Portage County, RNAV Rwy 27, Original

*** Effective May 13, 1982

Lincoln, NE—Lincoln Muni., RNAV Rwy 14, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on April 9, 1982.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 82-10540 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 370

Addition of Exporters' Service Staff Address to Request for Status Information

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This regulation notifies exporters that the Exporters' Service Staff is responsible for providing status

information on export license applications.

DATE: This rule is effective April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose any new information collection burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 370

Exports, Administrative practice and procedure.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

Accordingly, Part 370 of the Export Administration Regulations (15 CFR Parts 368-399) is amended by revising § 370.11(a)(2)(i) to read as follows:

§ 370.11 Information to exporters.

(a) *Request for status information—*

(2) *How to file a request.* (i) The request for information on an application shall be submitted on Form ITA-6019P, Request for, and Advice on, Status of Pending Application, Amendment, or Reexport Request, and

should be directed to: Exporters' Service Staff, Room 1099D, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044. The request may be made only by the applicant or applicant's agent. Exporters' Service Staff will respond as soon as possible, noting on the reverse side of the form the pertinent reason(s) for the delay or likelihood of denial.

(Secs. 13, 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: May 19, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration, International Trade Administration.

[FR Doc. 82-10532 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Parts 385 and 386

Clarification for Foreign Policy Export Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule.

SUMMARY: In the Federal Register of March 4, 1982 (47 FR 9201), the Export Administration printed the extension of foreign policy export controls. This rule makes non-substantive changes conforming the Regulations to the Extension of Foreign Policy Export Controls. This document adds to regulations on Country Group Z, § 385.1, a statement that Cuba is a country that has repeatedly provided support for acts of international terrorism. Also, a footnote is added to the Destination Control Statement for South Africa and Namibia, § 386.6(a)(2), stating that the final sentence that refers to military and police use may be omitted if the commodity being exported is covered by the exemptions in § 385.4(a)(2)(i) through (iv).

DATES: This rule is effective March 1, 1982. Comments must be received by the Department by April 30, 1982.

ADDRESS: Written comments (four copies when possible) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT:

Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

4. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This rule makes non-substantive changes conforming the Regulations to the Extension of Foreign Policy Export Controls published in the Federal Register on March 4 (47 FR 9201). Therefore, this regulation is issued in interim form. The comment period for this interim rule ends at the same time as the comment period for 47 FR 9201 *et seq.* The period for submission of comments will close on April 30, 1982.

Comments received after the close of the comment period cannot be assured consideration in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature, or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations. All public comments to be considered in any revision to these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda that will also be a matter of public record and will be available for public review. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Part 385

Communist countries, Exports.

List of Subjects in 15 CFR Part 386

Exports.

Accordingly, Parts 385 and 386 of the *Export Administration Regulations* (15 CFR Parts 385 *et seq.*) are amended as follows:

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

1. Section 385.1 is revised as follows:

§ 385.1 Country Group Z;¹ North Korea, Vietnam, Kampuchea and Cuba

(a) As authorized by section 6 of the Export Administration Act of 1979 and by the Trading With the Enemy Act of 1917 as amended by Pub. L. 95-223, a validated license is required for foreign policy purposes for the export and reexport of virtually all U.S.-origin commodities and technical data to destinations in Country Group Z. Certain exceptions are contained in Parts 371 and 379, and in ECCN's 7599 and 7999 on the Commodity Control List. Except as noted below, the general policy is to deny all applications or requests to export or reexport U.S.-origin commodities and technical data to these destinations. Exports on a non-commercial basis to meet emergency needs will be considered on a case-by-case basis.

(b) In addition to the general policy set forth above, the following policies apply to Cuba.

(1) Cuba has been designated by the Secretary of State as a country that has repeatedly provided support for acts of international terrorism.

(2) On August 21, 1975, the U.S. Government announced modifications in those aspects of U.S. restrictions on trade with Cuba which affect third countries, in order to bring them into accord with the policy of the Organization of American States to allow each member state to determine for itself the nature of its economic and diplomatic relations with the Government of Cuba. In this context, the Department of Commerce generally will consider favorably on a case-by-case basis requests for authorization for the use of an insubstantial proportion of U.S.-origin materials, parts, or components in nonstrategic foreign-made products to be exported to Cuba, where local law requires, or policy in the third country favors, trade with Cuba. U.S.-origin content will generally be considered insubstantial when it amounts to 20 percent or less of the value of the product to be exported from the third country. Approval of requests for authorization for the use of U.S.-origin materials, parts, or components amounting to more than 20 percent by value of the foreign-made product to be exported from the third country to Cuba will be less likely. Requests for authorization to utilize U.S.-origin materials, parts, or components in products manufactured in foreign countries and destined for Cuba should be addressed in letter form to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Attn: Parts and Components), and should set forth all pertinent details of the transaction including, as a minimum, descriptions of the foreign-made product and the U.S. materials, parts, or components; the appropriate CCL entry for each; the respective values of each; and the identity of the end-user in Cuba, if known.

Department of Commerce, Washington, D.C. 20230 (Attn: Parts and Components), and should set forth all pertinent details of the transaction including, as a minimum, descriptions of the foreign-made product and the U.S. materials, parts, or components; the appropriate CCL entry for each; the respective values of each; and the identity of the end-user in Cuba, if known.

PART 386—EXPORT CLEARANCE

§ 386.6 [Amended]

2. A new footnote is added to the last sentence of § 386.6(a)(2) following the phrase "to or for use by or for police or military entities prohibited." The footnote reads as follows:

*** The final sentence referring to military and police use may be omitted if the commodity being exported is excepted by § 385.4(a)(2)(i) through (iv).

(Secs. 4, 6, 13, 15, and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980).

Dated: March 19, 1982.

Vincent F. DeCain,
Acting Director, Office of Export
Administration, International Trade
Administration.

[FR Doc. 82-10535 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Part 399

Atomized Aluminum Powder: Revision of Footnote to ECCN 6699G

AGENCY: International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration maintains a listing of commodities subject to Department of Commerce export controls, the Commodity Control List (CCL). A footnote to CCL entry No. 6699G includes spherical aluminum powder which is used as a propellant and is controlled by the U.S. Department of State, Office of Munitions Control, for national security reasons. This footnote also includes atomized aluminum powder which is used primarily in commercial applications and has no significant military applications. This rule deletes the reference to control of atomized aluminum powder from the footnote.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

¹ See Supplement No. 1 to Part 370 for listing of Country Groups.

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 399

Business and industry, Chemicals, Commodity control list, Electric power,

Electronic products, Exports, Metals, Mineral resources, Rubber and rubber products, Transportation.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

§ 399.1 Supplement No. 1 [Amended]

The footnote numbered "5" to Commodity Control List Entry No. 6699G in Supplement No. 1 to § 399.1 is revised to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV dollar value limits T+V	Processing code	Reason for control
6699G ^{1,2,3} Other metals, minerals, and their manufactures, n.e.s.		SZ ^{4,5}		MG	3

1 * * *

2 Spherical aluminum powder with an average particle size of 100 micrometer diameter or less and a purity of 97% or greater; aluminum-magnesium alloy powder; and aluminum alloy plates, sheets and other wrought forms of Temper H alloy and all 5083 alloys, except "O" temper form, require export authorization from the U.S. Department of State, Office of Munitions Control. See Supplement No. 2 to part 370.

(Secs. 6, 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: March 19, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-10531 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-6-FRL-2104-3]

Arkansas: Phase II, Components A and B, Interim Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of state program.

SUMMARY: The purpose of this notice is to grant Phase II Interim Authorization for Components A and B to the State of Arkansas for its hazardous waste management program.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas D. Clark, Hazardous Materials Branch, U.S.E.P.A., Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, Federal Register (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health

and the environment from the improper management of hazardous waste. Included in these regulations, which became effective 6 months from the date of promulgation, were provisions for a transitional stage in which states would be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

The State of Arkansas received Interim Authorization for Phase I on November 19, 1980.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. EPA's decision to make the second phase of Interim Authorization available in components was based on the desire to proceed with authorizing State programs as expeditiously as possible and because some of the subparts of the federal regulations containing standards for hazardous waste treatment storage and disposal facilities (40 CFR Part 254) are to be promulgated at different times rather than in one single promulgation as previously anticipated.

On February 12, 1982, (47 FR 6443) EPA published a notice in the Federal

Register inviting the public to offer comments by March 15, 1982, on the Arkansas Application for Interim Authorization Phase II, Components A and B, of its Hazardous Waste Management Program and if there was significant public interest expressed by March 15, 1982, EPA would conduct a public hearing on March 29, 1982.

Discussion

The State of Arkansas was the first State authorized to operate Phase I of the RCRA program on November 19, 1980. On September 1, 1981, the State of Arkansas submitted to me its draft application of Interim Authorization for Phase II, Components A and B, of the RCRA program. The State responded very positively to our comments on the draft, and a final application was submitted to me on December 1, 1981.

Our review of the Arkansas application has been a relatively simple task since virtually all of EPA's substantive and procedural regulations have been "adopted by reference" into the State regulations, Arkansas Hazardous Waste Management Code (HWMC), and the State program very clearly desires to mirror the federal requirements, although there are several "more stringent" State requirements. The State of Arkansas has exerted commendable effort in producing a State program which meets federal statutory requirements and is substantially equivalent to the federal program.

The final application submitted by the State of Arkansas on December 1, 1981, along with clarifications submitted on February 10, 1982, has resolved the few major issues which we had identified in the draft. The State has taken action to demonstrate equivalence with the public participation requirements of RCRA Section 7004 as amended by Pub. L. 96-482, and the attorney representing the State agency has provided the "certification of status as independent counsel" required by 40 CFR Section 123.125. Other revisions in the application have responded to EPA's comments, including full EPA opportunity to comment on proposed permits, improved information sharing, and state assurances that more stringent regulations will prevail wherever duplicative or inconsistent regulations exist.

Clarifications to the Memorandum of Agreement and Attorney General's Statement were received on March 15, 1982, in reply to EPA suggestions, adding specific language on program changes and permitting requirements which appeared in more recent guidance documents. The State has also added

specific language to the Authorization Plan to ensure that later review of legislative and regulatory revisions needed for final authorization will include efforts to bring state requirements and practices into equivalence with 40 CFR 123.10 on sharing information without restriction. The State has also noted EPA's suggestions for later action to resolve the possibly inconsistent requirements which persist in duplicative state permitting regulations (HWMC, Sec. 12), committing itself generally to review the regulations and propose needed changes.

EPA has received no comments, inquiries, or requests for hearing. After careful review of the application and clarifications, I have found no additional issues or opposition to the Arkansas application.

I conclude that the Arkansas application for Interim Authorization to operate the RCRA Phase II, Components A and B program meets all of the statutory and regulatory requirements and as such I approve this authorization.

Compliance With Executive Order 12291

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

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR 123

Hazardous materials
Indians—lands
Reporting and recordkeeping requirements
Waste treatment and disposal
Water pollution control
Water supply
Intergovernmental relations
Penalties
Confidential business information
(Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act Amendments of 1980. 42 U.S.C. 6901 et seq.)

Dated: March 19, 1982.

Dick Whittington P.E.,
Regional Administrator

[FR Doc. 82-10610 Filed 4-16-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6233

[W-49358]

Wyoming; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes four orders which withdrew lands from all forms of disposition under the public land laws, including the mining laws. This action involves a total of 2,278.38 acres. It will restore 777.25 acres of public lands to the operation of the public land laws, including the mining laws and open 1,118.20 acres of patented lands to mineral location. The remaining 382.93 acres are either patented without locatable mineral reservation to the United States or withdrawn for other purposes, and thus are not opened.

EFFECTIVE DATE: May 18, 1982.

FOR FURTHER INFORMATION CONTACT:

W. Scott Gilmer, Wyoming State Office, 307-778-220, extension 2336.

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

1. The Secretarial Orders dated August 18, 1902, September 21, 1903, October 25, 1905, and August 19, 1954, which withdrew lands for reclamation projects, are hereby revoked insofar as they affect the following described lands:

Sixth Principal Meridian

T. 32 N., R. 81 W.,
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 31 N., R. 82 W.,
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 28 N., R. 84 W.,
Secs. 1, 2, and 3.
T. 30 N., R. 84 W.,
Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 29 N., R. 85 W.,
Sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 30 N., R. 85 W.,
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 2,278.38 acres in Carbon and Natrona Counties, Wyoming.

2. At 7:45 a.m. on May 18, 1982, the following described public lands shall be open to the operation of the public land laws, generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on May 18, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Sixth Principal Meridian

T. 28 N., R. 84 W.,
Sec. 1, lots 1 to 4, inclusive;
Sec. 3, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 29 N., R. 85 W.,
Sec. 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 30 N., R. 85 W.,
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 777.25 acres in Carbon and Natrona Counties, Wyoming.

3. At 7:45 a.m. on May 18, 1982, the reserved mineral estate in the following described patented lands will be open to location under the United States mining laws.

Sixth Principal Meridian

T. 31 N., R. 82 W.,
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 28 N., R. 84 W.,
Sec. 1, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 30 N., R. 84 W.,
Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 1,118.20 acres in Carbon and Natrona Counties, Wyoming.

All of the lands described in paragraph 1, except lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 2, T. 28 N., R. 84 W., have been open to applications and offers under the mineral leasing laws.

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

Garrey E. Carruthers,
Assistant Secretary of the Interior.

April 12, 1982.

[FR Doc. 82-10618 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6234

[CA-9673]

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

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial order which withdrew lands in the Six Rivers National Forest for Powersite Classification No. 115. This action will permit consummation of a pending Forest Service exchange, involving 10 acres, subject to Section 24 of the Federal Power Act of June 10, 1920.

EFFECTIVE DATE: May 18, 1982.

FOR FURTHER INFORMATION CONTACT:

Marie M. Getsman, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-1134 California, it is ordered as follows:

1. The Federal Energy Regulatory Commission determined in DA-1134 that the power values of the following described national forest lands, withdrawn by Secretarial Order dated September 21, 1925, for Powersite Classification No. 115 will not be injured or destroyed by restoration to location, entry, or selection under the appropriate laws, subject to the provisions of Section 24 of the Federal Power Act:

Humboldt Meridian

Six Rivers National Forest

T. 6 N., R. 5 E.,

Sec. 15, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 10 acres in Humboldt County.

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

3. At 10 a.m. on May 18, 1982, the national forest land shall be open to such forms of disposition as may be made of such lands, subject to the provisions of existing withdrawals, the requirements of applicable law, and the provisions of Section 24 of the Federal Power Act, *supra*. All valid applications received at or prior to 10 a.m. on May 18,

1982, shall be considered as simultaneously filed at that time.

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

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

April 12, 1982.

[FR Doc. 82-10617 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6235

[C-23011]

Colorado; Reservoir Site Restoration No. 55 Partial Revocation of Reservoir Site Reserve Nos. 2, 7, 47, and 48

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial orders which withdrew 4,469.77 acres of public and national forest lands for Reservoir Site Reserves. The 793.76 acres of national forest lands will be restored to such forms of disposition as may be made of such lands. The 819.24 acres of public lands, excluding 270 acres otherwise withdrawn or in a pending application, will be opened to operation of the public land laws, including the mining laws. The remaining 2,586.77 acres are patented.

EFFECTIVE DATE: May 18, 1982.

FOR FURTHER INFORMATION CONTACT:

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

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

1. Secretarial Order dated August 18, 1894, as it pertains to Reservoir Site Reserve Nos. 2, 7, and 48 and Secretarial Order dated May 16, 1892, as it pertains to Reservoir Site Reserve No. 47 are hereby revoked as to the following described lands:

Sixth Principal Meridian

Reservoir Site Reserve No. 2

T. 9 S., R. 80 W.,

Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ (PublicLand) SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

(Patented Land);

Sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (Patented Land), NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Patented Land), NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Public Land);

Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Patented Land);

Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$ (the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ being patented);

Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Public Land).

The lands described aggregate approximately 760 acres in Lake County.

The 60 acres of public land described in Section 12 have been and remain withdrawn from all forms of appropriation, including the mining and the mineral leasing laws by public Land Order No. 184 of October 7, 1943.

Reservoir Site Reserve No. 7

T. 8 S., R. 80 W.,

Sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$ (Patented Land),SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Public Land);Sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$ (Patented Land),SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Public Land).

T. 9 S., R. 80 W.,

Sec. 4, lots 2 thru 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ (Patented Land);

Sec. 5, lots 1 thru 3, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (Patented Land) lot 4 (Public Land);

Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Forest Land);Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Forest Land);

Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$ (Patented Land), S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ (Public Land);

Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ (Patented Land), E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Public Land);

Sec. 16, NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Patented Land), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Public Land).

The lands described aggregate approximately 2,396.01 acres in Lake County. A Bureau of Reclamation withdrawal application C-0102703 segregates the 120 acres of public land in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 9 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T. 9 S., R. 80 W., from all forms of appropriation under the public land laws, including the United States mining laws but not the mineral leasing laws.

San Isabel National Forest

Reservoir Site Reserve No. 47

T. 8 S., R. 80 W.,

Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 18, lots 2 thru 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands described aggregate approximately 713.76 acres in Lake County.

Reservoir Site Reserve No. 48

T. 9 S., R. 80 W.,

Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Patented Land), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Public Land);

Sec. 16, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Patented

Land), NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Public Land);

Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Patented Land), W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Public Land).

The lands described aggregate approximately 600 acres in Lake County.

The withdrawal application C-0102703 segregates the 90 acres of public land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 16, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 21, T. 9 S., R. 80 W., from all forms of appropriation under the public land laws, including the United States mining laws, but not the mineral leasing laws.

2. At 7:45 a.m. on May 18, 1982, the 1,089.24 acres of public land excluding the 60 acres withdrawn by Public Land Order No. 184 and the 210 acres of lands withdrawn by application C-0102703, shall be open to operation of the public land laws generally, subject to any valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on May 18, 1982 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 7:45 a.m. on May 18, 1982, the 793.76 acres of national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. The 2,586.77 acres of patented lands will not be open to any of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning these lands should be directed to the Chief, Withdrawal Section, Bureau of Land Management, 1037-20th Street, Denver, Colorado 80202.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
April 12, 1982.

[FR Doc. 82-10614 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6236

[A-17092]

Arizona; Partial Revocation of Interpretation of Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Interpretation of the Executive order creating Public Water Reserve No. 107. This is merely a record clearing action for the 160 acres

involved, since both the surface and mineral estates have been patented.

EFFECTIVE DATE: April 19, 1982.

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

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

1. The Secretarial Order of Interpretation dated August 23, 1933, which withdrew certain lands for public water reserve purposes is hereby revoked insofar as it affects the following described lands:

Gila and Salt River Meridian

Public Water Reserve 107

T. 40 N., R. 6 E.,

Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 160 acres in Coconino County.

2. Both the surface and mineral estates have been patented and will not be opened to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning these lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
April 12, 1982.

[FR Doc. 82-10616 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6237

[OR-18996, OR-18998, OR-19002, OR-19004, OR-20223, OR-20224, OR-20227-A]

Oregon; Partial Revocation of Public Water Reserves

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes seven separate Executive orders in part as to 866.88 acres of land withdrawn for public water reserve purposes. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: May 18, 1982.

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

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary

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

1. The Executive Orders of June 5, 1919, March 8, 1920, August 27, 1921 and October 3, 1929; Executive Order No. 5407 of July 25, 1930, Executive Order No. 6019 of February 7, 1933, and Executive Order No. 6277 of September 8, 1933, which withdrew the following described lands for public water reserve purposes are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

Public Water Reserve No. 124

T. 25 S., R. 23 E.,

Sec. 23, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Public Water Reserve No. 132

T. 25 S., R. 23 E.,

Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Public Water Reserve No. 148

T. 11 S., R. 26 E.,

Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Public Water Reserve No. 152

T. 19 S., R. 31 E.,

Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Public Water Reserve No. 64

T. 21 S., R. 27 E.,

Sec. 7, Lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 33 S., R. 35 E.,

Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 32 S., R. 36 E.,

Sec. 32, NW $\frac{1}{4}$.

Public Water Reserve No. 70

T. 21 S., R. 27 E.,

Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Public Water Reserve No. 79

T. 10 S., R. 26 E.,

Sec. 30, Lot 1.

The areas described aggregate 866.88 acres in Grant and Harney Counties.

2. At 10 a.m., on May 18, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 18, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on May 18, 1982, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

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

Garrey E. Carruthers,
Assistant Secretary of the Interior.

April 12, 1982.

[FR Doc. 82-10615 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-715; RM-3812, RM-4017]

Radio Broadcast Services; TV Broadcast Station in Cape Coral, Fla., Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 36 to Cape Coral, Florida, as that community's first television assignment at the request of Broadcast Production and Management Corporation of Florida. A counterproposal to assign Channel 54 to Cape Coral and make substitute assignments at Daytona Beach, Florida, Palatka, Florida, and Ft. Myers, Florida, was dismissed.

DATE: Effective June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

Report and Order (Proceeding Terminated)

Adopted: March 31, 1982.

Released: April 9, 1982.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 50988, published October 16, 1981, proposing the assignment of television Channel 36 to Cape Coral, Florida, at the request of the Broadcast Production and Management Corporation of Florida ("petitioner"). Petitioner filed comments in response to the *Notice* indicating that it would apply for Channel 36 at Cape Coral, if assigned. A counterproposal was filed by Caloosa Television Corporation ("Caloosa"), licensee of Station WEVU (Channel 26), Naples,

Florida.¹ Reply comments were submitted by petitioner, Daytona Beach Television Corporation ("DBTC"), Southern Broadcasting Corporation ("Southern"), and Life Style Broadcasting, Inc. ("Life Style").

2. Caloosa states in its counterproposal that it does not wish to deny or delay service to Cape Coral. However, in order to relieve several site restrictions under which WEVU must presently operate, Caloosa suggests several changes in the Table of Assignments. Instead of assigning Channel 36 to Cape Coral, Caloosa suggests assigning Channel 54. Channel *36 could then be substituted for Channel *30 at Ft. Myers, Florida. Taking Channel *30 out of Ft. Myers would relieve a site restriction on Caloosa's use of Channel 26.² Another site restriction affecting Caloosa's operation is caused by Channel 26 at Daytona Beach, Florida.³ In order to eliminate this restriction, Caloosa proposes the substitution of Channel 57 for Channel 26 at Daytona Beach.⁴ This substitution at Daytona Beach would further require the substitution of unused Channel *49 for *42 at Palatka, Florida. Caloosa's justification for this extensive channel realignment is based on its desire to move its transmitter further north and co-locate with other television stations at a Ft. Myers "antenna farm."⁵ Caloosa states that it is mindful of its service obligation to Naples, but as the ABC network affiliate in southwest Florida, it feels that there is a real need to expand its service area to the north.

3. Petitioner makes no comment on the merits of Caloosa's counterproposal, but states that it is obvious that Caloosa's scheme could be achieved outside the scope of the present proceeding. Petitioner asserts that in order to eliminate the short-spacing with Channel *30 at Ft. Myers, the Commission could simply substitute Channel *54 for Channel *30 without affecting the Channel 36 Cape Coral proposal. Petitioner concludes that Caloosa's counterproposal is improper

¹ Public Notice of the counterproposal was given December 21, 1981, Report No. 1324.

² Fourth adjacent television channel operations must be separated by 20 miles.

³ Co-channel television operations must be separated by 205 miles.

⁴ Presently, seven applications are pending for Channel 26 at Daytona Beach. Hearings have been concluded, and proposed findings were due March 22, 1982. One of the issues at hearing was one applicant's proposed short-spacing to Caloosa's Channel 26 operation at Naples. Caloosa was a party-respondent in the Daytona Beach proceeding.

⁵ Caloosa alleges that it cannot improve its facilities at its present site because its transmitter is located near a Federal Aviation Administration "flyway" which limits its allowable antenna height.

because it is not necessarily mutually exclusive with the Cape Coral assignment. Petitioner suggests that, to the extent the Commission deems Caloosa's request meritorious, a separate Notice of Proposed Rule Making should be adopted which does not refer to Cape Coral.

4. Daytona Beach Television Corporation, an applicant for Channel 26 at Daytona Beach, requests that the Commission rule as expeditiously as possible on the Caloosa counterproposal. DBTC indicates that a substantial issue raised in the Daytona Beach hearing involved DBTC's requested short-spacing with Channel 26 at Naples. Thus, DBTC avers that the instant proceeding might have an impact on the findings and conclusions in the Daytona Beach case.⁶

5. Life Style Broadcasting, Inc., another applicant for Channel 26 at Daytona Beach, expresses no comment on the merits of either the petitioner's original proposal or the counterproposal of Caloosa. Life Style does assert, however, that the Commission should either reject Caloosa's counterproposal outright or defer action on the proposal until the Daytona Beach comparative proceeding is concluded. Life Style reminds the Commission that Daytona Beach presently has only one television station and that inauguration of a second television service to that city should be achieved as soon as possible. Life Style opines that Caloosa's counterproposal is plainly inconsistent with this goal. Life Style acknowledges that the existing short-spacing between DBTC's application and Station WEVU would be eliminated if Caloosa's counterproposal were adopted. However, it also notes that a new short-spacing issue would be created: Channel 57 at Daytona Beach, as proposed by Caloosa, would be short-spaced by 11.5 miles to a new station on Channel 43 at Melbourne, Florida. Thus, a new short-spacing issue would have to be designated and new parties would have to be added to the proceeding. According to Life Style, the resulting hearing would cause a substantial delay in the conclusion of the Daytona Beach case and the concomitant commencement of a second local television service to that community. Life Style contends that it makes no sense for the Commission to delay a new, second television service to Daytona Beach in favor of the promise

⁶ DBTC also indicated that it has filed a motion to stay the filing of findings and conclusions in the Daytona Beach proceeding pending the outcome of this rule making.

of an unspecified amount of additional service from an existing station. Life Style concludes that waiting to consider Caloosa's counterproposal until after the Daytona Beach proceeding is concluded will permit the Commission to analyze Caloosa's proposal more realistically.

6. Southern Broadcasting Corporation, licensee of Station WKNA, Melbourne, Florida, opposes "in the strongest terms" the counterproposal of Caloosa. Southern states that Caloosa is trying to substitute a potential short-spacing between WEVU and one applicant in Daytona Beach for a potential short-spacing between the Daytona Beach applicant and Station WKNA. Southern also avers that the potential short-spacing between its station on Channel 43 and the proposed Channel 57 at Daytona Beach represents a "sound-image" short-spacing which is much more serious than the co-channel short-spacing Caloosa might encounter. Southern concludes that Caloosa has not shown good cause for the drastic measures it proposes and that the counterproposal should be denied.

7. As stated in the *Notice*, an assignment to Cape Coral would provide that community with its first local television service, and petitioner has provided sufficient justification for the assignment. The sole issue for consideration, therefore, is whether to assign Channel 36 to Cape Coral as originally proposed or to make the series of alternative assignments urged by Caloosa in its counterproposal.

8. At the outset we note that there is no apparent reason to burden the Cape Coral rule making proceeding with the requests made by Caloosa. As petitioner correctly points out, the same results can be accomplished by simply making the required channel substitutions at Ft. Myers, Daytona Beach, and Palatka. Furthermore, in order to proceed with the substitution at Ft. Myers, we would be forced to issue an Order to Show Cause to WSFP-TV, the permittee of Channel 30 at Ft. Myers. Such an action would needlessly delay the initiation of a new service in Cape Coral, and would be particularly inappropriate given the lack of nexus between the Cape Coral proposal and Caloosa's request.

9. Second, and equally significant, we think, the changes suggested by Caloosa would render much of the Daytona Beach comparative proceeding moot and would necessitate a re-opening of the record and the addition of new parties. This would be grossly inefficient and unfair to the Daytona Beach parties. Needless to say, such a procedure would also substantially delay the initiation of

a new service to Daytona Beach. Because only one of the Daytona Beach applicants conflicts with Caloosa's desire to relocate its transmitter, the more efficient manner of proceeding, we believe, would be for Caloosa to wait until the Daytona Beach proceeding has been terminated in order to obtain a more accurate assessment of the situation. If, for example, DBTC's application at Daytona Beach is not selected, Caloosa may be able to reach its desired result merely by prosecuting a channel substitution at Ft. Myers.

10. Given the apparent lack of connection between Caloosa's "counterproposal" and the Cape Coral assignment plus our desire to process the Daytona Beach applications in an efficient and expeditious manner, we have determined that Caloosa's counterproposal should be dismissed. In so doing, we are not making any judgment on the merits of Caloosa's proposal, and Caloosa may file a petition for rule making at an appropriate time in the future. Having disposed of the Caloosa proposal in the context of this proceeding, we shall assign UHF Channel 36 to Cape Coral as originally proposed.

11. Accordingly, it is ordered, That the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as amended, effective June 4, 1982, as follows for the community listed:

City	Channel No.
Cape Coral, Fla.....	36

12. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act or 1934, as amended, and Sections 0.204(b) and 0.281 of the Commission's Rules.

13. It is further ordered, that this proceeding is terminated.

14. For further information concerning this proceeding, contact Michael A. McGregor, 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. 82-10599 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-841; RM-3879 & RM-3945]

47 CFR Part 73

Radio Broadcast Services; FM Broadcast Station in Giddings and Nelsonville, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 269A to Giddings, Texas, in response to a request from Michael G. Wallace, and denies a request from Radio Ten-Ninety to assign Channel 269A to Nelsonville, Texas. The assignment could provide Giddings with a first commercial FM station.

DATE: Effective June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Report and Order (Proceeding Terminated)

Adopted: March 29, 1982.

Released: April 7, 1982.

1. A *Notice of Proposed Rule Making* in this proceeding was published in the *Federal Register* on December 16, 1981 (46 FR 61304). The *Notice* proposed to assign Channel 269A to either Giddings or Nelsonville, Texas. Michael G. Wallace ("Wallace") requested that the channel be assigned to Giddings, and J. Lee and Dinah L. Dittert, d/b/a Radio Ten-Ninety¹ ("Radio Ten-Ninety") requested that it be assigned to Nelsonville, Texas.

2. The distance between Giddings and Nelsonville is approximately 56 kilometers (35 miles) while the required separation for co-channel Class A assignments is 104 kilometers (65 miles). We could find no other channels available for assignment to either community. These proposals are, therefore, mutually exclusive.

3. We stated in the *Notice* that our tentative conclusion would be to assign the channel to Giddings since it is the larger of the two communities. We also stated that, since there are no other channels available to either community, we would provide Radio Ten-Ninety an opportunity to demonstrate further why

¹ Licensee of AM Station KACO, Bellville, Texas.

Nelsonville should receive the assignment.²

4. Comments supporting the proposed assignment to Giddings were filed by Wallace, Orion Communications ("Orion"), Radio Lee County, Inc. ("Lee"), and George A Franz ("Franz") and Bob Dunn, President of Bluebonnet Stations, Inc.³ Each indicated its intention to apply for the operation on the channel if it were assigned to Giddings.

5. Comments in support of assigning the channel to Nelsonville were filed by Radio Ten-Ninety which stated that it would apply for operation on the channel if so assigned.

6. A comment was filed by Amaturo Group, Inc. ("KMJQ"), licensee of Station KMJQ(FM), Houston, Texas. KMJQ expressed no preference between Giddings and Nelsonville. It stressed, however, that a site restriction of approximately four miles west of Nelsonville would be required to protect the proposed move of the transmitter site by its station.

7. Giddings (population 3,950),⁴ seat of Lee County (population 10,952), is located approximately 80 kilometers (50 miles) east of Austin, Texas. Nelsonville (population not listed in the 1980 U.S. Census), in Austin County (population 17,726), is located approximately 102 kilometers (64 miles) west of Houston. Neither community has a local aural broadcast service.⁵

8. In the Comments of Wallace and Lee, data was submitted to show that Giddings is a high-growth community. 1980 U.S. Census figures indicate a 32 percent increase in population since the 1970 figures. Lee estimates that the 1982 population will be over 5,000. Lee also reports that Giddings had strong economic growth in the last five years. The city has also shown large increases in sales tax revenue in the last few years. Rapid and intensive development of the Giddings Oil Field is given as a reason for the growth.

9. Both Wallace and Lee comment that Nelsonville on the other hand has an estimated population of only 67 to 100

²The assignment of Channel 269A to Nelsonville would require a site restriction of approximately 1 mile west of the city.

³On February 20, 1982, Bob Dunn filed a request to assign Channel 296A to Giddings. We have determined that Channel 296A does not meet the spacing requirements (to Station KJOJ, Conroe, Texas). Thus, with the consent of Bob Dunn, we have treated his petition as comments in support of the present proposal for Giddings.

⁴Population figures are taken from the 1980 U.S. Census.

⁵A recently-filed application for a construction permit to build a new AM broadcast station in Giddings was returned because of technical deficiencies.

persons. Lee states that Nelsonville is not a town but "an unincorporated village at the crossroads of Texas State Highway 159 and Texas Farm to Market Road 2502." Lee further states that Nelsonville does not have any defined geographical area, and that there are only two or three retail businesses associated with the Nelsonville crossroads. Lee concludes that Nelsonville does not have the economic resources to support a commercial broadcast facility, nor the population to justify assigning an FM channel to the village. Wallace reports that on January 3, 1982, he personally counted the housing units in Nelsonville and found no apartment units and only 37 apparently occupied single-family units.

10. In supporting its proposal for Nelsonville, Radio Ten-Ninety agrees that Giddings has more residents. However, it contends that the entire service area is important, noting its daytime-only AM station, KACO, Bellville, was built and operates to serve Austin and Waller Counties, which includes Nelsonville as well as Bellville. Radio Ten-Ninety states that it requested the assignment of Channel 269A to Nelsonville in order to provide Austin and Waller Counties with nighttime service, which would complement the present daytime-only service now provided by Station KACO.

11. The basic issue before us is whether assignment of Channel 269A to Giddings or to Nelsonville would better serve the public interest and accord with our mandate under Section 307(b) of the Communications Act of 1934, as amended, for a fair, efficient and equitable distribution of radio service among the several states and communities. We conclude that Giddings must be preferred. Giddings has a population of approximately 4,000, while the population of Nelsonville appears to be 67 to 100. Although Radio Ten-Ninety urges us to look at the entire service area of the proposed Nelsonville station, such area is a secondary consideration since our Section 307(b) mandate is to provide service to communities. Here Giddings is clearly a larger deserving community based on its larger population and importance to area residents as a community.

12. 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 §§ 0.204(b) and 0.281 of the Commission's rules.

13. Accordingly, it is ordered, That effective June 4, 1982, Section 73.202(b) of the Commission's Rules, the FM

Table of Assignments, is amended with regard to the following community:

City	Channel No.
Giddings, Texas.....	269A

14. It is further ordered, That this proceeding is terminated.

15. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communication, Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-10603 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-168]

Organization and Delegation of Powers And Duties; Delegation to the Urban Mass Transportation Administrator

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Urban Mass Transportation Administrator functions vested in the Secretary by section 601(d) of the Rail Passenger Service Act.

DATE: This amendment becomes effective April 13, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

Section 1139(a) of the Northeast Rail Service Act of 1981 adds a subsection (d) to section 601 of the Rail Passenger Service Act authorizing assistance for certain commuter rail service. The purpose of this amendment is to delegate this authority to the Urban Mass Transportation Administrator.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

§ 1.49 [Amended]

1. In § 1.49(k), the phrase "except section 601(d)," is inserted after "the Rail Passenger Service Act, as amended".

2. In § 1.51, a new paragraph (m) is added at the end thereof, to read as follows:

§ 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by—

(m) Section 601(d) of the Rail Passenger Service Act, as amended.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, DC, on April 13, 1982.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82-10611 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-62-M

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

In FR Doc. 82-8405, appearing at page 13816, in the issue of Thursday, April 1, 1982, make the following changes:

1. On page 13818, in 8., the 5th line, change "either", to read "ether".

2. On page 13818, in 10., in the first line "§ 173.328(q)(2)(i)," to read "§ 173.328(a)(2)(i)."

3. On page 13818, in 18., paragraph (3) should read as follows:

(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.

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 619

Preemption of State Authority Under Section 306(b) of the Magnuson Fishery Conservation and Management Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; extension of comment period, correction.

SUMMARY: On March 22, 1982, NOAA published interim final regulations regarding preemption of State management authority under section 306(b) of the Magnuson Fishery Conservation and Management Act (47 FR 12181). Comments were invited through April 21, 1982. Because of expressed interest in having more time to comment upon those regulations, NOAA hereby extends the comment period through May 21, 1982. Comments submitted after that date may, at the agency's discretion, also be considered.

NOAA also takes this opportunity to inform interested parties of the correct Federal Register citation to NOAA's Hearing and Appeal Procedures, 15 CFR Part 904, which are utilized in the preemption regulations. The preamble to the interim final regulations indicated the citation was 46 FR 61653; the correct citation is 46 FR 61643 (December 18, 1981).

(16 U.S.C. 1801 et seq.)

Dated: April 13, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-10619 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 47, No. 75

Monday, April 19, 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.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 528

[No. 82-243]

Monitoring Fair Lending Practices

Dated: April 8, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed amendment.

SUMMARY: The Board is proposing to amend its regulations to change the Loan Application Register ("LAR") and the Data Submission Report ("DSR") currently required to be maintained by all institutions that are members of the Federal Home Loan Bank System, for the purpose of monitoring fair lending practices. The proposed amendments would enable the institutions and the Board to monitor lending practices efficiently for compliance with Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, the Equal Credit Opportunity Act ("ECOA"), 15 U.S.C. 1691 *et seq.*, and the Community Reinvestment Act ("CRA"), 12 U.S.C. 2901 *et seq.*, while reducing paperwork required for insured institutions.

DATE: Comments must be received by June 8, 1982.

ADDRESS: Please send comments to Director, Information Services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Cynthia N. Graae (202-377-6947), Assistant Director, Office of Examinations and Supervision; Wendy B. Samuel (202-377-6465), Attorney, or Cynthia Farmer (202-377-6472), Legal Assistant, Office of General Counsel; at the above address.

SUPPLEMENTARY INFORMATION: On May 18, 1978, the Board adopted an amendment to its fair lending regulations that required member institutions to maintain a loan application register to enhance the Board's monitoring and the institutions'

awareness of possible discrimination in lending. This register was modified by amendments in 1979 and 1980 to its present form, which requires three separate registers on which are recorded, at each member institution's office where lending decisions are made, detailed information from applications for loans on one-to-four-family dwellings, mobile homes, and home improvements and equipment. The data from each of these registers are tabulated by each decision center on DSR forms provided by the Board, collected semi-annually by the home office of each institution, and forwarded to the Board. The Board, in adopting the 1979 and 1980 amendments, revised the requirements for information to be kept on the LARs and DSRs after reviewing the usefulness of each data item.

After eighteen months' experience under the revised requirements, the Board believes it desirable to propose reducing the requirements concerning the maintenance of LARs and DSRs. In accordance with its mandate under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the Board has reviewed the existing regulation and noted several areas in which the recordkeeping required of member institutions can be reduced while maintaining an effective program for discovery and prevention of illegal discrimination in lending. In addition, the Board is engaged in a study, in conjunction with the Federal Financial Institutions Examination Council, to review further the contents and procedures of data collection efforts in this area, which may lead to further proposed changes.

This proposal includes four major changes in the LAR/DSR system. First, it is proposed that the requirement that the DSR contain data on the census tract of properties involved and total dollar amounts of loans be eliminated. The removal of the requirement of reporting by census tracts will reduce overlap with reporting requirements pursuant to the Home Mortgage Disclosure Act ("HMDA"), 12 U.S.C. 2801 *et seq.* This information is obtainable by examiners from the LAR where necessary. The Board believes that elimination of reporting dollar amounts would remove a major paperwork burden that is cumbersome for institutions and the Board to implement and that does not, in the aggregate, contribute a benefit commensurate with the costs and other

burdens inherent in the collection of this information.

Second, the information required to be carried on the LAR is proposed to be reduced by elimination of certain specific items, including the loan terms, date and purpose. Since this information can be obtained as needed by examiners from other association records, the Board believes that it is unnecessary to include it on the LAR. In addition, the reporting of zip code would be replaced by county designation to conform with disclosures required by the HMDA.

Third, while retaining the requirement that separate LARs be maintained for the three types of loans, the proposal would make the required minimum information for these loans identical. Therefore, an association could use only one type of form, which would enhance staff familiarity and increase efficiency.

Finally, the Board proposes to eliminate the requirement of mortgage loan DSRs for any institution that received 25 or fewer mortgage loan applications during a six-month reporting period. This would permit approximately 900 institutions to avoid the mortgage loan DSR entirely, while preserving the ability of examiners to use the LAR and individual application records in reviewing an institution's record of compliance with fair housing laws. The Board notes that the current exemption from reporting fewer than 50 mobile home and home improvement loans is proposed to be retained.

In addition to these major changes, the Board proposes minor amendments. The proposed regulation would clarify that in the event an applicant declines to specify his or her race or sex, an institution is not required to make a physical observation of the applicant on which to base such a determination. The institution must obtain this information if possible, but need not limit applications to those made in person so as to make these observations where the applicant declines to provide the information. Also, the proposal stresses that no mandatory format for the LARs is required; the form included is a sample only, leaving the institution free to collect the required information on any form it may find useful. Thus, institutions may continue to use current forms if they so choose; the proposal is not intended to add a burden by requiring changes. In addition, the

proposal would clarify that the regulation provides minimum requirements and does not prohibit inclusion of additional information in conjunction, for example, with state reporting requirements. Finally, conforming changes would be made to the sample registers and the instructions for preparing the register and the reporting forms set forth in Appendices A and B following § 528.6.

The Board believes that the proposed amendments would ensure member institutions greater flexibility in designing their LARs, eliminate overlap with the Home Mortgage Disclosure Act, and generally reduce the paperwork burden of institutions.

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 proposed amendments, if promulgated, would not have a significant impact on a substantial number of small entities. The proposed regulations would reduce overlap with the Home Mortgage Disclosure Act reports, provide more comprehensive monitoring in the least burdensome and most efficient manner, and give institutions greater flexibility in designing recordkeeping forms. The Board believes that this proposal will

benefit small institutions by reducing paperwork and eliminating mortgage loan reporting requirements for those receiving a small number of loan applications, but that it will not have a significant economic impact on them.

List of Subjects in 12 CFR Part 528

Federal home loan banks.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 528 of Subchapter B, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 528—NONDISCRIMINATION REQUIREMENTS

1. Revise § 528.6 by amending paragraph (c); and by amending paragraph (d) by adding two sentences at the end of paragraph (d)(1), amending paragraphs (d)(2)(i) and (d)(2)(iii), removing paragraph (d)(2)(vi), amending paragraph (d)(3)(vii) and redesignating it as new (d)(2)(vi), and removing paragraph (d)(3); to read as follows:

§ 528.6 Monitoring information.

* * * * *

(c) *Disclosure notice.* Any form used to collect monitoring information required by paragraph (a) of this section

shall contain a written notice that such information is requested by the Federal government to monitor compliance with Federal statutes which prohibit member institutions from discriminating on those bases against applications for a loan or other service, and that the member institution shall to the extent possible note race and sex, on the basis of sight and/or surname, if the applicant(s) choose not to do so.

(d) *Loan application registers.* (1) *General.* * * * There is no mandatory format for the register. Lenders may include additional information.

(2) *Data required on all registers.* * * *

(i) *Loan identification.* Application Number;

* * * * *

(iii) *Property Location.* Standard Metropolitan Statistical Area, Census Tract, and County;

* * * * *

(vi) *Loan terms.* Loan Amount.

* * * * *

2. Amend sample formats following § 528.6, as follows:

BILLING CODE 6720-01-M

CODES AND FOOTNOTES FOR LOAN APPLICATION REGISTER
FHLBB Form 1154

* **CODES**

DISPOSITION

- 1 = Approved as Requested
- 2 = Approved with Changes - Applicant Accepts
- 3 = Approved with Changes - Applicant Refuses
- 4 = Denied - Decision based on Applicant's Creditworthiness
- 5 = Denied - Decision based on Collateral
- 6 = Denied - Decision based on Other Considerations
- 7 = Withdrawn by Applicant before Decision

AREA DATA

- Y = Yes
- N = No

APPLICANT(S) INFORMATION

RACE

- 1 = American Indian or Alaskan Native
- 2 = Asian or Pacific Islander
- 3 = Black
- 4 = Hispanic
- 5 = White

SEX

- M = Male
- F = Female

MARITAL STATUS

- M = Married
- U = Unmarried
- S = Separated

FOOTNOTES

- 1/ DATE
 - FOR LOANS GRANTED (Codes 1 and 2)
Give Date of Loan Settlement
 - FOR LOANS REJECTED OR WITHDRAWN (Codes 3, 4, 5, 6, and 7)
Give Date of Disposition

OMB NO. 3068-0058
EXPIRES 4/30/83

FEDERAL HOME LOAN BANK BOARD DATA SUBMISSION REPORT SECTION O MORTGAGE LOANS	NAME OF ASSOCIATION AND ADDRESS OF DECISION CENTER (Please use preprinted label)	DISTRICT NUMBER 01	DOCKET NUMBER 02 03	DECISION CENTER 06 07	SECTION 09 10
		PREPARED BY:			
		PHONE NO. (Include Area Code)			

CATEGORY	MORTGAGE LOANS					NUMBER WITHDRAWN	NUMBER PENDING
	TOTAL NUMBER	NUMBER GRANTED	NUMBER REJECTED/DENIED	NUMBER	NUMBER		
MORTGAGE LOANS							
DISPOSITION THIS PERIOD							
A. RACE	201	203	205	207	209		
Asian/Pacific Islander	211	213	215	217	219		
Black	221	223	225	227	229		
American Indian/Alaskan Native	231	233	235	237	239		
Hispanic	241	243	245	247	249		
White	291	293	295	297	299		
TOTAL							
B. SEX	301	303	305	307	309		
Male (either or both)	311	313	315	317	319		
Female (alone or both)	391	393	395	397	399		
TOTAL							
C. MARITAL STATUS	401	403	405	407	409		
Married	411	413	415	417	419		
Unmarried	421	423	425	427	429		
Separated	491	493	495	497	499		
TOTAL							

MEMO ITEMS

NUMBER OF HOME IMPROVEMENT AND/OR EQUIPPING APPLICATIONS THIS PERIOD
(If the number is greater than 50, submit Section P)..... 903

NUMBER OF MOBILE HOME LOAN APPLICATIONS THIS PERIOD
(If the number is greater than 50, submit Section Q)..... 904

PERIOD COVERED BY THIS REPORT:

START DATE	901	MONTH	DAY	YEAR
END DATE	902			

OMB NO. 3068-0058
EXPIRES 4/30/83

FEDERAL HOME LOAN BANK BOARD
DATA SUBMISSION REPORT
SECTION P
HOME IMPROVEMENT AND/OR EQUIPPING LOANS

NAME OF ASSOCIATION AND ADDRESS OF DECISION CENTER
(Please use preprinted label)

DISTRICT NUMBER: 01
DOCKET NUMBER: 02 03
DECISION CENTER: 06 07
SECTION: P
NUMBER: 09 10

PHONE NO. (Include Area Code)

PREPARED BY:

CATEGORY	HOME IMPROVEMENT AND/OR EQUIPPING LOANS				
	TOTAL NUMBER	NUMBER GRANTED	NUMBER REJECTED/DENIED	NUMBER WITHDRAWN	NUMBER PENDING
DISPOSITION THIS PERIOD					
A. RACE					
Asian/Pacific Islander	201	203	205	207	209
Black	211	213	215	217	219
American Indian/Alaskan Native	221	223	225	227	229
Hispanic	231	233	235	237	239
White	241	243	245	247	249
TOTAL	291	293	295	297	299
B. SEX					
Male (either or both)	301	303	305	307	309
Female (alone or both)	311	313	315	317	319
TOTAL	391	393	395	397	399
C. MARITAL STATUS					
Married	401	403	405	407	409
Unmarried	411	413	415	417	419
Separated	421	423	425	427	429
TOTAL	491	493	495	497	499

PERIOD COVERED BY THIS REPORT:

START DATE	901	MONTH	DAY	YEAR
END DATE	902			

OMB NO. 3068-0058
EXPIRES 4/30/83

FEDERAL HOME LOAN BANK BOARD DATA SUBMISSION REPORT SECTION Q MOBILE HOME LOANS	NAME OF ASSOCIATION AND ADDRESS OF DECISION CENTER (Please use preprinted label)		
MOBILE HOME LOANS			
DISTRICT NUMBER 01	DOCKET NUMBER 02 03	DECISION CENTER 06 07	SECTION 09 10
PREPARED BY: _____ PHONE NO. (Include Area Code) _____			

CATEGORY	MOBILE HOME LOANS				
	TOTAL NUMBER	NUMBER GRANTED	NUMBER REJECTED/DENIED	NUMBER WITHDRAWN	NUMBER PENDING
A. RACE					
Asian/Pacific Islander	201	203	205	207	209
Black	211	213	215	217	219
American Indian/Alaskan Native	221	223	225	227	229
Hispanic	231	233	235	237	239
White	241	243	245	247	249
TOTAL	291	293	295	297	299
B. SEX					
Male (either or both)	301	303	305	307	309
Female (alone or both)	311	313	315	317	319
TOTAL	391	393	395	397	399
C. MARITAL STATUS					
Married	401	403	405	407	409
Unmarried	411	413	415	417	419
Separated	421	423	425	427	429
TOTAL	491	493	495	497	499

PERIOD COVERED BY THIS REPORT:

START DATE	MONTH	DAY	YEAR
.....	901		
END DATE	902		

FHLBB Form 1192-Q
REV. MARCH 1982 (PREVIOUS EDITIONS OBSOLETE)
BILLING CODE 6720-01-C

3. Revise Appendix A ("ASSOCIATION INSTRUCTIONS FOR PREPARATION OF LOAN APPLICATION REGISTERS") and Appendix B ("ASSOCIATION INSTRUCTIONS FOR PREPARATION OF DATA SUBMISSION REPORT") following § 528.6 and the sample formats, to read as follows:

APPENDIX A—INSTRUCTIONS—ASSOCIATION INSTRUCTIONS FOR PREPARATION OF LOAN APPLICATION REGISTERS

Separate Loan Application Registers will be maintained for mortgage loans, home improvement and equipping loans, and mobile home loans. Only those applications relevant to loans on one-to-four-family dwellings should be entered on the Mortgage Loan Application Register.

Please note that these application registers are for institution-originated loans. Loans or participations purchased by the institution should not be included in the registers.

I. Loan Application Registers

A. Identification

Each application must be listed and assigned a number, chronologically at the time of receipt. The number should facilitate locating the application and loan, if made. The member institution may, at its discretion, also add a loan number to facilitate locating each loan made.

B. Loan disposition

Disposition. Indicate the final disposition of the application using the numeric codes provided.

1. Approved as Requested: Loan application is approved and settled with terms as originally requested.

2 and 3. If the application is approved, but with any of the originally requested terms changed, the indication will be: a "2", if these terms are accepted by the applicant; or "3", if refused by the applicant. Any applications with changed terms must appear as either a "2" or "3".

4. Denied-Decision based on applicant's credit-worthiness.

5. Denied-Decision based on collateral.

6. Denied-Decision based on considerations other than those shown in 4 and 5 above.

7. Withdrawn by Applicant. Use this indication only if application is withdrawn before an approval/denial decision is made; or if application is approved with the same terms as requested and is withdrawn by applicant.

Date. For applications with a disposition code of "1" or "2", indicate the date the loan is settled. (Not the date of approval.) For all other disposition codes, indicate the date of denial, refusal by applicant, or withdrawal by applicant.

C. Property location

1. **SMSA.** Indicate, by name, the SMSA in which the property is located. If the property is not in an SMSA, leave blank.

2. **Census Tract.** Indicate the census tract in which the property is located. If the property is not within a census tract, leave blank.

3. **County.** Indicate the county in which the property is located.

Note.—All of the above locators which are obtainable must be shown.

D. Area data

1. **CRA Delineated Community.** Show Y—yes if the property is located within the area established as the delineated community(s) in the association's CRA Statement(s). If the property is not within a delineated community, show N—no.

2. **Low-Income Census Tract.** Show (Y—yes, N—no) to indicate whether the property is located within a low-income census tract. If the property is within a census tract, this column must be completed. If the property is not within a census tract, leave this column blank.

3. **Moderate-Income Census Tract.** Show (Y—yes, N—no) to indicate whether the property is located within a moderate-income census tract. If the property is within a census tract, this column must be completed. If the property is not within a census tract, leave this column blank.

4. **Substantially Minority Census Tract.** Show (Y—yes, N—no) to indicate whether the property is located within a census tract which is substantially minority in composition. If the property is within a census tract, this column must be completed. If the property is not in a census tract, leave this column blank. ("Substantially minority" is defined as those census tracts in which the minority residents constitute 25% or more of the total population in the census tract.)

The source data needed to enable an association to supply the information required in items 2, 3 and 4 above, will be furnished by the Federal Home Loan Bank Board. Each association will be furnished a complete list of census tracts by SMSA. This listing will be coded to show each census tract that is: (a) Low income, (b) moderate income, (c) substantially minority.

The institution may also use data that it has available relative to the demographics required in 2, 3 and 4 above provided the data used conforms with the definitions for "Substantially Minority," "Low Income" and "Moderate Income" as used in the Board's data, i.e., "Substantially Minority" means 25% or more of the area's population consists of minority residents; "Low Income" means those census tracts in which the median family income is 80% or less of the median family income for the entire SMSA; and "Moderate Income" means those census tracts in which the median family income ranges from 81% through 95% of the median family income for the entire SMSA. If the association uses its own data it must make the data sources available for examiner inspection.

E. Applicant(s) Information

1. **Race.** Indicate the race of both the applicant and co-applicant using the numerical codes provided:

- 1=American Indian or Alaskan native
- 2=Asian or Pacific Islander
- 3=Black
- 4=Hispanic
- 5=White

2. **Sex.** Indicate "M" for male or "F" for female for both the applicant and co-applicant.

3. **Marital Status.** Indicate the marital status of both the applicant and co-applicant using the codes provided:

- M=Married
- U=Unmarried
- S=Separated

Age. Indicate the age of the applicant and co-applicant.

F. Loan Amount

If the loan was granted (disposition codes 1 or 2), indicate the dollar amount of the final loan. If the loan was not granted (disposition codes 3 through 7), show the dollar amount of the loan requested.

Appendix B—Instructions—Association Instructions for Preparation of Data Submission Report

Introduction

The Data Submission Report (DSR) calls for tabulated summary information on applications which have had a disposition, and those that are still pending. Information is requested on a semi-annual basis.

All information for this report is obtained from the Loan Application Register. Information on the DSR is broken down by the total number of applications received and acted on, the number of these applications that have been granted, the number denied and the number withdrawn. Under each of these divisions, the applications are further broken down by race, sex, and marital status. In addition, the DSR tabulates those applications still pending (without a disposition) by number.

Each decision center will be responsible for maintaining its own Loan Application Registers and for the preparation of its own semi-annual Data Submission Reports, which must be submitted by the decision center to the association's main office.

Decision centers are discussed later in these instructions.

Completion of form. Separate DSRs will be prepared for mortgage loan applications, mobile home loan applications and home improvement and/or equipping loan applications. However, no DSR will be required for mortgage loan applications if the decision center has not received more than 25 of these types of applications during the six (6) month reporting cycle, and no DSR will be required for mobile home loan applications or home improvement and/or equipping loan applications if the decision center has not received more than 50 of these types of applications during the six (6) month reporting cycle. The tabulation procedures described below will be used for all three types of DSR.

I. Applications With a Disposition

Under this section, tabulate only those applications which have an indicator in the "Disposition" column of the loan application register. Those with no disposition at the time this report is prepared will be separately tabulated and reported as shown in Part II (Applications Without a Disposition) of these instructions.

A. Category A.—Race

Tabulate all applications with a disposition, on the basis of race, using the following procedures.

From the loan application register, total the number of applications with a disposition which have an indicator "1" (American Indian) under the race column and place it under the "Total Number" column on the "American Indian/Alaskan Native" line on the DSR.

Of the above tabulated applications, total all which have a Loan Disposition code of "1" or "2" and place under the "Granted" columns.

Total those above applications with a Loan Disposition code of 3, 4, 5, or 6 and place under the "Rejected/Denied" columns.

Total the above applications with a Loan Disposition code of "7" and place under the "Withdrawn" columns.

The numbers under "Granted," "Rejected/Denied," and "Withdrawn" on this line, when added together must total the amounts under the "Total" column.

Example: Nos. 223 + 225 + 227 = 221.

This relationship of equality between "Granted + Rejected/Denied" + "Withdrawn" = "Total" must be maintained on each line throughout this report.

From the LAR total the number of all applications which have a disposition of "2" (Asian or Pacific Islander) using the above procedures with respect to "Total," "Granted," "Rejected/Denied" and "Withdrawn." Repeat this process for all other racial categories.

Note that the LAR requests information relative to both the applicant and co-applicant. For the DSR, however, *only one indicator per application* is allowed in order to maintain comparable totals. Therefore:

If both the applicants are white, include the application under the totals for "white."

If one of the applicants is white and the other is one of the minority designations, tabulate the application under that minority designation.

If both applicants are the same minority, tabulate the application under that minority designation.

If both applicants are minorities, but different minorities, tabulate the application under either minority designation but not both.

B. Category B.—Sex

Tabulate all applications with a disposition on the basis of sex, using the same breakdown procedures with respect to "Total," "Granted," "Rejected/Denied," and "Withdrawn" under this category as those previously described. An additional instruction relative to the Sex designation is necessary, however.

As with the race breakdowns, only one indicator per application is allowed. Therefore:

If either of the applicants or both applicants are male, tabulate the application under the "Male" designation. (This will include co-applicants who are husband and wife.)

If there is only one applicant and that person is a female or if both applicants are females, tabulate the application under the "Female" designation.

(Anytime a male is involved as an applicant, tabulate under "Male." Tabulate under "Female" when only females are applying.)

As with the other categories, all figures will total horizontally. In addition, all totals under the Sex category will equal all totals under the other categories.

C. Category C.—Marital Status

Tabulate all applications with a disposition on the basis of marital status, using the same breakdown procedures with respect to "Total," "Granted," "Rejected/Denied," and "Withdrawn" under this category as those previously described. An additional instruction relative to Marital Status is necessary, however.

As with the previous breakdowns, only one indicator per application is allowed. Therefore:

If both applicants are married, tabulate the application under the "Married" designation.

If one applicant is married and the other is either unmarried or separated, tabulate the loan under that appropriate non-married designation.

If both applicants are in different non-married statuses (i.e., one unmarried and one separated), tabulate the application under either designation but not both designations.

As with the other categories, all figures will total horizontally. In addition, all totals under the Marital Status category will equal all totals under the other categories.

II. Applications Without a Disposition (Pending)

Under this section tabulate only those applications which were received during the six (6) month reporting cycle, and for which there has been no disposition as of the last day of the reporting cycle. Do not include applications pending from previous reporting cycles.

A. Category A.—Race

From the applications register, total the number of applications with no disposition which have an indicator of "1" (American Indian) under the race column. Place total number under Pending column on the appropriate line for American Indians. Repeat this procedure for all other racial categories.

The total for all applications without a disposition broken down by race will equal the total for all such applications under "Category B Sex" as well as "Category C Marital Status."

B. Category B.—Sex

Total the number of applications with no disposition, by sex, using the same criteria previously supplied. The total for all applications without a disposition under this category will equal the totals under the other categories.

C. Category C.—Marital Status

Total the number of applications with no dispositions, by marital status, using the same criteria previously supplied. The total for all applications without a disposition under this category will equal the totals under all other categories.

The totals in each category will be equal.

Examples: No. 299 = No. 399 = No. 499.

Decision Centers

Section 528.1(d) of the Federal Home Loan Bank System Regulations defines a "Decision Center" to mean a member institution's office where decisions are made to approve (on the terms requested, or as changed) or take any adverse action on applications for dwelling-related loans.

Section 528.6(d) requires that:

*** each member institution shall maintain, at each of its decisions centers (defined in § 528.1 of this part), separate, current, readily accessible loan application registers for each of the following loan types made: one-to-four family-dwelling loans, mobile home loans, and home improvement and/or equipping loans.

The decision center concept and the semi-annual reporting requirement entail certain responsibilities for each decision center and for the main office of the association. These are as follows:

1. Individual Decision Center.

- Maintains its own LARs.
- Prepares its own DSRs.
- Ensures that each DSRs line items and totals conform with the arithmetic equalities required.

Example: Nos. 203 + 205 + 207 = 201; Nos. 291 = 391 = 591.

d. An identifying number will be assigned to each decision center by the association. Decision centers must show this number on all DSRs.

e. DSRs (and required copies) will be submitted only to the main office of the association by each decision center. One copy should be retained at the decision center.

2. Main Office.

- Assigns each decision center its own identifying number.
- Ensures that each DSR received from a decision center shows the proper decision center number.
- Ensures that DSRs balance as required. (See 1.c. above.)
- Makes sure that each decision center has submitted all required semiannual DSRs.
- DSRs should all be filed by the main office as follows:

(1) The original of each report is to be filed with the Federal Home Loan Bank of which the institution is a member.

(2) One additional copy of each report should be mailed to: Federal Home Loan Bank Board, Information Systems Division, 1700 G Street, NW., Washington, D.C. 20552. The copy of the report mailed to Washington, D.C. is used to enter data into the computerized system. Accordingly, such data entry copy must be completely legible. Where carbon copies of reports are prepared, it is suggested that the first copy of the report be mailed to Washington for data entry.

(3) One copy of each report should be filed with the District Director-Examinations in the FHLBB District where the association is located.

(f) *Recordkeeping.* For purposes of this part, each member institution shall retain records as required by 12 CFR 202.12

(Title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); EO 11063, 27 FR 11527; sec. 17, 47 Stat. 736 as amended (14 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943.48 Comp. 1071)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 82-10492 Filed 4-16-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Airspace Docket No. 82-AWP-2]

14 CFR Part 71

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Oxnard, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Oxnard, CA, 1,200-foot transition area to provide additional controlled airspace in the vicinity of San Nicolas Island. This action is needed to provide instrument flight rule (IFR) service to aircraft operating to and from OLF San Nicolas Island.

DATES: Comments must be received on or before May 19, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western-Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 82-AWP-2, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AWP-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to expand the Oxnard, CA, 1,200-foot Transition Area. This action would provide additional controlled airspace east of San Nicolas Island to provide radar vectoring service for IFR

aircraft operating to and from OLF San Nicolas Island when Warning Area 289 is active. Section 71.181 of Part 71 was republished on January 2, 1981, (46 FR 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

In International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation

Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) as follows:

Oxnard, CA [Amended]

By adding after "lat. 33°28'30"N., long. 119°07'00"W.," the following:

"to lat. 33°28'30"N., long. 118°55'00"W.;

to lat. 33°10'00"N., long. 118°55'00"W.;

to lat. 33°10'00"N., long. 119°07'00"W.;

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-10548 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Greenwood, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Greenwood, South Carolina, transition area by lowering the base of controlled airspace from 1,200 feet to 700 feet above the surface east of the Greenwood County Airport. A new instrument approach procedure has been developed to serve the airport and additional controlled airspace is required to protect Instrument Flight Rules (IFR) operations.

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. Communications 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 G of Part 71 of the Federal Aviation Regulations (14

CFR 71) to alter the Greenwood, South Carolina, 700-foot transition area. This action will provide controlled airspace protection for aircraft executing the NDB Runway 27 instrument approach procedures at the Greenwood County Airport. A nondirectional radio beacon, which will support the approach procedure, is proposed for establishment in conjunction with the alteration of the transition area.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following to the end of the text in the present description as follows:

Greenwood, South Carolina

" * * * within 3 miles each side of the 085° bearing from the Coronaca RBN (Lat. 34°15'13"N., Long. 82°05'11"W.); extending from the 8.5-mile radius area to 8.5 miles east of the RBN * * *"

(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. 1655(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) is certified that 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 April 8, 1982.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 82-10547 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 260

[Docket No. RM82-23-000]

Revision of Report by Natural Gas
Pipeline Companies on Service
Interruptions Occurring on the Pipeline
System

April 6, 1982.

AGENCY: Federal Energy Regulatory
Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulation covering reports submitted by natural gas pipeline companies on service interruptions. Because the current reporting regulations apply only to "natural gas pipeline companies" the Commission has learned of interruptions or emergencies on systems of other types of "natural gas companies" from sources unrelated to those companies. These amendments would: Expand the definition of companies required to report emergencies, revise criteria that would constitute an emergency, provide for prompt notification of the Commission in an emergency, and eliminate the requirement for filing certain information. These changes will enable the Commission to better assure the adequacy and continuity of the service of the companies it regulates.

DATE: Comments are due May 6, 1982.

ADDRESS: Comments on this Notice should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82-23-000.

FOR FURTHER INFORMATION CONTACT: Mark A. Greenwald, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, 825 North Capitol Street, NE., Room 6300-O, Washington, D.C. 20426; (202) 357-5789.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations requiring the filing of reports by natural gas pipeline companies for emergencies affecting their service or facilities (18 CFR 260.9). This proposal is part of the Commission's ongoing program to review and update all of its reporting requirements. As proposed, this rule would revise the description of the companies that are required to report emergencies to include more companies than are now required to report emergencies, revise the criteria for determining what situations require

the filing of a report, provide the Commission with prompt notification of the existence of emergency situations, and eliminate the requirement for companies to file certain reports.

A. Background

Section 260.9 now requires five things from natural gas pipeline companies. These are: (1) Reports of "serious" interruptions in wholesale service, (2) notification of such interruptions by telegram, (3) additional information about the interruption as required by the Commission, or by the Commission's staff, (4) copies of a report that the pipeline must file with the Department of Transportation (DOT) under the Natural Gas Pipeline Safety Act (49 U.S.C. 1671. *et seq.*), and (5) that a copy of the telegram notifying the Commission of the interruption be sent by the pipeline to the state commissions of those states affected by the interruption.¹

Because the current reporting regulations apply only to "natural gas pipeline companies" the Commission has learned of interruptions or emergencies on systems of other types of "natural gas companies" from sources completely unrelated to those companies. For example, in a number of situations involving companies importing liquefied natural gas (LNG) sold in interstate commerce, the Commission was not informed of serious interruptions in service or emergencies until days, and in one instance, weeks after the problem had commenced. By this notice, the Commission proposes to broaden the provisions of § 260.9(a) to make them applicable to all natural gas companies, other than producers, instead of being only applicable to "natural gas pipeline companies". This change will require that, in addition to

¹ The Commission exercises its authority to collect information under 18 CFR 260.9 through sections 4, 5, 7 and 10 of the Natural Gas Act and pursuant to section 402(a) of the Department of Energy Organization Act (42 U.S.C. 7172). The Commission is authorized to collect data under section 10 of the Natural Gas Act pursuant to a delegation of authority from Secretary of Energy to the Commission (Delegation Order No. 0204-1 (1977)).

The Commission first required reports of service interruptions on the systems of interstate pipelines under § 260.9 in 1966. Order No. 327, "Annual Report of Classes A, B, C and D Natural Gas Companies Subject to the Natural Gas Act Miscellaneous Amendments to FPC Forms 2 and 2-A. Docket No. R-283; Telegraphic Reporting of Accidents Leveling Certified Facilities of Natural Gas Pipeline Companies. Docket No. R-291" was issued September 8, 1966 (31 FR 12015, September 14, 1966). The requirement was subsequently amended by Order No. 401 "Reporting of Pipeline Failures and Interruptions to Service, Miscellaneous Amendments to FPC Forms 2 and 2A", Docket No. R-378, (Issued May 6, 1970, 35 FR 7412, May 13, 1970).

the pipeline companies already specified in paragraph (a), natural gas exporting and importing companies subject to the Commission's jurisdiction will be required to file reports under § 260.9.² The Commission requests comments on whether the phrase "natural gas company other than producer" is too broad and unintentionally encompasses natural gas companies other than the types addressed here.

The current regulations also do not require the reporting of actual or imminent reductions in service, major facility failures and sudden changes in service or supply levels, as well as other emergencies affecting the public health and safety. The Commission has responsibilities with respect to the adequacy and continuity of service of the companies that it regulates³ and it may be called upon to render assistance to other Federal agencies in an emergency involving public health and safety.⁴ Therefore, this proposal would amend § 260.9(a) to require the reporting of such emergencies, in addition to the "service interruptions" required by the current regulations. Furthermore, prompt notice to the Commission of such emergencies is necessary so that steps may be quickly taken to contravene any harmful impact that might arise as a result of the emergency. As a result, § 260.9(b) would be amended to require prompt notification by telephone of the emergency conditions described in § 260.9(a). A written confirmation of the emergency would be required "as soon as possible" following the incident.

The current regulations require natural gas pipeline companies to notify state governments of interruptions to service and to file with the Commission the same report that must be filed with the DOT relative to serious interruptions. Because many states have promulgated their own emergency reporting requirements, or can require such data under their own authority, and because the DOT report has proven to be of little additional value to the

² The proposed amendment to § 260.9 will not extend to an importer or exporter that is not a "natural gas company" within the meaning of the Natural Gas Act (15 U.S.C. 717(a)).

³ See section 7 of the Natural Gas Act (15 U.S.C. 717f), and section 9 of the Natural Gas Pipeline Safety Act (49 U.S.C. 1676).

⁴ In one instance, in January 1981, a highly toxic chemical was discovered in a local distribution pipeline in New York. All interstate and intrastate pipeline companies eventually became involved in a nationwide testing program headed by the Environmental Protection Administration (EPA). The Commission only became aware of the incident informally one week before the EPA contacted the Commission and requested technical assistance in the emergency.

Commission, these two requirements can be eliminated.

B. Summary of Proposed Changes

The Commission proposes to revise § 260.9 in paragraph (a) to require reports of emergency conditions from not only natural gas pipelines but also from all other natural gas companies other than producers. Paragraph (a) would also be revised to require the reporting of reductions in service, as well as interruptions of service, and to require reports of major facility failures that do not necessarily force a system shut-down, substantial changes such as those which require changes in the forecast levels of curtailment, and situations that are hazardous to the public health and safety.

Paragraph (b) would be changed to require immediate notification of such emergencies by telephone to the Commission's Director of the Office of Pipeline and Producer Regulation (OPPR). During non-office hours, notification calls would be directed to the Department of Energy's Emergency Operations Center, which has been provided with a list of OPPR personnel to be contacted if a call is received. A confirming written notification from the company to the Commission would also be required. It would include a description of the condition, the time, location, affected customers, list of any injuries, emergency actions taken to maintain service and a contact person at the company. Paragraph (c), relating to supplementary information, would be simplified and revised in reference to the staff office to which reports would be submitted.

Current paragraph (d), which requires the filing of the DOT report would be deleted because the report has been of little value to the Commission in its follow-up of a reported emergency. Paragraph (e), which requires that telegraphic service interruption reports be sent to affected states would also be deleted because many states have promulgated emergency requirements or can require their own reports of emergency conditions.

Finally, the title of the report would be changed to, "Report by Certain Natural Gas Companies of Emergency Conditions" and it would be designated as "FERC Format No. 576."

C. Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis is prepared pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) which requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a

substantial number of small entities." The purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small entities and to encourage economic impact analyses of those rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects those rules may have on these small entities.

In sections A and B of the proposed rule the Commission has presented reasons for its proposal, its objectives in making the proposal, and the legal basis for the rulemaking. This is in accordance with the requirements of section 603(b) (1) and (2) of the RFA. In sum, the proposed rule would amend regulations at § 260.9 to revise the descriptions of the companies that are required to report specific emergencies affecting the service or facilities previously certificated by the Commission, to revise the criteria used to determine which situations constitute a reportable emergency, and to require prompt notification of such emergencies. The purpose for these changes is to provide better and more timely information to the Commission about natural gas emergencies so that the Commission could better perform its responsibilities respecting the adequacy and continuity of service by the companies that it regulates. The Commission would revise its regulations under the authority of sections 4, 5, 7 and 10 of the Natural Gas Act, section 402(a) of the Department of Energy Organization Act and Delegation Order No. 0204-1 (see note 1, above).

Section 603(b)(3) of the RFA requires a description, and where feasible, an estimate of the number of small entities to which the proposed rule would apply. Under the current regulations, about 128 natural gas pipelines are subject to the requirements of § 260.9. About 30 of these are small entities. Under the proposed rule, about 134 natural gas companies would be subject to the requirements of § 260.9. The number of small entities affected would not change.⁵

Section 603(b)(4) requires examination of the reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to

⁵ For this analysis, small entities are those classified as Class C or Class D natural gas companies, that is, companies earning \$25,000 or more per year, but less than \$1,000,000. (See 18 CFR Part 201, Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act.) In addition, small entities include those companies earning less than \$25,000 a year or those which are so new that they cannot yet be classified.

the requirement and the skills needed to prepare the report. The class of small entities subject to the requirement would be those approximately 30 natural gas companies described above. The Commission estimates that it would take approximately three hours to make the required telephonic communication and to complete and submit each written report of an emergency condition, according to the requirements of § 260.9; however, this figure could vary, depending upon the type and severity of the emergency and the need for submission of additional data. Because the report would be filed only upon an emergency condition, only those entities suffering the emergency would be required to file the report. No special skills are required to complete the report. The Commission, therefore, views the economic impact of these proposed changes as insignificant from the standpoint of hours necessary to meet the requirements and the minimal costs which can be expected to result.

Section 603(b)(5) requires an identification of Federal rules which may duplicate, overlap or conflict with the proposed rule. The DOT report that is required under the Natural Gas Pipeline Safety Act, entitled, "Leak or Test Failure Report—Transmission and Gathering Systems" and which was mentioned in Sections A and B of this notice, collects certain general data items that are similar to those required in § 260.9, such as time and location of an incident, injuries and type of repairs.

However, the DOT report only collects data respecting leaks or failures as they occur on transmission and gathering systems. Therefore, the companies required to report under § 260.9 would not necessarily be the same as those that report to the DOT, nor would the incidents reported necessarily be the same. In addition, the DOT report is more detailed than the report now required by the Commission or proposed by this notice. Finally, the data items that are common to the two reports are limited (for example: name and address of company, time and location of incident, inquiries and type of repairs), and create an insignificant reporting burden compared to the benefit that would accrue to the Commission in collecting the data and properly understanding the report.

Section 603(c) of the RFA requires a description of significant alternatives to the proposed rule that may help minimize the proposal's adverse economic impact on small entities. From the viewpoint of regulatory flexibility, the significant alternatives to the proposed rules are: First, to leave the

existing provisions of § 260.9 intact or, second, to further reduce the reporting requirements.

The first alternative (leave the existing provisions intact) is not practicable if the Commission is to perform properly its responsibilities with respect to the adequacy and continuity of natural gas service. As noted in Section A of this preamble, the Commission does not always receive timely reports of natural gas emergency conditions from the natural gas companies subject to the Commission's jurisdiction. This situation has adversely affected the Commission's ability to respond adequately to emergencies and to protect the public interest with respect to natural gas service. The regulations should be revised, therefore, to correct this deficiency and to provide the data proposed for inclusion in the § 260.9 requirements.

The Commission notes, however, that it has proposed to eliminate the requirement for companies to file with the Commission at the time of an emergency the report that is required by DOT under the Natural Gas pipeline Safety Act of 1968. Also, companies would no longer be required to submit a copy of the § 260.9 report to the states. These proposed deletions would reduce the filing burden for companies (including small entities) and would comply with the objectives of the RFA.

The second alternative (further reduce the reporting requirement) would not be appropriate in light of the Commission's need for prompt reports of certain emergency conditions involving companies subject to its jurisdiction. The Commission has limited the data elements in the report to an essential minimum and has devised compliance requirements that it believes will not significantly burden the companies that are subject to the requirement.

Finally, in compliance with section 609 of the RFA, the Commission will send copies of this Notice of Proposed Rulemaking to each of the small entities that would be required to file the § 260.9 report.

D. Written Comment Procedure

The Commission invites interested persons to submit written data, views and other information concerning the matters set out in this Notice. An original and 14 copies of such comments should be filed with the Commission by May 6, 1982. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 and should reference Docket No. RM82-23-000.

All written submissions to this rulemaking will be placed in the Commission's public files and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426, during regular business hours.

List of Subjects in 18 CFR Part 260

Natural gas, Reporting requirements.
(Natural Gas Act, 15 U.S.C. 717-717w, Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR Part 142)

In consideration of the foregoing, the Commission proposes to amend Part 260 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Section 260.9 is revised to read as follows:

§ 260.9 Report by certain natural gas companies of emergency conditions—FERC format No. 576.

(a) All natural gas companies, except producers, shall report to the Federal Energy Regulatory Commission emergencies involving service or facilities operated under certificate authorization from the Commission. Matters to be reported shall include the following, whether actual or imminent:

- (1) Reduction or interruption of natural gas service to communities, major Government installations, and large industrial plants outside of communities;
- (2) Major facility failures that do not necessarily force the system to shut down;
- (3) Threats to public health or safety;
- (4) Major changes in the forecast level of service or supply; and
- (5) Any other conditions which are significant in the judgment of the company.

Interruptions or reductions in service that are in accordance with the provisions of filed tariffs, that result from planning maintenance or construction, or that are of less than 3 hours duration, need not be reported.

(b) The natural gas companies identified in paragraph (a) of this section shall report such emergency conditions immediately by telephone to the Director of the Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission (202/357-8500). After the close of regular office hours (8:30 a.m. to 5:00 p.m. ET), all telephone calls shall be directed to the Department

of Energy Emergency Operations Center (301/353-5555). Written confirmation shall be submitted to the Director of the Office of Pipeline and Producer Regulation as soon as possible. The notification shall consist of a brief description of the condition being reported, the time and location, the customers affected, a list of any injuries, emergency actions taken to maintain service, and the name and telephone number of the company official who may be contacted for further information.

(c) In cases which warrant further investigation, where so directed by the Commission or the Director, Office of Pipeline and Producer Regulation, the company and persons shall submit such supplemental information as requested.

[FR Doc. 82-10533 Filed 4-16-82; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-2104-4]

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and 1986 and Later Model Year Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Hearing.

SUMMARY: This document announces the time and place for a public hearing on EPA's Notice of Proposed Rulemaking (NPRM) for the control of particulate emissions from heavy-duty diesel engines and the Advance Notice of Proposed Rulemaking (ANPRM) for the control of nitrogen oxide (NO_x) emissions from light-duty trucks and heavy-duty engines. These were published January 7, 1981 (46 FR 1910) and January 19, 1981 (46 FR 5838), respectively.

DATES: There will be one hearing for both rulemakings and it is scheduled to take place on July 13 and 14, 1982. The hearing will be extended over to July 15, 1982 if additional time is needed for completion of testimony.

ADDRESSES: The hearing will be held in the Conference Room of the Environmental Protection Agency, Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. The hearing will be convened at 9:00 a.m. and adjourn at 5:30 p.m. or such later time as is necessary to complete each day's testimony. Supporting material for the particulate

NPRM and NO_x ANPRM are available in Public Docket Nos. A-80-18 and A-80-31, respectively. These dockets are located at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The dockets are open for inspection between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Regulation of Particulate Emissions: Mr. R. Dwight Atkinson, U.S. Environmental Protection Agency, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4215;

Regulation of NO_x Emissions: Mr. Peter Kohnken, U.S. Environmental Protection Agency, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4303.

SUPPLEMENTARY INFORMATION:

Background

In response to the requirements in Section 202(a)(3)(A)(iii) of the Clean Air Act (the Act), EPA issued the above-mentioned NPRM for the control of particulate emissions from heavy-duty diesel engines. The proposed level of control was 0.25 grams per brake-horsepower-hour (g/bhp-hr) (0.093 grams per megajoule (g/mj)), which represents about a two-thirds reduction of particulate emissions from uncontrolled levels. Also proposed were amendments to the emission testing regulations to establish procedures for the measurement of particulate emissions from new heavy-duty diesel engines.

Sections 202(a)(1) along with 202(a)(3)(A)(i) and (ii) of the Act require EPA to develop standards governing NO_x emissions from light-duty trucks and heavy-duty engines. The ANPRM was issued as an initial step in this rulemaking to request information and comment on possible NO_x emission standards for these vehicles and engines. Although the Act calls for a NO_x standard which would reduce emissions by 75 percent from uncontrolled levels, there is some uncertainty about the technical feasibility of achieving this level without increasing cost, decreasing fuel economy and adversely affecting particulate emissions to an unreasonable degree. Therefore information is being requested to help choose a more feasible standard and to develop a public record to support it.

Hearings for the NPRM and ANPRM were originally scheduled for the spring of 1981. A notice to delay both public hearings was published in the Federal Register on April 10, 1981 (46 FR 21393). The primary reason for delay was due to a request by the industry for more time (6 months to 1 year) to develop sufficient data on the particulate emission levels of their engines. Since NO_x control is often linked technologically to particulate control, a decision was made to also delay the public hearing for the NO_x ANPRM.

In order to assure the validity of test data, a plan was outlined in the Notice of Delay of Public Hearings whereby eight to ten engines most critical to the rulemaking for particulate emissions would each be tested at one or two manufacturers' test facilities before the hearings would be completed. Most of this testing has been completed and the results indicate good agreement between data obtained among the various test facilities. Based on these results, EPA has decided that the public hearings can now proceed. An analysis of the results of the test program is available in Public Docket A-80-18.

Due to the linkage between particulate and NO_x levels, EPA has decided to hold one hearing to address both rulemakings. Commenters should address concerns regarding both the particulate and NO_x rulemakings in their testimony, particularly the relationship between the NO_x and particulate standards. Regarding the particulate standard, commenters should address the feasibility and cost of the particulate standard and its impact on noise, safety and energy. In addition, we request that commenters address the cost and efficiency of engine-related particulate control techniques separately from the cost and efficiency of aftertreatment control devices.

Comments concerning NO_x control for heavy-duty engines and light-duty trucks would be most helpful if the guidelines indicated in the ANPRM under "Request for Specific Comments" are followed. Comments concerning the level of NO_x emissions control for HDG engines should address levels achievable with and without the use of catalysts.

Participation

Any person desiring to make a statement at the hearing should provide written notice of such intention to one of the persons indicated above by July 6, 1982. This notice should include an estimate of the length of testimony and any need for audio-visual equipment. If possible, we request that an advance

copy of the proposed statement or material be concluded. We also suggest that approximately 50 copies be brought to the hearings for distribution to the audience.

The record of the hearing will be left open for 30 days following the close of the hearing to allow submission of rebuttal and supplementary information. Any documents submitted during this period of time should be sent to the EPA central docket section at the address shown above. While testimony on both standards will be taken jointly, any additional comments should be sent to the appropriate docket (Docket No. A-80-18 for particulate, Docket No. A-80-31 for NO_x). It is also requested, but not required, that a copy of this submittal be sent directly to the person indicated above as being responsible for that hearing.

Commenters desiring to submit proprietary information from other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the appropriate Agency contact indicated above, and not to the Docket, to insure that proprietary information is not inadvertently placed in the public docket.

Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

Mr. Richard D. Wilson is hereby designated as the Presiding Officer of the hearings. He will be responsible for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, and, to the extent possible, notifying participants of the time at which they may appear.

The hearing will be conducted informally. Technical rules of evidence will not apply. A written transcript of the hearing will be taken. Anyone desiring to purchase a copy of this transcript should make arrangements individually with the court reporter recording the hearing.

Dated: April 8, 1982.

Kathleen M. Bennett,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-10007 Filed 4-16-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 25, 26 and 162

[CGD 74-284]

Fixed Fire Extinguishing Systems for Uninspected Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard proposes to establish equipment standards and procedures for approving fixed fire extinguishing systems intended for use on uninspected vessels. Fixed systems that are currently approved by the Coast Guard are intended for large passenger vessels and are too complex and expensive for most uninspected vessels. Several smaller systems have already been approved and requests have been received from manufacturers and others to publish standards and approval procedures.

DATE: Comments on this proposal must be received on or before June 3, 1982.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24), (CGD 74-284) U.S. Coast Guard, Washington, D.C. 20593. The comments, draft evaluation, and materials referenced in this notice will be available for examination and copying between 7 a.m. and 5 p.m., Monday through Thursday, except holidays, at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 2nd St., SW., Washington, D.C. 20593. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

Mr. Klaus Wahle, Office of Merchant Marine Safety (G-MMT-3/12), Room 1210, U.S. Coast Guard Headquarters, 2100 2nd St., SW., Washington, D.C. 20593 (202) 426-1444.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice as CGD 74-284, and give reasons for the comments. Persons desiring acknowledgment of their comments should enclose a self-addressed postcard or envelope. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on the proposed rules. No public hearing is planned, but one may be held if written requests for a hearing are

received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Discussion of Proposed Rules

1. At present, most fixed fire extinguishing systems on uninspected vessels are complex installations that meet the requirements for carbon dioxide fixed systems on large passenger vessels. These systems are usually designed to protect large, normally occupied areas, and are not well suited for use on uninspected vessels. The cost of these systems can be prohibitive on many recreational boats.

2. The Coast Guard has approved small fixed fire extinguishing systems but has not published approval requirements. The systems currently approved comply with the tests and requirements proposed in this notice. These systems use either carbon dioxide, Halon 1301 (Bromotrifluoromethane) or Halon 1211 (Bromochlorodifluoromethane) as the extinguishing agent. Vessel manufacturers, dealers, extinguisher manufacturers, and members of the boating public have requested that standards for approval of affordable fixed systems be developed.

3. These proposed standards contain essential design and performance requirements, approval tests, and procedures for approving fixed fire extinguishing systems on uninspected vessels. The specification also provides for follow-up production testing by an independent laboratory. The proposed discharge requirements for Halon systems, the fire tests in proposed §§ 162.029-13(h) and 162.029-13(i) and the leak test in proposed § 162.029-13(d) are similar to proposed Underwriters Laboratories, Inc. test requirements. The remaining requirements and tests were developed by the Coast Guard and were used in evaluating the small fixed systems that are currently approved for use on uninspected vessels. These systems have also been tested by UL and have UL listings.

4. The proposed standards apply only to carbon dioxide and Halon fixed systems that are intended for installation in engine compartments and other small spaces on recreational boats and other uninspected vessels. The standards do not cover systems to be used in spaces over 2500 cubic feet (75 cubic meters). Fixed systems in larger spaces would require additional equipment such as alarms and discharge delay mechanisms. A separate standard for fixed Halon 1301 systems in spaces larger than 2500 cubic feet (75 cubic meters) is currently being prepared and

proposed rules will be published in a future issue of the *Federal Register*. Fixed carbon dioxide systems for larger spaces are required to meet existing requirements in subpart 76.15 of Title 46, CFR.

5. Section 162.029-2 of the proposed rules incorporates by reference two standards:

(a) ASTM B 117, "Standard Method of Salt Spray (Fog) Testing."

(b) MIL-STD-167-1, "Mechanical Vibrations of Shipboard Equipment."

The ASTM B 117 standard was published in 1973 and may be purchased from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103. The current addition of MIL-STD-167-1 is dated May 1974. It may be purchased from Customer Service, Naval Publication and Forms Center, 5801 Tabor Ave., Philadelphia, PA 19120.

6. Carriage of a fixed system approved under the proposed specification would be optional. The fire extinguishing equipment regulations in 46 CFR 25.30-20 currently allow a reduction in the number of portable fire extinguishers required for a vessel if a machinery space has an approved fixed system. A fixed system may also be carried on a motor vessel over 300 gross tons in lieu of the Type B-III semi-portable extinguisher that would otherwise be required.

7. The National Boat Safety Advisory Council was consulted on this proposal in a public meeting of September 29, 1977, in Washington, D.C. The council had no objection to the proposal. The transcript of the Coast Guard presentation at the public meeting is included in the public docket for this rule making.

Draft Evaluation

8. These regulations are considered to be "nonsignificant" and, accordingly, a draft evaluation has been prepared as required by the DOT policies and procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The DOT Order requires that each evaluation include an economic analysis which quantifies to the extent practicable, both the estimated cost of the regulations to the private sector, consumers, and Federal, State, and Local governments, as well as the anticipated benefits and impacts of the regulations.

9. Installation of a fixed extinguishing system would be optional and would not result in mandatory additional expenses to the boating public. The costs of laboratory approval testing are estimated to be approximately \$3000.00

for each system. The costs of annual production testing per system would be approximately \$250.00. The estimated costs to vessel owners and boat manufacturers would range from below \$100 for the simplest systems to approximately \$2000 for more sophisticated systems with optional features. The governmental costs would not change appreciably. Any additional costs resulting from an increased number of systems submitted for review would be off-set by reduced time and costs involved to process individual applications.

10. It is expected that publication of these standards would provide an incentive to the fire protection equipment industry to provide a range of fixed fire extinguishing systems that have relative simplicity and low cost. On many uninspected vessels these systems would be practical alternatives to portable fire extinguishers that are currently carried.

11. It is certified in accordance with the Regulatory Flexibility Act (Pub. L. 96-354) that these proposed regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities. As explained above in the discussion of the draft evaluation, installation of fixed extinguishing systems, would be optional and costs to produce them would not be excessive. There are approximately 15-16 manufacturers of fire extinguishing systems used on vessels. Four of these have already obtained a certificate of approval to build fixed fire extinguishing systems for uninspected vessels. None of the rules in this proposal should restrict or hinder small manufacturers in obtaining certificates of approval.

12. Based upon matters discussed above, this proposed regulation has been determined not to be a major rule under Executive Order 12291.

OMB Control Numbers

13. Information requirements contained in this regulation (§§ 162.029-13(c) and 162.029-17 (b) and (c)) 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 2115-0121.

List of Subjects in

46 CFR Part 26

Fire prevention, Fishing vessels, Hazardous materials transportation, Marine safety, Passenger vessels, Vessels.

46 CFR Part 26

Fishing vessels, Marine safety, Passenger vessels, Navigation (water), Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 162

Fire prevention, Marine safety, Oil pollution.

Proposed Rules

In consideration of the foregoing, the Coast Guard proposed to amend Parts 25, 26, and 162 of Title 46, Code of Federal Regulations, as follows:

SUBCHAPTER C—UNINSPECTED VESSELS

PART 25—REQUIREMENTS

1. By revising § 25.30-15 of Part 25 to read as follows:

§ 25.30-15 Fixed Fire Extinguishing Systems.

(a) If a vessel has a fixed fire extinguishing system, the system must be—

(1) A carbon dioxide system that meets Subpart 76.15 of this chapter and is approved by the Commandant; or
(2) Approved under Subpart 162.029 or Subpart 162.035 of this chapter.

(b) The space protected by a system approved under Subpart 162.029 of this chapter must not be larger than the largest space that the system is designed to protect.

(c) A fixed fire extinguishing system approved under Subpart 162.029 of this chapter may be installed only in a space from which personnel can leave quickly after the system is activated.

(d) A fixed fire extinguishing system approved under Subpart 162.029 of this chapter may not be installed in a space containing powered ventilation unless the system has a ventilation shut-down device.

PART 26—OPERATIONS

2. By adding a new § 26.03-20 to Part 26 to read as follows:

§ 26.03-20 Fixed Fire Extinguishing Systems.

(a) Each fixed fire extinguishing system approved under Subpart 162.029 of this chapter must be installed and maintained in accordance with the instructions in its manual. (b) All pressure vessels and associated discharge hoses and flexible connections in a fixed fire extinguishing system approved under Subpart 162.029 of this chapter must be tested, marked, and recharged in accordance with the requirements in § 147.04-1(a)(2) through § 147.04-1(a)(8) of this chapter.

SUBCHAPTER Q—SPECIFICATIONS

PART 162—ENGINEERING EQUIPMENT

3. By adding a new Subpart 162.029 to Part 162 to read as follows:

Subpart 162.029—Fixed Fire Extinguishing Systems for Uninspected Vessels and Recreational Boats

Sec.

162.029-1	Scope.
162.029-2	Incorporation by reference.
162.029-3	Materials.
162.029-5	Construction.
162.029-7	Performance.
162.029-9	Installation and maintenance manual.
162.029-11	Approval tests.
162.029-13	Production tests and inspections.
162.029-15	Marking.
162.029-17	Approval procedure.
162.029-19	Independent laboratories.

Authority: 46 U.S.C. 526p and 1454; 49 U.S.C. 1655(b); and 49 CFR 1.46.

§ 162.029-1 Scope.

(a) This specification applies to carbon dioxide and Halon fixed fire extinguishing systems that are intended for installation in engine compartments and other small spaces on recreational boats and other uninspected vessels.

(b) Systems designed for use in spaces larger than 2,500 cubic feet must meet the requirements of Subpart 76.15 or Subpart 162.035 of this chapter.

§ 162.029-2 Incorporation by reference.

The following standards are incorporated by reference into this Subpart:

(a) ASTM B 117, "Standard Method of Salt Spray (Fog) Testing."

(b) MIL-STD-167-1, "Mechanical Vibrations of Shipboard Equipment."

§ 162.029-3 Materials.

(a) *Corrosion resistance.* Each metal component of a fixed fire extinguishing system must be corrosion resistant or treated to be corrosion resistant.

(b) *Dissimilar metals.* Each metal component of a fixed fire extinguishing system must be galvanically compatible with each adjoining metal component. Galvanically incompatible materials must be separated by a bushing, gasket, o-ring, or other similar means.

(c) Halon extinguishing agent, if used in a fixed fire extinguishing system, must be Halon 1301, Halon 1211, or other agent having similar toxicity characteristics.

§ 162.029-5 Construction.

(a) *Pressure Vessels.* Each pressure vessel in a fixed fire extinguishing system must meet § 147.04-1(a)(1) of this chapter.

(b) *Bursting pressure.* The hydrostatic bursting pressure of each pressure vessel and each other system component that is stored under pressure must be at least six times the maximum working pressure of the system at approximately 21° C (70° F).

(c) *Actuators.* (1) Each system must have a back-up actuator if—

(i) One or more pressure vessels in the system are designed for installation in the protected space; and

(ii) Its primary actuator is not a fusible element actuator.

(2) A back-up actuator, if required, must have a power source that is not also the power source of the primary actuator.

(3) Each manual actuator must be designed for operation outside the space protected by the system.

(d) *Engine shut-down device.* If a system has an engine shut-down device, it must have an easily operable reset mechanism that, when tripped, allows restarting of the vessel's engines.

(e) *Warning labels.* Each Halon system, if it does not have an engine shut-down feature, must have a warning label stating that all vessel engines must be shut down immediately upon system discharge.

(f) *Charge indicator.* (1) Each pressure vessel must have a charge indicator that shows the amount of agent within the container unless these amounts can be determined by weighing the container.

(2) If the charge indicator is a pressure gauge, it must be approved by Underwriters Laboratories Inc., or by any other independent laboratory accepted by the Commandant for the purpose of approving pressure gauges.

(g) *Actuation indicator.* (1) Except as provided in paragraph (g)(2) of this section, each system must have an actuation indicator that shows whether the system has been discharged. The indicator must be in a readily visible location. If the indicator is a pressure gauge, it must be approved by Underwriters Laboratories Inc., or by any other independent laboratory accepted by the Commandant for the purpose of approving pressure gauges.

(2) An actuation indicator is not required if the system has a charge indicator that meets paragraph (f) of this section and is visible outside the protected space.

§ 162.029-7 Performance.

Each system must be designed to pass the approval tests set out in § 162.029-11.

§ 162.029-9 Installation and maintenance manual.

(a) Each system must have a manual containing installation and maintenance instructions and instructions on recharging pressure vessels.

(b) The installation instructions must prescribe the maximum permissible angle of tilt of the agent container from its vertical axis.

(c) The manual must also state—

(1) The volume of the largest space that the system is designed to protect; and

(2) The maximum working pressure of the system at 21° C (70° F).

§ 162.029-11 Approval tests.

(a) *General.* Each system must be tested by an independent laboratory as prescribed by this section. If a system fails a test and design changes are made to correct the failure, the failed test and any previously completed tests affected by the design changes must be rerun. In each test that calls for discharging a system, the discharge time must be measured and recorded. None of these discharge times may exceed the average discharge time determined in the fire test required by § 162.029-11(h) by more than 2 seconds.

(b) *Discharge test.* A fully charged system must be conditioned at 21° C (70° F) for 24 hours and then discharged. A carbon dioxide system must be capable of discharging its extinguishing agent completely when actuated. A Halon system must be capable of discharging its extinguishing agent completely within 10 seconds after actuation.

(c) *Corrosion resistance test.* The corrosion resistance of the system must be tested as follows:

(1) A fully charged system, including all components, is exposed to a continuous spray containing 20% sodium chloride in water at a temperature of 35° C (95° F) for 10 days using the procedures and apparatus described in ASTM Standard B-117-73.

(2) Thereafter, without removing any salt, the system must be conditioned at its maximum recommended storage temperature and 100% relative humidity for 30 days. The system must not leak during the conditioning cycle.

(3) After conditioning the system is air-dried for 48 hours at 21° C (70° F).

(4) After air drying, the test required by § 162.029-11(b) must be rerun. Thereafter, the system, if rechargeable, must be capable of being recharged in the manner described in its installation and maintenance manual.

(5) After testing, the system must meet the following criteria:

(i) The system, including its mounting bracket, must not show any corrosion on

any surface, except corrosion that can be easily wiped off after rinsing with tap water. If any part of the system has a corrosion resistant coating, the coating must be intact and must not be removable by rinsing with tap water or rubbing with a finger.

(ii) No galvanic corrosion may be visible in the system.

(iii) If the system has a pressure gauge, the gauge must remain watertight throughout the test.

(d) *Hydrostatic pressure test.* A hydrostatic pressure test must be conducted on twelve pressure vessels of each size that the system is designed to use. All components attached to these pressure vessels, if subjected to pressure during system use, must also be tested. When tested, each pressure vessel, and all attached components subject to pressure, must not burst or leak when subjected to six times its maximum working pressure at 21° C (70° F) for one minute.

(e) *Operation test.* If a system is rechargeable, its actuator, including any back-up actuator, and each electrical contact and relay are each tripped 500 times. At the end of this test, the components must not show wear and tear other than minor scratch marks.

(f) *Vibration resistance.* A fully charged system, except piping and nozzles, is mounted on the test apparatus described in §§ 3.1 through 3.1.4.4 of Military Standard MIL-STD-167-1 and tested in accordance with that standard. At the end of this test no part of the system may be broken or loose. The test required by § 162.029-11(b) must then be rerun. Thereafter, the system, if rechargeable, must be capable of being recharged in the manner described in its installation and maintenance manual.

(g) *Shock resistance.* A fully charged system is mounted on an impact test machine in the way that it is designed to operate. The system must then be subjected to 5000 vertical impacts of 10 gravity root-mean-square (RMS) (98 m/sec.²) at a rate of 20 milliseconds per impact. Thereafter, the test required by § 162.029-11(b) must be rerun. After this test, the system if rechargeable, must be capable of being recharged in the manner described in its instruction and maintenance manual.

(h) *Fire test.* This test must be performed six times. In each test, the system is placed in a test enclosure. In at least one of the tests, the agent container must be placed at the maximum angle of tilt specified in the system's installation and maintenance manual. The test enclosure must have a volume at least equal to the volume of

the largest space that system is designed to protect. Small cans of heptane fuel must be positioned at various levels throughout the test enclosure to simulate typical fire conditions to be encountered. The test enclosure must be ventilated by powered ventilation during each test in order to supply one air change per minute. In each test, after the fuel is ignited and allowed to burn for approximately one minute, the system is activated. Upon activation, the system must discharge completely and extinguish the fire. Each discharge time measured during testing must not exceed the average discharge time computed from these measurements by more than two seconds.

(i) *Spill fire test.* A spill fire test must be conducted as follows in the test enclosure described in paragraph (h) of this section: A pan with a minimum area of 0.23 square meters (2.5 square feet) containing a 2.54 cm (1") layer of water and a 2.54 cm (1") layer of heptane fuel is placed on the floor of the test enclosure. After the fuel is ignited and allowed to burn for approximately one minute, the system is activated. Upon activation, the system must discharge and extinguish the fire.

(j) *Ventilation shutdown test.* If the system has a ventilation shutdown device, the device is activated once during the spill fire test. The device, upon activation, must shut down the source of powered ventilation to the test enclosure.

(k) *Temperature Cycling Test.* A fully charged system must be conditioned at the following temperatures in the order listed: (1) The minimum recommended storage temperature for 24 hours; (2) the maximum storage temperature for 24 hours; (3) the maximum storage temperature for 24 hours; and (4) 21°C (70°F) for 24 hours. The system must not leak during the conditioning cycle. After conditioning is completed, the test required by § 162.029-11(b) must be rerun. After the test, the system if rechargeable, must be capable of being recharged in the manner described in its installation and maintenance manual.

§ 162.029-13 Production tests and inspections.

(a) Production tests and inspections must be conducted in accordance with this section and Subpart 159.007 of this chapter.

(b) Except as provided in paragraph (c) of this section, a hydrostatic leak test must be conducted on each pressure vessel that does not carry a DOT marking. The test pressure must be twice the maximum working pressure of the pressure vessel at 21°C (70°F). The pressure vessel must not leak at this

pressure. Each pressure vessel that carries a DOT marking must be leak tested in accordance with the applicable DOT specification. A pressure vessel may not be used in an approved system if it fails testing required by this paragraph.

(c) The test prescribed by § 162.029-13(b) is not required if the manufacturer of the pressure vessel provides a certification that the pressure vessel was previously tested as required by § 162.029-13(b), and that the pressure vessel passed this test. The certificate must be retained with the records required by § 159.007-13 of this chapter. (Approved by the Office of Management and Budget under OMB control number 2115-0121.)

(d) A leak test must be conducted on each system. Any system that fails testing may not be sold as Coast Guard approved unless it is first reworked and retested until it passes. Either of the following procedures may be used in this test:

(1) The system, when fully charged, is submerged in water at a temperature of between 32.2°C (90°F) and 43°C (110°F). A transparent bell jar is placed over the system's discharge valve to collect and disclose the presence of any escaping gas. The system is left submerged for one hour after all air bubbles appearing in the bell jar at the start of the test have been removed. If the system has any leakage, as shown by accumulation of gas in the bell jar during the one hour period, it fails the test.

(2) Determination of leakage may also be made using sensitive leak detectors or sensitive weighing techniques acceptable to the Commandant. The rate of leakage must not exceed one ounce per year (28.8 gm/yr) for each carbon dioxide system, or .83 percent of the agent weight per year for each Halon system.

(e) The following tests and inspections must be conducted or supervised by an independent laboratory at least once in each quarter that systems are produced, except that the corrosion resistance test may be done at six month intervals during which systems are produced:

(1) Inspection of the manufacturer's quality control procedures to determine whether they conform to the procedures prescribed in the manufacturer's application for approval.

(2) Inspection of each system selected for testing under paragraph (e)(4) of this section to determine whether it conforms to the approved plans and specifications.

(3) If a system as approved has a pressure vessel that does not carry a DOT marking, a hydrostatic burst test of one pressure vessel selected at random

from inventory. The burst pressure of the pressure vessel must not be less than six times the maximum working pressure of the pressure vessel at 21°C (70°F). If testing required by this paragraph is failed, it may be rerun once using two additional pressure vessels selected at random from inventory. If any test failure occurs in retesting none of the pressure vessels in inventory can be used in systems sold under Coast Guard approval.

(4) A leak test of six percent of the systems in inventory, or six systems, whichever is greater. The rate of system, a sample selected at random from the reworked inventory passes the test.

§ 162.029-15 Marking.

(a) *Nameplate.* Each approved system must have a corrosion resistant nameplate. The nameplate must be also marked with the rated capacity of the system in kilograms, its storage temperature range, Coast Guard approval number, the identification of the extinguishing agent, instructions for manual operation, if applicable, and a reference to the manufacturer's installation and maintenance manual. If the system is nonrechargeable, the nameplate must so state.

(b) *Pressure vessel marking.* If a system is not ordinarily discharged or opened during regular maintenance inspections and tests, the weight of each pressure vessel when fully charged must be marked in a conspicuous location on the system's nameplate or on the valve body of each pressure vessel.

§ 162.029-17 Approval procedures.

(a) Subpart 159.005 contains the approval procedures. Those procedures must be followed except as modified by this section.

(b) Two sets of plans must be submitted with the application for preapproval review and with the test report. Specifications need not be submitted. (Approved by the Office of Management and Budget under OMB control number 2115-0121.)

(c) The plans submitted with the test report must include the items listed in §§ 159.005-12(a)(1) and 159.005-12(a)(4) of this chapter and a bill of materials. The other items listed in §§ 159.005-12(a) need not be submitted. (Approved by the Office of Management and Budget under OMB control number 2115-0121.)

§ 162.005-19 Independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the

approval and production tests and inspections required by this Subchapter.

(1) [Reserved]

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

(46 U.S.C. 526p and 1454; 49 U.S.C. 1655(b); and 49 CFR 1.46)

Dated: April 14, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief Office of Merchant Marine Safety.

[FR Doc. 82-10573 Filed 4-16-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-188; RM-3990]

FM Broadcast Station in Panama City and Apalachicola, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a fourth commercial FM channel to Panama City, Florida, in response to a petition filed by Sid McDonald and Rick Warren, and a first FM assignment to Apalachicola, Florida, in response to a petition filed by William R. Batteiger.

DATES: Comments must be filed on or before May 24, 1982, and reply comments on or before June 8, 1982.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Adopted: April 1, 1982.

Released: April 8, 1982.

1. The Commission herein considers two separate petitions for rule making. The first was filed by Sid McDonald and Rick Warren (petitioners) ¹ proposing the assignment of Class C Channel 278 to Panama City, Florida, as a fourth commercial FM assignment. The second was filed by William R. Batteiger (petitioner) which proposes the assignment of Channel 276A to Apalachicola, Florida, as its first FM assignment. Since the distance between Panama City and Apalachicola is approximately 34 miles, and the required separation for a second adjacent Class A assignment is 104 kilometers (65 miles), these proposals

are mutually exclusive. Both petitioners stated their intention to apply for their requested channel, if assigned.

Comments in opposition to the proposed assignment at Panama City were filed by MediaSouth, Inc.,² to which petitioners responded.

2. Panama City (population 33,346),³ seat of Bay County (population 97,740), is located on the Gulf of Mexico approximately 136 kilometers (85 miles) west of Tallahassee, Florida. It is served by fulltime AM Stations WDLP and WWWQ FM Stations WGNE-FM (Channel 253), WPAP-FM (Channel 223), WPFM (Channel 300) and noncommercial FM Station WKGC-FM (Channel 214C). Apalachicola (population 2,565), seat of Franklin County (population 7,661), is located approximately 104 kilometers (65 miles) southwest of Tallahassee. It has no local aural service.

3. The petitioners describe Panama City as Bay County's largest community, serving as the hub of commerce and recreation for the surrounding suburban community and population. Petitioners indicate that the economy of Panama City is based primarily on tourism, due to its close proximity to beaches, sailing, water skiing, and water oriented recreational activities. Government employment (at Tyndale Air Force Base and the Naval Coastal Systems Center), import/export trade and other local businesses are also supportive of the economy. The petitioners also claim that Panama City has experienced tremendous growth in the recent past which is expected to continue.

4. In support of his proposal, Batteiger claims that the public interest would be better served by allocating a first FM channel to Apalachicola, inasmuch as Panama City currently has three commercial and one noncommercial assignments. He urges the Commission to deny the Panama City proposal in favor of a first FM assignment to Apalachicola. Petitioner failed to provide information concerning the needs of Apalachicola for broadcast service. In comments to this proposal, he is requested to furnish economic and demographic information demonstrating the need for a first FM to Apalachicola.

5. MediaSouth raises several issues in opposition to the Panama City proposal. First, it argues that the city is not a tourist attraction easily accessible from the southeastern part of the United States as alleged by the petitioners. Instead it has one interstate highway,

some fifty miles from the city. Secondly, the petitioner's description of a growing tourist community is said to be seriously overstated. The optimum figures presented by the petitioners are allegedly based on an increase in the Canadian and Northern United States population. However, MediaSouth states that it is evident that the tourist trade is beginning to weaken, and that Panama City's past growth is not a reliable indication of its future growth. MediaSouth also challenges the petitioner's allegation that there are only three voices in the community. It notes that there are three FM and two AM stations which do not simulcast. Based on the stagnant economy, the absence of foreseeable growth in population and the service presently provided to Panama City, it urges the Commission to deny the proposal.

6. As a procedural matter, petitioners first respond that MediaSouth's comments were filed in response to the Public Notice which is no longer issued for petitions. See BC Docket No. 80-130, *First Report and Order*, adopted November 12, 1981. Secondly, as to the merits, they disagree with the opposition's contention of limited access to the city. Specifically they note several major highways to Panama City. They also claim that the opposition inaccurately stated the tourist influx. The Bay County Chamber of Commerce does not anticipate a turndown because of the World's Fair, a poor economy, or an unfavorable rate of exchange for Canadian currency. Instead indications are that Panama City will continue to grow as in the past years, in spite of financial problems plaguing the rest of the country. Petitioners argue that MediaSouth has made no specific factual allegations which have a substantial bearing on the proposal, nor has it challenged any legal arguments. Therefore, petitioners assert that denial of the proposed assignment based on the economic argument would be contrary to Commission policy which encourages free market enterprise with a minimum of federal regulation.

7. The study submitted by the petitioners for Channel 278 at Panama City shows that the proposal will cause preclusion on Channels 267A, 278, and 279, affecting the communities of Apalachicola and Wewahatchka, Florida. Alternate channels are said to be available to each of the precluded communities.

8. The proposed assignment to Panama City exceeds the Commission's population guidelines for a fourth allocation, as cities the size of Panama City (under 50,000) are generally limited

² MediaSouth, Inc. is licensee of AM Station WWWQ and FM Station WPFM, Panama City, Florida.

³ Population figures are taken from the 1980 U.S. Census.

¹ Public Notice of the petition was given on October 22, 1981, Report No. 1314.

to two FM assignments. However, assignments in excess of the guidelines have been made when the preclusion impact of the assignment is considered to be minimal. As noted in the preceding paragraph, channels are available to the precluded communities, therefore the population guidelines do not appear to be an obstacle in the proposal to assign Channel 278 to Panama City. A site restriction of 18.6 miles southeast of the city must be imposed to meet mileage separation requirements for Station WQUH(FM), Defuniak, Florida. A staff study indicates that Channel 249A is available for assignment to Apalachicola. We have substituted Channel 249A as a proposed assignment for that community.

9. In view of the foregoing information, we shall propose a fourth FM assignment to Panama City and a first assignment to Apalachicola, Florida, by amending the FM Table of Assignments, §73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Apalachicola, Fla.		249A.
Panama City, Fla.	223, 253, and 300	223, 253, 278, and 300.

10. 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.

11. Interested parties may file comments on or before May 24, 1982, and reply comments on or before June 8, 1982, and are advised to read the Appendix for the proper procedures.

12. 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.

13. 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 not 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

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, N.W., Washington, D.C.

[FR Doc. 82-10606 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-170; RM-3995]

FM Broadcast Stations in Rock Springs, Wyo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class C FM Channel 236 to

Rock Springs, Wyoming, in response to a petition filed by KAYS, Inc. The assignment could provide Rock Springs with a third commercial FM assignment and a fourth nighttime aural broadcast service.

DATES: Comments must be filed on or before May 20, 1982, and reply comments on or before June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Adopted: March 29, 1982.

Released: April 7, 1982.

1. A petition for rule making¹ was filed by KAYS, Inc. ("petitioner"), requesting the assignment of Class C Channel 236 to Rock Springs, Wyoming, as that community's third FM assignment. Comments in opposition were filed by Media West, Inc. ("Media West"), licensee of Stations KRKK(AM) and KQSW(FM), Rock Springs, to which the petitioner responded. Petitioner states that it will apply for the channel, if assigned as proposed. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Rock Springs (population 19,458),² in Sweetwater County (population 41,723), is located approximately 368 kilometers (230 miles) west of Cheyenne, Wyoming. It currently is served by co-owned Stations KRKK(AM), a fulltime facility, KQSW(FM) (Channel 243), as well as KSIT(FM) (Channel 283).

3. Petitioner states that Rock Springs is the largest community in Sweetwater County, which, in turn, is one of the largest mineral areas in Wyoming. It states that the bulk of its population growth is attributed to nearby energy related projects. Further, it claims that the area's industries include agriculture, a refinery, railroading, as well as the mining and processing of soda ash, trona, coal and uranium. Petitioner states that Rock Springs has its own government unit, municipal services, churches, health-care facilities, schools, financial institutions, recreational facilities, and retail outlets. Further,

petitioner advises that the community has a local newspaper which is available to its residents five days a week.

4. Petitioner indicates that assignment of Channel 236 to Rock Springs will cause preclusion to occur on Channels 233, 234, 235, 236, 237A, 238 and 239, but provides a list of alternate channels available for the precluded communities.

5. Media West, Inc. ("Media West"), licensee of Stations KRKK(AM) and KQSW(FM), Rock Springs, in opposing comments, states that in ascertaining the extent of current service to Rock Springs, petitioner overlooking the recent assignment of Class C Station KSIT (Channel 283), which was authorized by the Commission to identify as "Rock Springs-Green River, Wyoming" (BMPH-810806BH). Thus, it claims that the present aural media in Rock Springs is comprised of two Class C FM stations, in addition to the fulltime AM, and Station KUGR(AM) in nearby Green River.

6. Media West also asserts the due to Rock Springs' size, the instant proposal does not qualify under present FCC population criteria for assignment of a third FM channel, citing the Commission's Notice of Inquiry and Notice of Proposed Rule Making in BC Docket No. 80-130. Therein, it recites that the Commission's present formula for assigning channels to a community containing a population under 50,000 is to place a limit of 1-2 channels. In view of these circumstances, Media West urges that we deny petitioner's request, or, alternatively, withhold action thereon pending the Commission's resolution of its proposed abandonment of the population guidelines in the above cited proceeding.

7. In response to the opposition, petitioner states that it did not overlook the Channel 283 assignment to Rock Springs. It states that prior to filing its petition, it made every effort to determine whether an application was pending for Channel 258 at Rock Springs. Having found no such information, it filed its application, and only thereafter was it revealed that an application requesting the substitution of Channel 283 for Channel 258 at Rock Springs had been granted (BC Docket No. 80-95). In any event, according to petitioner, even though it could not determine whether an application existed for the second FM channel allocation at Rock Springs, its request herein was prepared on the assumption that such may be the case.

8. As to the claim that Rock Springs' population is less than that which

generally governs assignment of a third channel to a community of a certain size, petitioner cites recent Commission allocation decisions in *Waycross, Georgia*; 47 RR 2d 319 (1980); *Key West, Florida*, BC Docket No. 81-774, released November 24, 1981; and *Billings, Montana*, BC Docket No. 81-630, released September 15, 1981, which held that assignments exceeding the population guidelines may be made where the preclusive impact is minimal.

9. As Media West acknowledges, KUGR(AM) is licensed to Green River, Wyoming, and therefore, cannot be considered a local service to Rock Springs. In any event, the extent of service received in a community from stations in nearby communities is a consideration reserved for use in comparative situations. Such is not the case here.

10. While it is true that the request for a third commercial FM assignment to Rock Springs exceeds the population guidelines for a city of its size, the Commission has stated on numerous occasions that the guidelines are not applied inflexibly. Assignments exceeding the guidelines have been made when the preclusive impact thereof is considered insignificant. As noted above, alternate channels are available for assignment to the precluded communities. Therefore, the population guidelines are not an obstacle to the proposed assignment. See, *Poplar Bluff, Missouri*, BC Docket No. 78-188, 45 FR 21636, published April 2, 1980; *North Platte, Nebraska*, BC Docket No. 79-114, 44 FR 67666, published November 27, 1979; and *Yakima, Washington*, BC Docket No. 80-285, 49 RR 2d 1125 (1980).

11. To support its proposal to assign Class C FM Channel 236 to Rock Springs, Wyoming, petitioner may wish to provide a *Roanoke Rapids/Anamosa* study to indicate the amount of first and second service that would be provided to surrounding areas and populations by the instant proposal. See *Roanoke Rapids, North Carolina*, 9 F.C.C. 2d 672 (1967); *Anamosa, Iowa*, 46 F.C.C. 2d 520 (1974). Absent such a showing we would assume that no first or second service would be provided since Rock Springs already has two Class C FM assignments.

12. In order to give further consideration to this request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

¹ Public Notice of the petition was given October 22, 1981, Report No. 1314.

² Population figures are derived from the 1980 U.S. Census, Advance Reports.

City	Channel No.	
	Present	Proposed
Rock Springs, Wyo.....	243,263	236,243, and 283.

13. 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.]

14. Interested parties may file comments on or before May 20, 1982, and reply comments on or before June 4, 1982, and are advised to read the Appendix for the proper procedures.

15. 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.

16. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *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

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) Counter proposals 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. 82-10605 Filed 4-16-82; 8:45 am]

BILLION CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-171; RM-4025]

FM Broadcast Station in Springerville, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 269A to Springerville, Arizona, in response to a petition filed by Round Valley Broadcasting Association. The proposed assignment could provide Springerville with a first local FM service.

DATES: Comments must be filed on or before May 20, 1982, and reply comments on or before June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcast.

Adopted: March 29, 1982.

Released: April 7, 1982.

1. A petition for rule making was filed by Round Valley Broadcast Associates (petitioner),¹ proposing the assignment of Channel 269A to Springerville, Arizona, as its first FM assignment. Petitioner stated its intention to apply for the channel, if assigned.

2. Springerville (population 1,452),² in Apache County (population 52,083), is located approximately 264 kilometers (165 miles) northeast of Phoenix. It presently has no local service with a pending request for a Class IV AM station.

3. Petitioner failed to provide information as to the need for a first FM assignment to Springerville. In comments to this proposal, petitioner is requested to furnish information (economic and demographic) demonstrating the need for the requested assignment.

4. Since Springerville is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires concurrence of the Mexican Government.

5. In view of the fact that the proposed assignment could provide a first FM broadcast service to Springerville, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the rules) with regard to Springerville, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Springerville, Ariz.		269A

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 20, 1982, and reply comments on or before June 4, 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

¹ Petitioner is the applicant for an AM construction permit at Springerville, Arizona.

² Population figures are taken from the 1980 U.S. Census.

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, 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

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 0.204(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 Section 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. 82-10602 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-179; RM-4024]

FM Broadcast Station in Hayden, Colorado; Proposed Changes in Table of Assignments**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: Action taken herein proposes to assign FM Channel 240A to Hayden, Colorado, in response to a petition filed by Z Broadcasters, Inc. The assignment could provide Hayden with a first local FM service.

DATES: Comments must be filed on or before May 20, 1982, and reply comments must be filed on or before June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy N. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:**List of Subjects in 47 CFR Part 73**

Radio Broadcast.

Adopted: March 3, 1982.

Released: April 8, 1982.

1. A petition for rule making was filed by Z Broadcasters, Inc.¹ ("petitioner"), seeking the allocation of FM Channel 240A to Hayden, Colorado, as a first FM assignment. The channel can be assigned consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules, and petitioner states that it will apply for the channel, if assigned.

2. Hayden (population 1,720),² in Routt County (population 13,404), is located approximately 208 kilometers (130 miles) northwest of Denver, Colorado. Its present aural broadcast service consists of daytime-only AM Station KHEE.

3. Petitioner states that Hayden has shown substantial growth in recent years by virtue of a 53% gain in industrial sales in 1980 over the 1979 sales volume. Petitioner notes that presently there are no other channel assignments within 15 miles.

4. Petitioner requests that the Commission waive the filing of a preclusion study, or any study pertaining to a showing of first and second service. However, such request is not necessary in this instance since

we need not consider the preclusive impact regarding a request for a first Class A channel allocation. See *Policy statement to Govern Requests for Additional Assignments*, 8 F.C.C. 2d 79 (1967). Likewise, the requirement to provide *Roanoke Rapids/Anamosa* data is not applicable in this instance.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Hayden, Colorado.....		240A

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 20, 1982, and reply comments on or before June 4, 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 Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to

which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission 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 proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, it advanced 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

¹Petitioner is the licensee of AM Station KHEE in Hayden.

²Population figures are derived from the 1980 U.S. Census, Advance Reports.

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. 82-10601 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-178; RM-4015]

FM Broadcast Station in Lewiston, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 243 for Channel 244A at Lewiston, Idaho, and modification of the Class A license for Station KOZE-FM, in response to a petition filed by 4-K Radio, Inc. The assignment could provide Lewiston with a third Class C FM station.

DATES: Comments must be filed on or before May 20, 1982, and reply comments must be filed on or before June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: List of Subjects in 47 CFR Part 73

Radio Broadcast.
Adopted: March 13, 1982.
Released: April 9, 1982.

1. A petition for rule making was filed by 4-K Radio, Inc.¹ ("petitioner"), requesting substitution of Channel 243 for Channel 244A at Lewiston, Idaho, and modification of the license of Station KOZE-FM, Lewiston, to specify operation on Channel 243. Channel 243 can be assigned to Lewiston with a site restriction, as noted *infra*, to conform with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. Lewiston (population 27,986),² the seat of Nez Perce County (population 33,220), is located approximately 142 kilometers (88 miles) southeast of Spokane, Washington. It is served by two full-time AM stations (KOZE and KRLC); one FM station (KOZE-FM, Channel 244A), and FM Channels 268 (application pending by Woodcom, Inc.) and 295 (construction permit issued to KRLC, Inc.), and one noncommercial educational station (KLHS-FM).

3. In lieu of providing specific demographic and economic information for the instant proposal, petitioner appears to incorporate by reference such data as set forth in earlier actions with respect to channel allocations at Lewiston.³

4. Petitioner notes that when it initiated operations in 1961, it elected to activate a Class A facility rather than an available Class C. Further, it advises, it was given an opportunity in 1978 to upgrade its facilities to Class C status, at which time Channel 295 was proposed for allocation to Lewiston. Such modification would have eliminated the intermixture situation in the community. However, at that juncture, petitioner asserted that it could not upgrade its facility due to the Commission's multiple ownership rule prohibiting specific signal overlap between commonly-owned stations (47 CFR 73.240(a)(2)). Such modification to Class C status would have resulted in a prohibited primary service contour overlap between its two Lewiston facilities and co-owned AM Station KLER, Orofino, Idaho.

5. Thereafter, in February 1980, Class C Channel 231, which was being used at

¹ Petitioner is also the current licensee of AM Station KOZE, Lewiston, Idaho, as well as co-owned Stations KLER (AM & FM), Orofino, Idaho, and KORT (AM & FM), Grangeville, Idaho.

² Population figures are derived from the 1980 U.S. Census, Advance Reports, unless otherwise indicated.

³ See, BC Docket No. 78-25 (Notice of Proposed Rule Making), 43 FR 4076, and BC Docket No. 80-200 (Notice of Proposed Rule Making) 45 FR 32028.

Clarkston, Washington, pursuant to the provisions of § 73.203(b) of the rules, was reassigned from Lewiston to that community to reflect its actual usage there, and Channel 295 was then assigned to Lewiston. Subsequently, in April 1981, the Commission, acting on a petition, also assigned Class C Channel 268 to Lewiston. Even though intermixture resulted from these actions, the Commission found it permissible based on the substantial service gain that the Class C operation would provide, and the fact that petitioner could not upgrade due to a situation of its own creation, *i.e.*, owning other stations in the area.

6. Petitioner states that in view of the dominance of Class C channels now in Lewiston, it finds it necessary to upgrade its facilities in order to remain viable and fully competitive. To accomplish this change, petitioner advises that it is now willing to diminish its regionally-concentrated holdings by divesting itself of its Orofino facilities, in compliance with the Commission's multiple ownership rules.

7. Petitioner submitted a study which indicates that the assignment of Channel 243 to Lewiston will cause preclusion to occur on Channel 240A within 65 miles; Channel 242 within 150 miles; Channel 243 within 180 miles; and Channel 244A within 105 miles. Petitioner advises that eight communities with a population in excess of 1,000, five of which have no local aural service,⁴ would sustain preclusion as a result of the proposed assignment, but that alternate channels are available for each community.

8. In view of the above, we find that the proposal has merit since no other city of comparable size would be precluded by the proposed assignment, and it would eliminate the present undesirable intermixture in Lewiston. Therefore, we find that petitioner has demonstrated a need for the proposed assignment and shall propose to amend the Table of Assignments as requested.⁵

⁴ The precluded communities without local aural services are: Idaho: Kamiah (population 1,478), McCall (population 2,188), Mullan (population 1,269), and Pierce (population 1,060); Washington: Ritzville (population 1,800), (1980 U.S. Census).

⁵ Petitioner's engineering study reveals that its proposal would provide a second FM service to 1,458 persons in an area of 919 square kilometers (359 square miles). However, our review of petitioner's study shows that petitioner did not take into consideration the Channel 268 assignment to Lewiston. Also, reasonable facilities were not used for the Channel 231 assignment to Clarkston. When these factors are taken into consideration, it appears that petitioner's service figures would probably be invalidated.

9. We will propose to modify the license of Station KOZE-FM, as requested by petitioner, to specify operation on Channel 243. However, in conformity with Commission precedent, as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another expression of interest in the proposed Class C channel at Lewiston be shown, the proposed modification could not be made and the channel, if assigned, would be open to competing applications.

10. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C channel.

11. The transmitter site for the proposed assignment will be restricted to approximately 2.5 miles northeast of Lewiston to avoid shortspacing to Station KSXT (Channel 246) in Walla Walla, Washington. Petitioner proposes to operate from a site approximately 3.7 miles north of Lewiston.

12. The Commission must obtain approval by the Canadian Government to the proposed assignment, since Lewiston is located within 402 kilometers (250 miles) of its border.

13. In consideration of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Lewiston, Idaho	244A, 268, and 295.	243, 268, and 295.

14. 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.

15. Interested parties may file comments on or before May 20, 1982, and reply comments on or before June 4, 1982, and are advised to read the Appendix for the proper procedures.

16. 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.

17. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 46 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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following

procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-10600 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-155; RM-3660, RM-3708, RM-3858, RM-4073, RM-4074]

FM Broadcast Station in Bend, Coos Bay, North Bend and Coquille, Oregon; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension for filing reply comments.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving proposed FM channel allocations to Coos Bay, North Bend and Coquille, Oregon. Additional time is afforded to respond to a revised proposal submitted by the Coos Bay proponent.

DATE: Reply comments must be filed on or before April 21, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 6, 1982.

Released: April 12, 1982.

1. On December 14, 1981, the Commission adopted a Further Notice of Proposed Rule Making and Order to Show Cause, 46 FR 62878, published December 29, 1981, in the above-captioned proceeding. By Order released March 30, 1982, the time for filing reply comments was extended to April 8, 1982.

2. On April 2, 1982, counsel for Southwest Broadcasters, Inc. ("Southwest"), the Coquille, Oregon proponent, filed a motion for extension of time in which to file reply comments to and including April 21, 1982. Counsel states that additional time is needed to prepare comments and an alternative engineering proposal in response to a revised assignment plan submitted by SGB Broadcasting, Inc. Further, it is stated that both legal and engineering counsel for Southwest will be attending the National Association of Broadcasters convention during the week of April 5, 1982.

3. Section 1.46(b) of the Commission's rules states that extension request must be filed seven days in advance of the deadline. Although this request was not received within the required time frame, the Commission is of the view that, under the circumstances cited, additional time is warranted in which to formulate reply comments. Additionally, the Commission believes it would be in the public interest to have this material

available to it in arriving at a decision herein.

4. Accordingly, it is ordered, That the time for filing reply comments in BC Docket No. 81-155 (RM-3858, RM-4073, and RM-4074), is extended to and including April 21, 1982.

5. This action is taken pursuant to authority contained in section 4 (i), 5(d)(1) and 303 (r) of the Communications Act of 1934, as amended, and sections 0.204(b) and 0.281 of the Commission's rules.

Federal Communications Commission,
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 82-10596 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-169; RM-4022]

FM Broadcast Station in Bellefonte, Pennsylvania; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 237A to Bellefonte, Pennsylvania, in response to a petition filed by Bald Eagle Media, Inc. The proposed assignment could provide a first FM service to Bellefonte.

DATES: Comments must be filed on or before May 20, 1982, and reply comments on or before June 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcast.

Adopted: March 26, 1982.

Released: April 7, 1982.

1. A petition for rule making was filed by Bald Eagle Media, Inc. ("petitioner") proposing the assignment of Channel 237A to Bellefonte, Pennsylvania, as its first FM assignment. Petitioner failed to state that it would apply for the channel, if assigned. It is requested to do so in comments to this proposal.

2. Bellefonte (population 6,300), seat of Centre County (population 112,760),¹ is

¹ Population figures are taken from the 1980 U.S. Census, Advanced Reports.

located in the center of the state, approximately 104 kilometers (65 miles) northwest of Harrisburg. Bellefonte is served by daytime-only AM Station WBLF.

3. According to the Petitioner, Bellefonte's largest concentration of employment is the state and local government (comprising 41% of the labor market), followed by the retail and wholesale industry, the State College, miscellaneous services and agriculture. Petitioner adds that Bellefonte has a variety of community services and is also the home of Pennsylvania State University (enrollment approximately 35,000). It is the opinion of the petitioner that the economic and population expansion at Bellefonte and the lack of full-time service justifies a first FM service to meet the needs of the city and county.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Bellefonte, the Commission proposes to amend the FM Table of Assignments, § 73.202 (b) of the rules, with regard to Bellefonte, Pennsylvania, as follows:

City	Channel No.	
	Present	Proposed
Bellefonte, Pennsylvania.....		237A

5. Since Bellefonte, Pennsylvania, is within 402 kilometers (250 miles) of the U.S.-Canadian border, the proposed assignment requires coordination with the Canadian Government.

6. The Commission's authority to insitute 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 20, 1982, and reply comments on or before June 4, 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, 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

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, § 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. 82-10694 Filed 4-16-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-347; RM-3765; RM-3952]

FM Broadcast Stations in Glenwood and Alexandria, Minnesota; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects errors regarding the comment/reply comment period in this proceeding concerning the assignment of FM broadcast stations in two locations in Minnesota.

DATES: Comments are now due by May 17, 1982 and replies by June 1, 1982.

ADDRESSES: 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 an amendment of § 73.202(b), table of assignments, FM broadcast stations, (Glenwood and Alexandria, Minnesota); BC Docket No. 81-347, RM-3765; RM-3952; erratum.

Released: April 9, 1982.

On November 6, 1981, the Commission, by its Broadcast Bureau, adopted a Further Notice of Proposed Rule Making in the above-captioned proceeding. Due to an oversight, the action was not published in the *Federal Register* until February 26, 1982 (page 8383). Since the comment/reply comment period had already passed (January 4, 1982 and January 19, 1982 respectively), the Commission had sought to correct this error by issuing an *Erratum* containing new deadline dates for comments and reply comments. Through inadvertence, that *Erratum* was never released or published.

This document holds the proposed rule proceeding open for comments by correcting the comment/reply comment dates to read: May 17, 1982 and June 1, 1982 respectively.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 82-10698 Filed 4-16-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 90

[Docket No. PR 82-183; FCC 82-150]

Elimination of the Need for a Separate Authorization to Operate Speed Detection Devices in the Police and Local Government Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes new rules which would include within the mobile station authorizations issued to Police and Local Government Radio Services licensees authority to operate radar units. If adopted this procedure would reduce licensee paper work by

consolidating existing authorizations and eliminating the need to submit separate applications and requests for station renewal for these units. It would also reduce the administrative burden on the staff of the Commission of processing separate applications for these units.

DATE: Comments are due by May 10, 1982 and replies by May 25, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles Turner, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Radio.

Adopted: April 1, 1981.

Released: April 9, 1982.

In the matter of an 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; Pr Docket No. 82-183; notice of proposed rule making.

1. In accordance with our on-going program for reviewing our rules to facilitate our administration of the private land mobile radio services and to eliminate unnecessary licensee burdens, the Commission, on its own motion, proposes to include as part of the mobile radio station authorization issued to police licensees in the Police and Local Government Radio Services authority to operate speed, distance, or position detection devices (*i.e.*, radar units) on any frequency in the bands 2450-2500, 10,500-10,550, and 24,050-24,250 MHz. The effect of this proposal would be to eliminate for police entities the requirement for a separate authorization in the Radio Location Service to operate radar units.

2. Specifically, we propose to add a rule in Part 90 which would authorize Police and Local Government police licensees of stations, as part of their authorization, to operate any number of radar units without prior specific Commission approval. Of course, type-accepted equipment would be required and licensees would have to comply with all other rules for the use of these devices. The proposal, if finally adopted, would eliminate the need for police entities to file applications for new radar authorizations, and there would be no need to modify or renew existing licenses for these stations. It would, thus, reduce the paper work burdens now placed on these licensees. While these applications now number only a

couple of hundred a month, their elimination would help the Commission to reduce its backlog, and staff resources could be used for other processing functions.

3. Nevertheless, this action would not be without disadvantages. We would no longer have the information now contained in our license files and we will not know how heavily or lightly these frequency bands are used. This would be a disadvantage. On the other hand, discrete frequencies are not always assigned to licensees and detailed license records are not needed for frequency assignment purposes. On balance, therefore, we believe that the public interest would be served by the proposed rule.

Regulatory Flexibility Act Initial Analysis

Reason for acting. To eliminate an unnecessary rule requirement and to reduce to the maximum extent feasible paperwork burdens on small local governmental entities.

The objective. To lessen paperwork burdens on licensees and to free staff resources for other application processing tasks.

Legal basis. The Action proposed is in furtherance of Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, which permits the Commission to make such rules and regulations, not inconsistent with law, as may be necessary in the execution of its functions.

Description, potential impact and number of small entities affected. No impact is seen on non-local governmental entities. The rule change proposed relaxes a burden and its benefits should extend to all police departments which operate speed detection devices. No adverse impact on any entity, large or small, is anticipated.

Recording record-keeping and other compliance requirements. Certain administrative burdens (the submission of separate applications and license renewals for speed detection devices) would be eliminated. No additional record keeping requirements would be imposed.

Federal rules which overlap duplicate or conflict with these rules. None. However, these bands are shared with Federal Government users.

Any significant alternatives minimizing impact on small entities and consistent with stated objectives. None, and retention of status quo would constitute a continuing burden.

4. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are

advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

5. Accordingly, notice is hereby given of rulemaking to amend Part 90 of the Commission's Rules, in accordance with the proposal set forth in the Appendix.

6. The proposed amendment to the Rules is issued pursuant to authority contained in sections 4(i), and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before May 10, 1982, and reply comments on or before May 25, 1982. The Commission will consider all relevant and timely comments before taking final action in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in Report and Order.

8. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file

an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For further information contact Charles F. Turner, Federal Communications Commission, Private Radio Bureau, Rules Division, Washington, D.C. 20554, (202) 632-6497.

(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

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. Section 90.17(e) of the rules is amended by the addition of new subparagraph (4) to read as follows.

§ 90.17 Local government radio service.

* * * * *

(e) * * *

* * * * *

(4) A police license of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without specific authorization from the

Commission, provided type accepted equipment or equipment authorized pursuant to § 90.203(b) (4) and (5) is used and all other rule requirements are satisfied.

2. Section 90.19 of the rules is amended by the addition of new paragraph (g)(6) to read as follows.

§ 90.19 Police radio service.

* * * * *

(g) * * *

(6) A license of a radio station in this service may operate radio units for the purpose of determining distance, direction, speed, or position by means of a radiolocation device on any frequency available for radiolocation purposes without prior specific authorization from the Commission, provided type accepted equipment or equipment authorized pursuant to § 90.203(b) (4) and (5) is used and all other rule requirements are satisfied.

[FR Doc. 82-10697 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 47, No. 75

Monday, April 19, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service Flue-Cured Tobacco Advisory Committee; Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Flue-Cured Tobacco Advisory Committee for an additional period of two years.

This committee represents all segments of the flue-cured tobacco industry. It recommends opening dates and selling schedules for the flue-cured marketing area which aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors.

Membership of the Committee consists of 37 representatives of the flue-cured area—20 producers, 9 warehousemen, and 8 buyers.

The Committee shall report to the Director, Tobacco Division, Agricultural Marketing Service.

Authority of this committee will expire 2 years from date of filing unless the Secretary formally determines that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92-463.

Dated: April 13, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-10518 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-02-M

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) Science and Education announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board

Date: May 18-20, 1982

Time: 8:30 a.m.-5:00 p.m., May 18, 19 and 20th

Place: May 18—USDA, National Agricultural Library, Beltsville, Maryland; May 19 and

20—USDA, Rm. 104-A, Administration Building, Wash., DC

Type of meeting: Open to the public.

Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will be reviewing and discussing agricultural research and extension program priorities and preparing its annual report to the Secretary of Agriculture.

Contact person for agenda and more information: Barbara L. Fontana, Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 351-A Administration Building, U.S. Department of Agriculture; Washington, D.C. 20250; telephone 202-447-3684.

Done at Washington, D.C., this 7th day of April 1982.

John G. Stovall,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 82-10588 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-03-M

Packers and Stockyards Administration

East Carolina Livestock Arena, Rocky Mount, North Carolina, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., Name, and Location of
Stockyard and Date of Posting

NC-152 East Carolina Livestock Arena,
Rocky Mount, North Carolina; February 27,
1982

TN-180 M. L. Hickerson's Livestock Market,
Machester, Tennessee; March 12, 1982

Done at Washington, D.C., this 12th day of
April, 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock
Marketing Division.

[FR Doc. 82-10517 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-02-M

Fairfax Livestock Auction, Fairfax, Oklahoma; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock market named herein, originally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., Name, and Location of
Stockyard and Date of Posting

OK-196 Fairfax Livestock Auction, Fairfax,
Oklahoma; September 23, 1976

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective April 19, 1982.

(42 Stat. 159, as amended and supplemented:
7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 12th day of
April, 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock
Marketing Division.

[FR Doc. 82-10515 Filed 4-16-82; 8:45 am]

BILLING CODE 3410-02-M

Green's Livestock Auction Co., DeWitt, Iowa, et al.; Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

IA-256 Green's Livestock Auction Co.,
DeWitt, Iowa

KY-169 Green River Livestock Market, Inc.,
Munfordville, Kentucky

NM-119 The Auction Company, Bernalillo,
New Mexico

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by May 4, 1982.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 12th day of April, 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch Livestock Marketing Division.

[FR Doc. 82-10516 Filed 4-18-82; 8:45 am]

BILLING CODE 3410-02-M

CIVIL RIGHTS COMMISSION

New Hampshire Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights that a meeting of the New Hampshire Advisory Committee of the Commission originally scheduled for April 21, 1982, at Manchester, New Hampshire (FR Doc. 82-8213, page 13179), has been changed.

The meeting now will be held on May 26, 1982 beginning at 7:30 p.m. and will end at 9:30 p.m., at 275 Chestnut Street, on the Third Floor, Manchester, New Hampshire, 03103.

Dated at Washington, D.C., April 14, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-10582 Filed 4-16-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Countervailing Duty; Conference for the Presentation of Views on Certain Possible Subsidy Practices

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of conference for presentation of views on certain possible subsidy practices.

SUMMARY: The Department will hold a conference for the presentation of views on the treatment of possible subsidy practices under the countervailing duty law. The practices that will be considered are (1) the bestowal of benefits to manufacturers or producers of inputs into the merchandise under investigation and (2) government equity participation in a manufacturer or producer of the merchandise under investigation.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-2438.

SUPPLEMENTARY INFORMATION: The Department will hold a conference for the presentation of views on the treatment of possible subsidy practices under the countervailing duty law. The practices being considered are (1) the bestowal of benefits to manufacturers or producers of inputs into the merchandise under investigation and (2) government equity participation in a manufacturer or producer of the merchandise under investigation.

We are holding this conference to solicit views on whether, or under what (if any) circumstances, these practices should be considered subsidies on the exported merchandise for purposes of the countervailing duty law and, if so, how the benefits should be quantified. The conference will be held at 10:00 a.m. on Monday, May 10, 1982 in Room 4830 at the Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. The conference will be chaired by the Deputy Assistant Secretary for Import Administration.

Because of time constraints, oral presentations on each practice will be limited. Persons wishing to present views should indicate their intention on to do so in writing to the deputy Assistant Secretary for Import Administration, Room 3099B, at the address shown above, by April 29, 1982. Those appearing will be notified of allocations of time. Preference will be given to those speaking on behalf of interested parties in proceedings presently before the Department in which these issues arise. Those sharing common views are encouraged to make consolidated presentations. No written views need be submitted prior to the conference. Brief written submissions will be welcome at any time after the

conference; however, we would appreciate the filing of written views within a week after the conference. Attendance at the conference and submission of written views will not alter the consideration given to any interested party in the context of any ongoing or future investigations.

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

April 13, 1982.

[FR Doc. 82-10587 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-25-M

Michelin X-Radial Steel Belted Tires From Canada; Preliminary Results of Administrative Review of Countervailing Duty Order

Correction

In FR. Doc. 82-9827, appearing on page 15616, in the issue of Monday, April 12, 1982, make the following corrections:

1. On page 15616, third column, the "Effective Date:" should be "April 12, 1982".

2. On page 15617, third column, third line of the second complete paragraph, "production and" should read "production an".

3. On page 15617, third column, material was inadvertently omitted in the second paragraph of the section was entitled "Preliminary Results of the Review".

As corrected this material should read:

"Preliminary Results of the Review

"Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 1.18 percent of the f.o.b. invoice price on unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and before January 9, 1980. On January 9, 1980, the International Trade Commission ("the ITC") notified the Department that the Canadian government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department shall instruct the Customs Service to assess countervailing duties at the prevailing deposit rate at the time of entry on all unliquidated entries of Canadian Michelin X-radial steel belted tires entered, or withdrawn from warehouse, for consumption on or after

January 9, 1980 and exported on or before December 31, 1980.

"In addition, the Department shall instruct the Customs Service to collect a cash deposit of estimated duties of 1.8 percent of the f.o.b. invoice price on all shipments of Michelin X-radial steel belted tires from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

"Interested parties may submit written comments on these preliminary results within 30 days or the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing."

* * * * *
BILLING CODE 1505-01-M

Stainless Steel Plate From Sweden; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers one of the two known exporters of this merchandise to the United States covered by the finding, Uddeholm/Nyby Uddeholm AB, for the period January 1, 1980 through May 31, 1980. This review indicates no dumping margins for the firm in this period. The Department intends to cover the other firm and periods prior to 1980 for Uddeholm in separate reviews.

As a result of this review, the Department has preliminarily determined not to require a cash deposit of estimated antidumping duties for future shipments by Uddeholm. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: E. Valerie Newkirk or John Kugelman, Office of Compliance, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1973, a dumping finding with respect to stainless steel plate from Sweden was published in the *Federal Register* as Treasury Decision 73-157 (38 FR 15079). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12), a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on stainless steel plate from Sweden.

Scope of the Review

Imports covered by the review are shipments of stainless steel plate, which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting, and pitting. Stainless steel plate is currently classifiable under item 607.9005 of the Tariff Schedules of the United States Annotated (TSUSA).

At the time of the finding there were four known Swedish exporters of stainless steel plate to the United States: Uddeholm Aktiebolag, Stora Kopparbergs Bergslags AB ("Stora"), Granges Stal Nybybruk AB ("Granges"), and Avesta Jernverks Aktiebolag AB ("Avesta"). Stora was excluded at the time of the finding.

Granges and Uddeholm merged on July 16, 1979, to begin trading as Uddeholm/Nyby Uddeholm AB ("Uddeholm"). Therefore, at this time there are only two known exporters of this product to the United States covered by the finding. The firm covered by this review is Uddeholm. The second firm, Avesta, will be covered in a separate review.

The review covers the period January 1, 1980 through May 31, 1980. Shipments prior to January 1, 1980, not reviewed by the Treasury Department, will be covered in the next review.

United States Price

In calculating United States price the Department used exporter's sales price, as defined in section 772 of the Tariff Act. Exporter's sales price as based on the sales price from the firm's U.S. affiliate to unrelated purchasers in the United States for each grade of steel. Where applicable, deductions were made for selling expenses, administrative and warehouse expenses, U.S. duty, and foreign inland and ocean freight, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value for each grade of steel, the Department used home market price, as defined in section 773 of the Tariff Act. The foreign market value was adjusted, where applicable, for "clean-cut" discounts, quantity discounts, and inland freight, in accordance with § 353.15 of the Commerce Regulations. In accordance with § 353.15(c) of the Commerce Regulations we made allowances for actual selling expenses incurred in the home market up to the amount of selling expenses incurred in the United States. Claims for various differences in circumstances of sale were not considered directly related to the sales in question and, therefore, were disallowed. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no margins exist for the period of review for which sales information was available. The Department has requested additional information for the review period, which will be analyzed prior to publication of the final results. Uddeholm is no longer shipping this merchandise to the United States.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after publication of this notice or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department will issue appraisal instructions directly to the Customs Service. Because there is no margin on any shipment during the period, the Department shall not require a cash deposit, as provided for by § 353.48(b) of the Commerce Regulations, on any shipments by this firm entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Until such time, the current bonding rate will remain in effect.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 13, 1982.

[FR Doc. 82-10586 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

Summary. The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Technology Commercialization Center (TCC) Program to operate three Technology Commercialization Centers for a period of 12 months each beginning on or about September 1, 1982 in the Chicago area; Washington/Oregon and the state of Texas. Federal funds are estimated at \$150,000 for each center. Three separate awards will be made. Catalog of Federal Domestic Assistance—11.814 Minority Business Development.

Closing Date. Applications shall be submitted on or before May 21, 1982.

Funding Instrument. It is anticipated that the funding instrument will be a grant, as defined by the Federal Grant and Cooperative Agreement Act of 1977.

Program Description. Provide and/or broker those services necessary to move technology-based projects from the initial evaluation stage through the product development phase into commercialization. These services shall benefit those minorities capable in engaging in technology-based and growth oriented businesses, inventors, innovators and sources of financial assistance.

Eligibility Requirements. There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials. An application kit for each Technology Commercialization Center may be

requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Industry & Technology Division, Washington, D.C. 20230. Please specify which location is being requested.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, education institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Dated: March 19, 1982.

Luis Encinias,

Acting Assistant Director for Enterprise Development.

[FR Doc. 82-10589 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-21-M

Office of the Secretary

Office of the Secretary Performance Review Board

Katherine M. Bulow, Special Assistant to the Assistant Secretary for Administration, has been designated as a member of the Office of the Secretary Performance Review Board. This is in accordance with the Senior Executive Service Performance Appraisal System.

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Secretary, Performance Appraisal System.

[FR Doc. 82-10590 Filed 4-16-82; 8:45 am]

BILLING CODE 3510-BS-M

CONSUMER PRODUCT SAFETY COMMISSION

Priorities for Commission Action: General Statement of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of policy.

SUMMARY: This notice lists and briefly describes priority projects of the Commission for fiscal year 1982. This list is divided into two parts. The first part describes the commitment of the Commission to improve regulatory processes. The second part lists those hazard-related projects designated for priority attention. This priority list is for general information to the public and Commission guidance to the staff. The list does not include all activities of the Commission, and may change when the Commission believes that revised priorities are appropriate.

EFFECTIVE DATE: Policy now in effect.

FOR FURTHER INFORMATION CONTACT:

Charles R. Casper, Director, Budget and Operations Planning, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (301) 492-6529.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 20, 1979 (44 FR 76387), the Commission published a listing of 23 priority projects for fiscal year 1980. The projects were selected on the basis of the Commission's policy for establishing priorities for Commission action, which is published at 16 CFR 1009.8 (41 FR 27960, July 8, 1976).

This policy states that the following criteria will be considered for establishing priorities for Commission action: frequency and severity of injuries; chronic illness and future injuries; costs and benefits of Commission action; unforeseen nature of the risk of injury; vulnerability of the population at risk; probability of exposure to the hazard; and when appropriate, additional factors known to the staff and believed to warrant Commission attention. Those 23 projects were grouped into two categories: a list of hazard-related projects and a list of longer-range commitments of the Commission to improve the Commission's regulatory processes.

In the Federal Register of February 23, 1981 (46 FR 13542), the Commission listed 17 priority projects for fiscal year 1981, selected in accordance with the criteria described above. That list was also divided into two parts: the first consisting of hazard-related projects, and the second containing longer-range commitments to improve the Commission's regulatory processes.

By majority vote, the Commission has established 16 priority projects for fiscal year 1982, which are set forth in this notice. Commissioner Stuart M. Statler voted not to approve the priorities listed below, and has filed a dissent in this matter which is available for inspection in the Commission's public reading room, 1111 18th Street, 8th floor, N.W., Washington, D.C. Commissioner R. David Pittle concurs in the establishment of all priorities listed below with the exception of public information and outreach, which he does not believe should be a priority project.

As in previous years, the priority projects listed below were selected in accordance with the criteria set forth in the Commission's policy for establishment of priorities, 16 CFR 1009.8, described above. Because of limited resources, the Commission must carefully focus its activities on the most serious hazards which it can effectively address.

This year's listing of priorities begins with six longer-range commitments to improvement of the Commission's regulatory processes. This part of the priority listing reflects the Commission's belief that it must evaluate mechanisms for increasing the overall impact of the Commission on product safety. This part of the priority listing is intended to focus the attention of the Commission and the staff on those general areas which will better enable the Commission to fulfill its mission of reducing deaths and injuries to consumers. The second part of this year's listing consists of ten product-related projects of particular concern to the Commission.

In this year's listing, the Commission has added two regulatory-process priorities. The first of these, emerging hazards, is intended to emphasize identification of potentially dangerous products in the marketplace. The other new process-priority project, public information and outreach is intended to enlist organizations, educational systems and individuals to promote public understanding of consumer product safety. Comparison of this year's listing with the list for fiscal 1981, also reveals deletion of one regulatory-process item, a survey of the Commission's basic injury data needs. This survey has been completed.

One new hazard-related project appears on this year's listing, and addresses the possible need for revision of some of the existing regulations for child-resistant packaging in view of changing circumstances and developing technology. One hazard-related project on the list for fiscal year 1981, electric blankets, has been deleted in view of revision of a voluntary standard for thermostats in electric blankets. Some other hazard-related projects on last year's list have been combined. As a result, the number of hazard-related priority projects has been reduced from twelve in fiscal year 1981, to ten in this year's listing.

The priority projects are listed below in alphabetical order. Consequently, this listing does not reflect the relative priority of any one project compared to any other. Additionally, while this listing of projects reflects the judgment of the Commission about important activities, it should not be viewed as a complete listing of all activities of the Commission. The Commission works in many other areas, including enforcing existing regulations, developing new regulations, conducting research, and monitoring the marketplace for new or unsuspected project hazards.

The Commission issues the following list of 16 priority projects for fiscal year 1982.

A. Process Priorities

Emerging Hazards. The Commission intends to give priority to identification of potentially hazardous products in the marketplace. The Commission's emerging hazards process gathers information on product safety from a wide variety of sources, including petitions received from the public and safety assessments of individual products made by the staff in the administration of section 15 of the Consumer Product Safety Act. An example of the benefit to the public resulting from the emerging hazard programs is provided by the Commission's recent experience with electric quartz heaters. In 1981, the Commission received information about shock and fire hazards associated with quartz heaters, a product which was then the subject of recently increased promotional efforts. The Commission shared the information it had received with the industry and a voluntary standards organization. As a result, revisions of the voluntary standard applicable to quartz heaters were developed during 1981.

Public Information and Outreach. The Commission intends to develop a series of public information and education programs which focus consumers' attention on current priority issues of concern to the Commission. These efforts will include, but not necessarily be limited to:

- (1) Solid-fuel hazards with coal/wood burning stoves and fireplace systems and chimneys;
- (2) Upholstered furniture flammability;
- (3) Poison prevention;
- (4) Electrical Safety;
- (5) Fire prevention;
- (6) Lawnmower safety;
- (7) Juvenile furniture and equipment;
- (8) Holiday safety (fireworks and toys);
- (9) Expectant parents' child safety program.

The Commission seeks to enlist greater cooperation and support of multiple outside groups including national and local consumer organizations, business and industry representatives and trade associations, other federal, state and local government consumer affairs offices, health and safety agencies, labor unions, professional associations and members of the media.

In this way, the Commission will strengthen its existing relationships, generate new contacts and maximize the efficiency of its information and education campaigns by combining resources with organizations with extensive communications networks.

Rule Review and Modification. The Commission has had a longstanding program of regulatory reform through review and improvement of its existing rules and regulations. As a result of recent reviews and actions, the Commission has efforts underway which may significantly reduce testing and recordkeeping burdens on industry while not decreasing safety. The current focus of these efforts is on flammability requirements for mattresses, general wearing apparel and children's sleepwear.

Section 15 Activities. Under the mandate of section 15 of the Consumer Product Safety Act, the Commission conducts a broad-based set of activities to identify and assure the recall or correction of products which may present substantial product hazards. The Commission will place special emphasis on this process because it is an effective yet flexible and cost effective way to actively protect consumers from the most serious product hazards. The Commission will continue efforts to improve recall effectiveness and improve the level of reporting by firms. While voluntary solutions will be sought, the Commission will, when necessary, use its mandatory powers.

Special Populations. The Commission will continue its efforts to reach minorities, low income consumers, the elderly, and other special populations, focusing on serious hazards and the need to take corrective action.

Voluntary Standards. In FY 1982 the Commission will increase its efforts in working with voluntary standards organizations in cooperative endeavors to enhance product safety. The Commission believes that these improved cooperative efforts will enhance the implementation of voluntary standards by accelerating their incorporation into building codes in appropriate cases, and by increasing compliance with their requirements by manufacturers. The Commission will focus its efforts in the area of voluntary standards on projects involving the following products: upholstered furniture, gas-heating systems, log splitters, quartz heaters, electric blankets, nursery items, and toys.

B. Hazard-Related Projects

Chain Saws. The Commission estimates that there were over 124,000 chain saw injuries requiring medical attention in 1980, which is up from an estimated 76,000 injuries in 1976. About 23% of the injuries associated with chain saws result from a phenomenon known as "kickback"—the rearward and

upward travel of the chain saw when the saw bucks, kicks or otherwise unexpectedly jumps toward the operator. The Commission will evaluate a revised voluntary standard addressing chain saw "kickback" hazards as it decides whether to continue development of a mandatory standard.

Cribs. Commission staff identified a risk of injury from head entrapment in the cut-out designs of certain crib headboards and footboards. Although the number of entrapment incidents known to the Commission is relatively small, they have resulted in fatalities in all but one case. In 1980, the Commission proposed amendments to existing safety requirements for cribs to address the risk of head entrapment. Based on comments received on those proposed amendments, the Commission suggested revising the test procedures and sought additional comments in a Federal Register notice. The Commission will consider possible final amendments after a review of comments received.

Dyes and Finishes. The Commission is concerned about the possible toxicity of more than 5,000 chemicals which are widely used in textile finishing, some of which are known to cause cancer. These chemicals are used to color fabric, as well as to impart such characteristics as softness, stiffness, and ignition resistance. The staff is assessing consumer exposure from textiles colored with benzidine congener dyes, evaluating potential risk from other textile dyes, and testing permanent press (no-iron) finishes containing formaldehyde.

Formaldehyde. Formaldehyde has been found to be a carcinogen in laboratory animals and an independent federal panel of expert scientists believes it should be presumed to pose a cancer risk to humans. Formaldehyde gas released from consumer products is also associated with acute health effects such as human respiratory problems, headaches, and eye and skin irritation. On April 2, 1982, the Commission published a final rule banning urea-formaldehyde foam insulation (UFFI) for residences or schools, effective August 10, 1982. The Commission took this action after considering the acute and chronic health effects associated with the release of formaldehyde gas from the product.

The Commission has received many complaints of adverse health effects associated with formaldehyde emitted from wood products such as particle board, plywood, paneling, and fiber board. The Commission staff will be consulting with industry representatives and discussing possible voluntary

standards efforts, as well as evaluating certain scientific and technical information. The Commission expects that this effort will result in lower levels of formaldehyde being emitted from these wood products, so that the associated adverse health effects will be significantly reduced.

House Wiring and Circuit Breakers. Approximately 20 percent of all residential fires or about 120,000 fires annually are believed to be electrical in origin. Components of the home wiring system, such as wire, cable, overcurrent protection devices and connectors and switches, may be involved in half of those fires. The Commission has information that some fuses and circuit breaker may not be providing the level of protection assumed by homeowners and that thermal insulation installed around electrical parts can lead to heat build up which may result in electrical fires. The staff is preparing information for Commission consideration of alternatives to address these potential problems. Additionally, the Commission is considering what action, if any, it should take in response to a recent decision of a Federal District Court holding that the Commission does not have jurisdiction over aluminum branch wiring systems installed in houses between 1965 and 1973.

Indoor Air Quality. The Commission staff is evaluating the potential hazards of certain chemical and mineral pollutants found in measurable amounts in the air of consumers' homes. Some of these materials are asbestos, formaldehyde, and certain plasticizers (used to make vinyl flexible). The staff will bring information on consumer exposure to these substances to the Commission for their decision on possible action.

Plastics Flammability. Many different types of plastics are used in consumer products. Some of these plastics appear to be highly flammable or produce unusually toxic gases when they burn. The Commission is investigating the development of small scale test methods to evaluate the hazards of plastics in consumer products. In addition, the Commission plans to evaluate the relative toxicity of the combustion products of selected plastic materials.

Poison Prevention Packaging. The Poison Prevention Packaging Act has been an effective tool in reducing the tragic toll of injuries and deaths from accidental childhood ingestions of hazardous household chemicals and drugs. The original regulations and testing procedures under the Poison Prevention Packaging Act were developed prior to the widespread use of child-resistant packaging, and for that

reason, without the benefit of actual use experience and test data which have since become available. Projects currently under study include revisions to the testing procedures to reduce the cost of testing the packaging and to provide for increased ease of adult use. The staff is also evaluating whether certain drugs can safely be exempted from the regulations and whether others, such as the now popular antihistamines, should be required to be in child-resistant packaging.

Upholstered Furniture. Every year upholstered furniture fires caused by smoldering cigarettes are estimated to kill at least 1,200 people. The industry, in an effort to produce upholstered furniture that is more resistant to ignition from burning cigarettes, has initiated a voluntary program that includes modifications of the materials used in the furniture and changes in the methods of construction. The Commission evaluated the voluntary program and concluded that the industry has improved the cigarette ignition resistance of upholstered furniture. However, further improvements are required before upholstered furniture on the retail market can be considered to provide an acceptable level of safety. The upholstered furniture industry has agreed to work with the Commission staff to meet the following goals in the coming year: (1) To increase the percentage of furniture labeled to indicate compliance with the industry program to 60 percent of upholstered furniture displayed at retail; and (2) to increase resistance to cigarette ignition of upholstered furniture manufactured to comply with the industry program to the extent that 80 percent of such items will resist ignition when exposed to smoldering cigarettes.

Wood and Coal Burning Heating Equipment. Information available to the Commission indicates that use of wood and coal burning stoves increased eight-fold from 1970 to 1979. This trend is expected to continue through 1980. Preliminary analysis indicates that 112,000 fires involving wood and coal burning heating equipment occurred in 1980, an increase of 58 percent over 1979. Deaths from these fires increased about 67 percent. The major causes of the fires are believed to be improper installation, use and maintenance of coal and wood stoves, fireplaces and fireplace inserts, chimneys and chimney connectors. The Commission is holding in abeyance a proposed rulemaking which would require manufacturers to label coal and woodstoves regarding safe installation and maintenance in order to evaluate a voluntary industry

program. Based on current research results, the staff will present alternatives to the Commission for additional future action.

The priority listings constitute general information for the public and guidance for the Commission staff in planning and executing their tasks. The list is subject to continuing review for additions or modifications that may be made necessary by more recent information, and the emergency of presently unforeseen hazards.

The Commission staff will prepare work schedules detailing the progress of work on approved hazard projects and processes and will periodically report the status of work to the Commission. Some of the priority projects represent a commitment to ongoing activities and will not be completed in one year.

An important reason for publishing this information is to advise the public that, given the limited resources available to it, the Commission will take action based largely on the project priorities discussed in this notice, although the Commission works in other areas as well. The Commission believes that this information will enable the public to understand and follow Commission actions more easily. However, these priority listings should not discourage persons from calling the Commission's attention to other consumer products that may present risks of injury to the public.

Dated: April 14, 1982.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 82-10526 Filed 4-16-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

Advisory Council on Dependents' Education; Changed Meeting

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the public of changes in the notice of meeting of the Advisory Council on Dependents' Education, published April 1, 1982, on page 13860. The Advisory Council on Dependents' Education will meet on April 21-22 (instead of April 21-23), and the three subcommittees on April 19 and 22 (instead of 19 and 23). The times, locations, and agendas remain the same, except that the April 21 meeting will be closed to the public from 8:30 to 10:30 a.m. (instead 8:30 a.m. to 12:30 p.m.), and the purpose of closing the meeting is that the Council will be briefed concerning the selection of a

contractor for the study of the defense dependents' education system. In the original notice, this briefing was described as pre-award. The meeting will be closed under the same authority as before—the Government in the Sunshine Act (P.L. 94-409, 5 U.S.C., 522b)—because the briefing concerning selection of a contractor will include review of proposals and qualifications of staff of potential contractors, and so contain materials that are forbidden by Federal procurement regulations to be disclosed in public.

FOR FURTHER INFORMATION CONTACT: Dr. William L. Smith, Administrator of Education for Overseas Dependents, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202) 245-8011.

Dated: April 14, 1982.

John Rodriguez,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 82-10608 Filed 4-16-82; 8:45 am]

BILLING CODE 4000-01-M

Desegregation Assistance Center Closing Date for the Transmittal of Applications for Fiscal Year 1982 Awards

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of closing date for the transmittal of applications for fiscal year 1982 awards.

Applications are invited for noncompeting continuation projects under the Desegregation Assistance Center (DAC) programs for race, sex and national origin desegregation under section 403 of the Civil Rights Act of 1964.

Authority for these programs is contained in Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c-2000c-5).

Present recipients of DAC awards for race, sex and national origin desegregation assistance are eligible to apply for continuation of those awards. Under 34 CFR 270.38(c), the Secretary of Education is authorized to approve the continuation of an existing DAC award if the recipient of that award "has complied with the terms of the award, has provided satisfactory assistance, and continues to show promise of success in providing that assistance."

The purpose of the awards is to help solve problems related to the race, sex and national origin desegregation of public elementary and secondary schools.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award

should be mailed or hand delivered by May 20, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered By Mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.004, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered By Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, ROB-3 Building, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds: Applicants should note that the President has proposed budget rescissions to the Congress that may eliminate funds for this program. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

The Continuing Resolution has appropriated \$24,000,000 for the Training and Advisory Services Program.

With the availability of funds for the Desegregation of Public Education program in fiscal year 1982, the Secretary expects to provide support for continuation awards to the present

recipients of DAC awards, and to approximately 110 new SEA applicants.

These estimates do not bind the Department of Education to a specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are available.

They may be obtained by writing to: Mr. Jack A. Simms, Director, Equity Training and Technical Assistance, U.S. Department of Education, Office of Elementary and Secondary Education, FOB #6, Room 2001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education programs, 34 CFR Part 270 (formerly 45 CFR Part 180).

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74 (Administration of Grants), 75 (Direct Grant Programs), 77 (Definitions), and 78 (Education Appeal Board).

Further Information: For further information contact: Mr. Jack A. Simms, Director, Equity Training and Technical Assistance, U.S. Department of Education, Office of Elementary and Secondary Education, FOB #6, Room 2001, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone Number 202/245-8484.

(42 U.S.C. 2000c-2000c-5)

Dated: April 14, 1982.

(Catalog of Federal Domestic Assistance No. 84.004, Desegregation of Public Education Program)

Monika Edwards Harrison,
Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 82-10669 Filed 4-19-82; 8:45 am]

BILLING CODE 4000-01-M

State Educational Agency; Closing Date for the Transmittal of Applications for Fiscal Year 1982 Awards

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of closing date for the transmittal of applications for fiscal year 1982 awards.

Applications are invited for new State Educational Agency (SEA) programs for race, sex and national origin desegregation assistance under section 403 of the Civil Rights Act of 1964.

Authority for these programs is contained in Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c-2000c-5).

Any SEA is eligible to submit an application or applications for this program. An SEA should submit separate applications for programs to provide race, sex and national origin desegregation assistance. SEAs that presently have awards are reminded that they must submit new applications for these programs.

The purpose of these awards is to help solve problems related to the race, sex and national origin desegregation of public elementary and secondary schools.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by May 20, 1982.

Applications Delivered By Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.004, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will not be notified that its application will not be considered.

Applications Delivered By Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center,

Room 5673, ROB-3 Building, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: Applicants should note that the President has proposed budget rescissions to the Congress that may eliminate funds for this program. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

The Continuing Resolution has appropriated \$24,000,000 for the Training and Advisory Services Program.

With the availability of funds for the Desegregation of Public Education program in fiscal year 1982, the Secretary expects to provide support for continuation awards to the present recipients of DAC awards, and to approximately 110 new SEA applicants.

These estimates do not bind the Department of Education to a specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are available.

They may be obtained by writing to: Mr. Jack A. Simms, Director, Equity Training and Technical Assistance, U.S. Department of Education, Office of Elementary and Secondary Education, FOB #6, Room 2001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education programs, 34 CFR Part 270 (formerly 45 CFR Part 180).

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74 (Administration of Grants), 75 (Direct Grant Programs), 77 (Definitions), and 78 (Education Appeal Board).

Further Information: For further information contact: Mr. Jack A. Simms,

Director, Equity Training and Technical Assistance, U.S. Department of Education, Office of Elementary and Secondary Education, FOB #6, Room 2001, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone Number 202/245-8484.

(42 U.S.C. 2000c-2000c-5)

Dated: April 14, 1982.

(Catalog of Federal Domestic Assistance No. 84.004, Desegregation of Public Education Program)

Monika Edwards Harrison,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 82-10668 Filed 4-16-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Schedule for the Public Hearings and Availability of the Draft Environmental Impact Statements

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of the Public Hearings to be held as joint legislative public hearings with the New York State Department of Environmental Conservation (DEC) and the availability of two Department of Energy draft environmental impact statements (DEISs).

SUMMARY: The Department of Energy (DOE) announces the availability of the Draft Environmental Impact Statement for the Ravenswood Generating Station, DOE/EIS-0087-D, (April 1982), and the Draft Environmental Impact Statement for the Arthur Kill Generating Station, DOE/EIS-0088-D, (April 1982), assessing the environmental impacts associated with the conversion of each station from oil and natural gas to coal. The documents were prepared in connection with the Department's responsibilities under the Powerplant and Industrial Fuel Use Act (FUA) of 1978, as amended by the Omnibus Budget Reconciliation Act (OBRA) of 1981.

DATES: Written comments are invited and should be received at DOE no later than June 15, 1982, in order to insure consideration in preparing the final environmental statements. The Department of Energy will hold joint legislative hearings with the New York State Department of Environmental Conservation. Joint public hearings for the Arthur Kill and Ravenswood Generating Stations will be held on May 18, May 25, and May 27, 1982, in Staten Island, Kew Gardens and New York,

New York. Requests to speak at the public hearings should be received at DOE by May 4, 1982.

ADDRESSES: Requests for copies of the DEISs, written comments on the DEISs and requests to speak at the hearings should be addressed to: Ms. Susan F. Peterson, Office of Fuels Programs, RG-62, Economic Regulatory Administration, Department of Energy, Rm. GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-8116.

The Public Hearings will be held at:

- (a) Seaview Hospital Auditorium, 460 Brielle Avenue, Staten Island, New York 10314; Times: 10:00 a.m. and 7:00 p.m., May 18, 1982
- (b) Queens Borough Hall, 120-55 Queens Boulevard, Kew Gardens (Queens County), New York 11424; Times: 10:00 a.m. and 7:00 p.m., May 25, 1982
- (c) 2 World Trade Center, Room 4430, New York, New York 10047; Times: 10:00 a.m. and 7:00 p.m., May 27, 1982

FOR FURTHER INFORMATION YOU MAY CONTACT:

- Ms. Susan F. Peterson, Office of Fuels Programs, RG-62, Economic Regulatory Administration, Department of Energy, Rm. GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-8116
- Ms. Elizabeth V. Jankus, Department of Energy, Environmental Compliance Division, Forrestal Building, Room 4G-064, Washington, DC., 20585, Phone: (202) 252-6374

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Energy (DOE) published a Notice of Intent (44 FR 73138) on December 17, 1979, regarding the preparation of the Draft Environmental Impact Statements for the Ravenswood and the Arthur Kill Generating Stations. The statements were prepared in connection with the Department's responsibilities under the Powerplant and Industrial Fuel Use Act of 1978 (P.L. 95-620), (FUA) as amended, to minimize or eliminate oil and natural gas consumption in existing boilers 30N and 30S of Unit 3 (Ravenswood), and existing boilers 20 and 30 of Units 2 (Arthur Kill) and in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA).

Ravenswood Generating Station is located in Queens, New York City. Arthur Kill Generating Station is located in Staten Island, New York. Both are owned and operated by the Consolidated Edison Company of New York.

II. Scope of the DEISs

Each of the DEISs presents a comprehensive analysis of the environmental impact of ERA's proposed action to issue a final order prohibiting Ravenswood Boilers 30N and 30S and Arthur Kill Boilers 20 and 30 from burning natural gas or petroleum as primary fuels. Each analysis discusses the environmental consequences of the proposal and alternatives, including the environmental impacts of burning coal or other fuels as primary fuels. Among the impacts discussed are air quality, water quality, solid waste generation and disposal, health effects, and transportation and storage of fuel, as well as impacts determined to be potentially significant during the public comment process. In addition, the DEISs evaluate methods of meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes.

III. Comment procedures

A. Availability of Draft EISs. Copies of the DEISs have been distributed to Federal, State, and local agencies, and to organizations and individuals known to be interested in the Draft Environmental Impact Statements for the Ravenswood Generating Station and the Arthur Kill Generating Station. Additional copies may be obtained from the Department of Energy, Fuels Conversion Division, Office of Fuels Programs, Forrestal Building, 1000 Independence Ave., SW., Room GA-093, Washington, D.C. 20585, Phone: (202) 252-8116.

Copies of the DEISs are also available for public inspection at the following locations:

- Office of Public Information,
Department of Energy, Room 1E-190,
1000 Independence Avenue, SW.,
Washington, D.C. 20585; Hours: 9:00
a.m.-4:00 p.m.
- Mr. William Wood, Department of
Energy, Region II, 26 Federal Plaza,
Rm. 3200, New York, New York 10287,
Phone (212) 264-1021; Hours: 8:00
a.m.-5:00 p.m.
- Department of Environmental
Conservation, Bureau of Hearings,
Room 612, 50 Wolf Road, Albany,
New York 12233-0001; Phone: (518)
457-3468
- Department of Environmental
Conservation, Region 2 Office, 2
World Trade Center, Room 6126, New
York, New York 10047; Phone (212)
468-2760 (Ms. Peggy Keegan)

Consolidated Edison Company of New York, Inc., 4 Irving Place, Room 306S, New York, New York 10003; Phone: (212) 460-4859 (Allan Teplitzky)
New York Public Library, New Dorp Branch; 309 New Dorp Lane, Staten Island, New York 10301

New York Public Library, Jamaica Branch, Science and Technology Division, 89-11 Merrick Boulevard, Jamaica, New York 11432

B. Written Comments. Interested parties are invited to provide written comments on the DEISs to the Fuels Conversion Division, Office of Fuels Programs, at the Washington address given above. Comments should be identified on the outside of the envelope with either the designation "Ravenswood Environmental Impact Statement" or "Arthur Kill Environmental Impact Statement." All comments and related information should be received by DOE no later than June 15, 1982, in order to insure consideration in preparing the final statement.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing. Any material not accompanied by a statement of confidentiality will be considered nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Copies of all statements with intention to speak filed with either the Department of Energy or to the New York State Department of Environmental Conservation will be forwarded to the other agency so there is no need for any person to file duplicate statements with both agencies. All written and oral statements will be evaluated by the respective agencies and will be made part of the official record of each agency.

C. Public Hearings. 1. *Participation Procedure.* A Notice of Complete Application, Notice of Completion of Draft Environmental Impact Statement, and Notice of Combined Legislative Hearings was issued by the New York State Department of Environmental Conservation in their Environmental Notice Bulletin on March 10, 1982. Notice of a third joint public hearing (May 27, 1982) appeared in the Environmental Notice Bulletin on April 7, 1982. Joint public hearings on the draft statements for the Arthur Kill and Ravenswood Generating Stations will be held at the following locations on the dates indicated:

a. Seaview Hospital (Auditorium), 460 Brielle Avenue, Staten Island, New

York 10314; Times: 10:00 a.m. and 7:00 p.m., May 18, 1982

b. Queens Borough Hall, 120-55 Queens Boulevard, Kew Gardens (Queens County), New York 11424; Times 10:00 a.m. and 7:00 p.m., May 25, 1982

c. 2 World Trade Center, Room 4430, New York, New York 10047; Times: 10:00 a.m. and 7:00 p.m., May 27, 1982

The joint legislative hearings will be co-chaired by representatives of the Department of Energy, and an Administrative Law Judge of the New York State Department of Environmental Conservation. For the sole purpose of maintaining order and decorum, the DOE representative or the DEC Administrative Law Judge shall assume the responsibility of Chairperson at alternate sessions, and the Chairperson shall preside over the joint hearing. This will not be a judicial or evidentiary type hearing.

Any person who desires to speak at the hearings should notify the Office of Fuels Programs at the Washington, D.C. address listed above before May 4, 1982, so that time can be scheduled. Those persons who have notified the New York State DEC of their intent to speak need not notify DOE. Although not required, persons who intend to speak are encouraged to provide a brief summary of the presentation.

Individuals who did not make an advance arrangement to speak may register to speak at the hearings. An opportunity will be provided to these individuals to speak after all scheduled speakers. Time for each participant will be limited depending on time available and the number of responses.

2. *Conduct of Hearings.* DOE and DEC will jointly arrange the schedule of presentations to be heard and will establish basic rules and procedures for conducting the hearing. The length of each presentation may be limited, depending on the number of persons desiring to speak.

Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any participant who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer at the start of the hearing.

A transcript of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Additional copies of the complete transcripts will also be available at the

public document centers noted above. Any person may purchase a copy of the transcripts from the reporter.

Issued in Washington, D.C. on April 13, 1982.

Barton R. House,

Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82-10569 Filed 4-16-82; 8:45am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ST81-268-001]

Dow Intrastate Gas Co.; Re-Notice of Application To Amend

April 13, 1982.

Take notice that on February 26, 1982, Dow Intrastate Gas Company (Applicant), Route 1, Box 35, Plaquemine, Louisiana 70764, filed in Docket No. ST81-268-000 an application to amend the Commission's order issued August 12, 1981, in said docket pursuant to §284.127 of the Commission's Regulations so as to permit Applicant to transport sufficient daily volumes to facilitate delivery of a total of 15,000,000 Mcf of natural gas by July 31, 1982, 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 by order issued August 12, 1981, in Docket No. CP81-302-000, *et al.*, Natural Gas Pipeline Company of America (Natural) was authorized to deliver natural gas for a direct sale of gas to The Dow Chemical Company (Dow). Applicant explains that the order authorized Natural to deliver for sale up to 15,000,000 Mcf of natural gas to Dow over a period not to exceed 363 days terminating July 31, 1982. It is also asserted that on August 12, 1981, by order issued in the instant docket, Applicant was authorized to transport up to 50,000 Mcf per day of the natural gas sold by Natural to Dow on an interruptible basis until July 31, 1982.

Applicant states that at the time the contracts underlying the service described above were concluded it was expected that adequate provision had been made to enable Dow to receive its 15,000,000 Mcf allotment of gas from Natural on or before July 31, 1982. It is submitted that several factors have made that goal impossible. Applicant explains that because of the built-in July 31, 1982, expiration date the term of the service was in fact limited to a maximum of 353 days. Moreover, Applicant asserts that construction of necessary interconnection facilities

between the systems of Texas Gas Transmission Corporation and Applicant was not completed for some time after the issuance of the August 12, 1981, orders. Furthermore, Applicant states that it took some time for Natural and Dow to coordinate their efforts to the point where Dow could begin receiving through-put of 50,000 Mcf per day. Applicant therefore requests that the order of August 12, 1981, issued in the instant docket be amended so as to permit Applicant to transport up to 15,000,000 Mcf of natural gas by July 31, 1982, for Natural's account with no specified daily through-put ceiling.

Any person desiring to be heard or to make protest with reference to said application should on or before April 23, 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 a 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. 82-10508 Filed 4-16-82; 8:45 am]
BILLING CODE 6717-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements, Civil Uses; United States and the European Atomic Energy Community (EURATOM); Proposed Subsequent Arrangement

Pursuant to section 131 to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be entered into under the above mentioned agreement is a short term fixed commitment type contract for enriching services with the Euratom Supply Agency. The enriching services will be used to provide both high and low enriched uranium for fabrication of research reactor fuel for use in the

European Community, Japan, Sweden, and Switzerland. Approximately 10,000 separative work units are involved.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This subsequent arrangement will take effect no sooner than May 4, 1982.

For the Department of Energy.

Dated: April 13, 1982.

Harold D. Bengelsdorf,
Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-10572 Filed 4-16-82; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements, Civil Uses; United States and Japan; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-Ja-316, to the Power Reactor and Nuclear Fuel Development Corp., Japan, 9 grams of Plutonium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 4, 1982.

For the Department of Energy.

Dated: April 13, 1982.

Harold D. Bengelsdorf,
Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-10571 Filed 4-16-82; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements, Civil Uses; United States, the European Atomic Energy Community (EURATOM) and Japan; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement"

under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin as follows: from Japan to France (the Compagnie Generale des Matieres Nucleaires-COGEMA) for the purpose of reprocessing, 124 irradiated fuel assemblies, containing 55,700 kilograms or uranium, enriched to 1.04% in U-235, and 429 kilograms of plutonium from the Ohi Nuclear Power Station Units No. 1 and No. 2, and the Takahama Nuclear Power Station Units No. 1 and No. 2. This subsequent arrangement is designated as RTD/EU(JA)-43.

The Department of Energy has received letters of assurance from the Government of Japan that the recovered uranium and plutonium will be stored within France and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 4, 1982 and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: April 13, 1982.

Harold D. Bengelsdorf,
Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-10570 Filed 4-16-82; 8:45 am]
BILLING CODE 6450-01-M

**FEDERAL COMMUNICATIONS
COMMISSION**

[BC Doc. Nos. 82-195, et al.; File No. BPCT-810814KE, et al.]

**Apogee, Inc. et al.; Applications for
Consolidated Hearings**

Adopted: April 2, 1982.

Released: April 12, 1982.

In re Applications of Apogee, Inc., Hammond, Indiana, BC Docket No. 82-195, File No. BPCT-810814KE; Hammond Indiana T.V., Inc., Hammond, Indiana, BC Docket No. 82-196, File No. BPCT-811006KK; Jovon Minority Broadcasting Corporation, Hammond, Indiana, BC Docket No. 82-197, File No. BPCT-811006KL; Northwest Indiana Television, Inc., Hammond Indiana, BC Docket No. 82-198, File No. BPCT-811007KE; Hammond Telecasters, Inc., Hammond Indiana, BC Docket No. 82-199, File No. BPCT-811007KF; Pan American Broadcasting Company, Hammond Indiana, BC Docket No. 82-200, File No. BPCT-811007KG; Cafricam Television, Inc., Hammond Indiana, BC Docket No. 82-201, File No. BPCT-811007KH; Cross Country Network, Inc., Hammond Indiana, BC Docket No. 82-202, File No. BPCT-811007KI; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Apogee, Inc. (Apogee), Hammond Indiana T.V., Inc. (HITV), Jovon Minority Broadcasting Corporation (Jovon), Northwest Indiana Television, Inc. (Northwest), Hammond Telecasters, Inc. (HTI), Pan American Broadcasting Company (Pan Am), Cafricam Television, Inc. (Cafricam) and Cross Country Network, Inc. (Cross Country) for authority to construct a new commercial television broadcast station on Channel 62, Hammond, Indiana.

2. All applicants except Apogee propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes, T.I.A.S. 2594 (1952)*. In the event of a grant of any application, except Apogee's, the construction permit shall contain a condition precluding station

operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1966).

3. No determination has been reached that the tower heights and locations proposed by HTI, Pan Am and Cafricam would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. Apogee and Cafricam each proposes to mount its antenna on the existing tower of AM radio Station WJOB, Hammond, Indiana. Any grant of a construction permit to either Apogee or Cafricam will be conditioned to ensure that WJOB's radiation pattern is not adversely affected.

5. The proposed tower for Cross Country is to be located 1.08 miles from the non-directional tower of AM radio Station WLTH, Gary, Indiana. Because of the proximity of the proposed tower to WLTH, any grant of a construction permit to Cross Country will be conditioned to ensure that WLTH's radiation pattern is not adversely affected by the construction of the proposed station.

6. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Cafricam has published the required local notice. To remedy this deficiency, Cafricam will be required to file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order appears in the Federal Register.

**Jovon Minority Broadcasting
Corporation**

7. Applicant shows that it will require \$1,068,967¹ to construct its proposed facility and operate for three months, itemized as follows:

Equipment (lease).....	\$220,992
Land and building.....	125,000
Other items.....	320,000
Operating costs (3 months).....	402,975
Total.....	1,068,967

To meet these expenses, Jovon intends to rely on a loan of \$1,500,000.

8. Jovon has entered into a subscription television (STV) franchise agreement with Pay Television Corporation (PTC). As part of this agreement, PTC states that it will loan Jovon \$1,500,000 for construction, equipment and the first three months operating expenses. However, PTC has

¹Jovon actually estimates its construction and operating costs at \$1,074,967. Our review indicates a mathematical error of \$6000.

conditioned the availability of the loan on the grant of both the construction permit (CP) and the STV authorization. Jovon has not submitted an application for STV and even if it had, an STV authorization is granted independently of the grant of the CP. Further, FCC Form 301, Section III, page 3, item 4(b) requires that each person lending funds (except financial institutions) submit a balance sheet showing financial ability to meet the terms of the agreement. PTC has not submitted its balance sheet. Therefore, Jovon may not rely upon the Loan as part of its financial plan. Jovon's balance sheet shows that it has \$1000. Accordingly, an issue will be specified to determine the availability of an additional \$1,067,967.

Northwest Indiana Television, Inc.

9. Applicant estimates that it will require \$4,123,500 to construct its proposed facility and operate for three months, itemized as follows:

Equipment.....	\$3,404,500
Land.....	(¹)
Building.....	100,000
Other items.....	412,000
Operating costs (3 months).....	207,000
Total.....	\$4,123,500

¹Lease.

10. Northwest intends to lease its land from its parent corporation. However, there is no indication as to the cost of the lease. Accordingly, an issue will be specified to determine the cost of leasing the land² for 5 months.

11. To meet these expenses, Northwest states that it intends to rely on a bank loan. No evidence supporting the availability of the loan has been submitted. Accordingly, an issue will be specified to determine if Northwest has funds available to construct and operate its proposed facility.

Pan American Broadcasting Company³

12. Pan Am estimates that it will require \$402,023 to construct its

²HITV and HTI have not shown the cost that they will incur for leasing land. However, no issue will be specified since each applicant has a financial cushion that should more than cover the costs of the leases.

³Enrique Lopez, President of Pan Am, has stated that he will terminate his relationship with WFNB (TV), Joliet, Illinois and WCUI-TV, Chicago, Illinois, upon grant of this application. Further examination of his other broadcast interests indicates that Mr. Lopez's relationship with WONX, Evanston, Illinois, may present a conflict of interest. Therefore, Mr. Lopez may also be required to terminate his relationship with station WONX. Robert Ramirez, Treasurer of Pan Am, has stated that, upon grant of this application, his relationship with station WFNB (TV) will be terminated.

proposed facility and operate for three months, itemized as follows:

Equipment (leased).....	\$57,168
Land and building (lease, included in operating costs).....	
Other items.....	135,000
Operating costs.....	209,835
Total.....	\$402,023

To meet these expenses, Pan Am intends to rely on a loan from Amvest Leasing and Capital Corp. (Amvest) for \$75,000.

13. FCC Form 301, Section III, page 3, item 4(b) requires that each person, except financial institutions, who has agreed to furnish funds submit a current balance sheet showing the ability to comply with the terms of the agreement. Since we have no balance sheet from Amvest, we cannot determine whether it can meet its commitment; therefore, Pan Am may not rely upon the loan as part of its financial plan. Accordingly, an issue will be specified to determine the availability of \$402,023 to construct and operate as proposed.

Cafricam Television, Inc.

14. Cafricam estimates that it will require \$415,200 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (lease, included in operating costs).....	
Land and building (lease, included in operating costs).....	
Legal costs.....	\$30,000
Engineering costs.....	5,000
Installation costs (included in equipment lease).....	
Operating costs (3 months).....	380,200
Total.....	\$415,200

15. Although Cafricam states that its technical equipment will be leased, documentation as required by Form 301, Section III, page, item 4(e) has not been provided. Since we have no evidence of a lease, we must assume that Cafricam will pay cash for its technical equipment. However, because Cafricam has not stated the full cost of the equipment, we are unable to ascertain the full costs of construction and operation. Accordingly, an appropriate issue will be specified.

16. Cafricam has not shown how the expenses will be met. Applicant indicates, on Form 301, Section III, page 2, that the information would be forthcoming. However, we have not received an amendment. Accordingly, an issue will be specified to determine if the applicant is financially qualified to construct and operate for three months.

Cross Country Network, Inc.

17. Cross Country will require \$1,054,500 to construct its proposed

facility and operate for three months, itemized as follows:

Equipment and installation (lease).....	\$597,750
Land and building.....	23,000
Legal costs.....	25,000
Engineering costs.....	3,000
Miscellaneous costs.....	100,000
Operating costs (3 months).....	315,750
Total.....	1,054,500

18. Cross Country states that it will lease its technical equipment from Midwest Telecommunications. Applicant has not submitted a copy of the agreement. Therefore, we must assume that Cross Country will pay cash totaling \$2,391,000, which includes \$146,000 for installation, for its equipment.

19. To meet its expenses, Cross Country intends to rely on \$1,000 in existing capital and a net loan of \$136,500 from First National Bank of Chicago. Cross Country has failed to show the availability of \$1,000 in cash, since it has not submitted a current balance sheet as required by FCC Form 301, Section III, page 2, item 2. Further, the bank loan requires the personal guarantee of Mr. Fred Niles, President and Treasurer of Cross Country, Mr. Niles has not indicated his willingness to do so; therefore, the loan may not be used as part of Cross Country's financial plan. Applicant indicates that it anticipates an additional line of credit in the amount \$750,000 from the First National Bank of Chicago. However, this has not been documented. Therefore, Cross Country has not shown the availability of any funds to meet its construction and operating expenses. An issue will be specified to determine the availability of \$2,857,750 to construct and operate as proposed.

20. 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.

21. 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, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to HTI, Pan Am and Cafricam, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine with respect to Jovon Minority Broadcasting Corporation:

(a) Whether it has an additional \$1,067,967 available to construct and operate as proposed;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

3. To determine with respect to Northwest Indiana Television, Inc.:

(a) The cost of leasing the land for 5 months;

(b) In light of the evidence adduced pursuant to issue (a), the cost of constructing the proposed station and operating for three months;

(c) The availability of sufficient funds to construct and operate as proposed.

(d) Whether, in light of the evidence adduced in issues (a), (b) and (c), applicant is financially qualified.

4. To determine with respect to Pan American Broadcasting Company:

(a) Whether Pan Am has \$402,023 available to construct and operate as proposed;

Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

5. To determine with respect to Cafricam Television, Inc.:

(a) The total cost of its technical equipment;

(b) In light of the evidence adduced pursuant to issue (a), the total construction and operation expenses for three months;

(c) The availability of sufficient funds to construct and operate as proposed;

(d) Whether, in light of the evidence adduced pursuant to issues (a), (b) and (c), applicant is financially qualified.

6. To determine with respect to Cross Country Network, Inc.:

(a) The availability of \$2,857,000 to construct and operate as proposed;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

7. To determine which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

22. It is further ordered, that in the event of a grant of Northwest's, HTI's, Pan Am's or Cafricam's application, the construction permit shall contain the following condition:

Operation with effective radiated visual power in excess of 1000 kW after November 1, 1983 is subject to further extension of consent by Canada.

23. It is further ordered, that in the event of a grant of HITV's, Jovon's or Cross Country's application, the

construction permit shall contain the following condition:

Operation with effective radiated visual power in excess of 1000 kW after December 1, 1983 is subject to a further extension of consent by Canada.

24. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

25. It is further ordered, that in the event of a grant of either Apogee's or Cafricam's application, the construction permit shall contain the following condition:

During installation of the TV antenna, AM station WJOB shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements of the AM antenna shall be made. The results shall be submitted to the Commission along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination.

Thereafter, the TV station may commence *Limited Program Tests*.

26. It is further ordered, that, in the event of a grant of Cross Country's application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM Station WLTH so that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the pattern of the AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made, and sufficient field strength measurements shall be made, at a minimum of 10 locations along each of eight equally spaced radials, to establish that the radiation pattern of the AM station is essentially omnidirectional. The results shall be submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests*.

27. It is further ordered, that, Cafricam shall file with the presiding Administrative Law Judge proof of publication of local notice of the filing of its application within 40 days after this Order is published in the *Federal Register*.

28. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to

Section 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.

29. 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 82-10558 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82-206 and 82-207, File Nos. 20267-CD-D-79 and 22212-CD-P-78]

Digital Paging Systems of Kentucky, Inc., and Frank E. Newkirk, d.b.a. Washington-Scott Communications Co.; Applications for Hearing

Adopted: April 2, 1982.

Released: April 12, 1982.

In re applications of Digital Paging Systems of Kentucky, Inc., for a construction permit to establish a new one-way station on frequency 35.58 MHz in the Domestic Public Land Mobile Radio Service at New Albany, Indiana, CC Docket No. 82-206, File No. 20267-CD-P-79; Frank E. Newkirk, d.b.a. Washington-Scott Communications Company, for a construction permit to establish a new one-way station on frequency 35.58 MHz in the Domestic Public Land Mobile Radio Service near Salem, Indiana, CC Docket No. 82-207, File No. 22212-CD-P-78.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the application of Digital Paging Systems of Kentucky, Inc. (Digital), File No. 20267-CD-P-79, for a new one-way station to operate on frequency 35.58 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at New Albany, Indiana, to serve the Louisville, Kentucky area, and the application of Frank E. Newkirk d.b.a. Washington-Scott Communications Company (Washington-Scott), File No. 22212-CD-P-78, for a new one-way station to operate on frequency 35.58 MHz near Salem, Indiana. A Petition to Dismiss or Deny was filed against Digital's

application by Louisville 2-Way Radio Service, Inc. (Louisville), licensee of DPLMRS Station KIF656 at Louisville, Kentucky. Responsive pleadings and amendments to Digital's application have also been filed.

2. These two applications are electrically mutually exclusive because they both request use of the same frequency in the same geographic area.¹ Accordingly, a comparative hearing will be held to determine which applicant would better serve the public interest.

3. We have examined Digital's application and Louisville's allegations concerning Digital, and we find those allegations to be without merit. We find that Digital's application and amendments thereto demonstrate sufficient public need based on a valid need survey and that no substantial issue of lack of candor has been raised regarding Digital's survey efforts.² Louisville also urged that Digital's application be dismissed or denied on the basis of misrepresentations regarding public need allegedly made in other applications filed by Digital Paging Systems of New York, Inc. and Digital Paging Systems of Michigan, Inc., two other subsidiaries of Digital's parent company, Graphic Scanning Corp. However, we have considered those allegations, and we do not believe that it is in the public interest to delay action on these applications any further. See *Radio Relay Corporation—Illinois*, Mimeo 3063, released March 30, 1982 (Com. Car. Bur.). However, in order to preserve the Commission's flexibility to take remedial action later, and to avoid prejudice to the pending proceedings, we will condition any grant to Digital resulting from this proceeding as specified in paragraph 6. We further find that Digital has adequately demonstrated site availability, maintenance and repair arrangements, and the manner of proposed operation of its facility, which were also questioned by Louisville. We find Digital and Washington-Scott to be legally, technically, and otherwise qualified to construct and operate their proposed facilities.³

¹ See the Commission's Public Notice No. 957, dated April 9, 1979.

² We regard Louisville's arguments attacking Digital's need survey here as largely frivolous. For example, Louisville argued, *inter alia*, that the survey failed to disclose the full cost of service in leasing a pager from Digital by not informing those persons surveyed of the cost of paging receiver batteries or of the cost of purchasing and maintaining a pager receiver when respondents indicated interest in owning and maintaining their own pagers.

³ Louisville argued that Digital is not financially qualified to operate its proposed station. However, the Commission no longer requires DPLMRS

4. Accordingly, it is ordered, that the Petition to Dismiss or Deny filed by Louisville 2-Way Radio Service, Inc. in File No. 20267-CD-P-79, is denied.

5. It is further ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended,⁴ the applications of Digital Paging Systems of Kentucky, Inc., File No. 20267-CD-P-79, and Frank E. Newkirk d.b.a. Washington-Scott Communications Company, File No. 22212-CD-P-78, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,⁵ based upon the standards set forth in § 22.504(a) of the Commission's rules,⁶ and to determine and compare the relative demand for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

6. It is further ordered, That any grant to Digital Paging Systems of Kentucky, Inc. resulting from this hearing shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take in resolving any allegations that have been raised concerning the basic qualifications of Graphic Scanning Corp., or any of its subsidiaries, to be a Commission licensee.

7. It is further ordered, that the hearing will be held at a time and place

applicants to demonstrate their financial qualifications. See Elimination of Financial Qualifications, 82 FCC 2d 152 (1980).

⁴ 47 U.S.C. 309(e).

⁵ For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from § 22.504 in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. 6406, equation 8.

⁶ Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above the one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F50,50) for the facilities involved in this proceeding. (The applicants should consult with Bureau counsel with the goal of reaching joint technical exhibits.

and before an Administrative Law Judge to be specified in a subsequent Order.

8. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It is further ordered, that the applicants shall file written notices of appearance under § 1.221 of the Commission's rules within 20 days of the release date of this order.

10. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-10659 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Doc. Nos. 82-203, 82-204 and 82-205; File Nos. 21945-CD-ML-81, 21946-CD-ML-81 and 22438-CD-P-81]

Mobilfone Service, Inc., and Patricia A. Burgdorff, d.b.a. Conroe-Willis Paging System; Applications for Hearing

By the Common Carrier Bureau:

In re applications of Mobilfone Service, Inc., for authority to change frequency 454.200 MHz to frequency 454.075 MHz for Station KWU311 in the Domestic Public Land Mobile Radio Service at Liberty, Texas, CC Docket No. 82-203, File No. 21945-CD-ML-81; for authority to change frequency 454.200 MHz to frequency 454.075 MHz for Station KWU518 in the Domestic Public Land Mobile Radio Service at Willis, Texas, CC Docket No. 82-204, File No. 21946-CD-ML-81; Patricia A. Burgdorff, d.b.a. Conroe-Willis Paging System, for a construction permit to add additional frequency 454.075 MHz for Station KKB791 in the Domestic Public Land Mobile Radio Service at Conroe, Texas, CC Docket No. 82-205, File No. 22438-CD-P-81.

Order Designating Applications for Hearing

Adopted: April 6, 1982.

Released: April 14, 1982.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Mobilfone Service, Inc., File Nos. 21945-CD-ML-81 and 21946-CD-ML-81, proposing to change the frequencies of Stations KWU311 and KWU518 from frequency 454.200 MHz to frequency 454.075 MHz at Liberty and Willis, Texas;¹ and the application of Patricia

¹ Applications File No. 21945-CD-ML-81 and 21946-CD-ML-81 were originally granted on August 13, 1981, and September 28, 1981, respectively. These grants were set aside by letter of January 18,

A. Burgdorff d/b/a/ Conroe-Willis Paging System, File No. 22438-CD-P-81, to add frequency 454.075 MHz for Station KKB791 at Conroe, Texas. These proposals to use frequency 454.075 MHz in the same general area are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to section 309 of the Communications Act of 1934, as amended, that the applications of Mobilfone Service, Inc., File Nos. 21945-CD-ML-81 and 21946-CD-ML-81, and the application of Patricia A. Burgdorff d/b/a/ Conroe-Willis Paging System, File No. 22438-CD-P-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,² based upon the standards set forth in § 22.504(a) of the Commission's Rules,³ and to determine the relative demand for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

1982, which stated that the August 13, 1981, and September 28, 1981, actions were in error.

² For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

³ Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450-470 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing this location of service contours (F50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

5. It is further ordered, that the applicants shall file written notices of appearances under § 1.221(c) of the Commission's rules within 20 days of the release date of this Order.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-10560 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82-176 and 82-177, File Nos. 50209-CM-P-74 and 50100-CM-P-74]

Multi-Communications Service, Inc., and Digital Paging Systems, Inc.; Applications for Hearings

Memorandum Opinion and Order

Adopted: March 30, 1982.

Released: April 7, 1982.

In re applications of Multi-Communications Service, Inc., and Digital Paging Systems, Inc., for Construction Permits in the Multipoint Distribution Service for a New Station at Hartford, Connecticut.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Hartford, Connecticut. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making

such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Multi-Communications Service, Inc., Digital Paging Systems, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules, 47 CFR 1.221.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 82-10561 Filed 4-16-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20673.

Johanna P. Linster, 1000 Park Newport, #317, Newport Beach, CA 92660.

C. C. Forwarders, Inc., 7621 S.W. 128th Avenue, Miami, FL 33183.

Officers: Clara Clavijo, President; Bianca Briel, Secretary/Director.

Ruben N. Dario d.b.a. Royal Sales & Shipping, 1028 So. Crocker Street, Los Angeles, CA 90021.

Jovel Forwarders, Inc., 55 Fairway Drive, Miami, FL 33166.

Officer: Joseph Velez, Sole Officer/Stockholder.

¹ Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

Salvatore J. Messina d.b.a. Overseas Forwarding, 25201 Conrad Court, Damascus, MD 20872.

Mission International, Inc., 6750 Federal Blvd., Lemon Grove, CA 92045.

Officers: John A. Pellman, Chairman; Leonard J. Pellman, President; John Muhoberach, Executive Vice President; Terri L. Pellman, Secretary; Roland Z. LeBeau, Vice President Sales; James L. Docker, Senior Vice President; Leonard J. Pellman, Treasurer; Jane E. Steinhoff, Assistant Secretary.

By the Federal Maritime Commission.

Dated: April 14, 1982.

Francis C. Hurney

Secretary.

[FR Doc. 82-10525 Filed 4-16-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed in this notice have 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 bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

The Frankford Corporation, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Frankford Trust Company, Philadelphia, Pennsylvania. Comments on this application must be received not later than May 12, 1982.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

Flint Bancshares, Inc., Cordele, Georgia; to become a bank holding company by acquiring 85.9 percent of

the voting shares of Cordele Banking Company, Cordele, Georgia. Comments on this application must be received not later than May 12, 1982.

2. *Warrior Capital Corporation*, Warrior, Alabama; to become a bank holding company by acquiring at least 80 percent of the voting shares of Warrior Savings Bank, Warrior, Alabama. Comments on this application must be received not later than May 12, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First American National Bancorp.*, Plainfield, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank and Trust Company of Plainfield, Plainfield, Indiana. Comments on this application must be received not later than May 12, 1982.

2. *PT & S Bancorp.*, Indianola, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Peoples Trust & Savings Bank, Indianola, Iowa. Comments on this application must be received not later than May 12, 1982.

D. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Chisago Bancorporation, Inc.*, Minneapolis, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Chisago State Bank, Chisago, Minnesota. Comments on this application must be received not later than May 12, 1982.

2. *Farmers and Merchants Financial Services, Inc.*, New Ulm, Minnesota; to become a bank holding company by acquiring 95.7 percent of the voting shares of Farmers and Merchants State Bank, New Ulm, Minnesota. Comments on this application must be received not later than May 12, 1982.

3. *Vesta Bancorporation, Inc.*, Vesta, Minnesota; to become a bank holding company by acquiring 96.8 percent of the voting shares of Vesta State Bank, Vesta, Minnesota. Comments on this application must be received not later than May 12, 1982.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Haviland Bancshares, Inc., Haviland, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of Haviland State Bank, Haviland, Kansas. Comments on this

application must be received not later than May 12, 1982.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Amarillo National Bancorp, Inc., Amarillo, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Amarillo National Bank, Amarillo, Texas. Comments on this application must be received not later than May 12, 1982.

Board of Governors of the Federal Reserve System, April 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10510 Filed 4-16-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have 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 voting shares of assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bank Sales Department, Inc.*, Manson, Iowa; to acquire 12.0 percent of the voting shares or assets of The State Bank, Spirit Lake, Iowa. Comments on this application must be received not later than May 13, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bankshares, Inc.*, Victoria, Texas; to acquire 100 percent of the voting shares or assets of New Braunfels

National Bank, New Braunfels, Texas. Comments on this application must be received not later than May 13, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System**, Washington, D.C. 20551:

1. *First Freeport Corporation*, Freeport, Texas; to acquire 100 percent of the voting shares of Coastal National Bank, Angleton, Texas. Comments on this application must be received not later than May 7, 1982.

Board of Governors of the Federal Reserve System, April 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10567 Filed 4-16-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service on Cartographic Archives

AGENCY: National Archives and Records Service, GSA.

ACTION: Notice of suspension of service on Cartographic Archives.

SUMMARY: This notice announces the suspension of public service on Cartographic and Architectural Archives for the duration of the move of the Cartographic and Architectural Branch from the Main building of the National Archives to the Pickett Street Annex in Alexandria, Virginia. During that time access to these records will be closed and public service will be suspended, the Cartographic research rooms will be closed, and mail and telephone inquiries will be received but not processed. Upon reopening services, the Branch will respond to orders based on the date the inquiry was received in the National Archives.

DATES: The move is scheduled to take place April 19, 1982 through May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William H. Cunliffe, Chief, Cartographic and Architectural Branch (NNSC), Room 2W, National Archives and Records Service, Washington, D.C. 20408. Telephone: (202) 523-3062.

Issued in Washington, D.C. on April 13, 1982.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 82-10474 Filed 4-16-82; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(F-14989-A, F-14989-B)

Alaska Native Claims Selection

Correction

In FR Doc. 82-7973, at page 12869, in the issue of Thursday, March 25, 1982, in the middle column under the land descriptions for "Fairbanks Meridian, Alaska (Unsurveyed)" make the following corrections:

(1) Correct line 1, the township to read: T. 10 N., R. 16 E.

(2) Under the township, as corrected, of "T. 10 N., R. 16 E", line 5, remove the word "Navy".

BILLING CODE 1505-01-M

Issuance of Disclaimer of Interest to Lands in Minnesota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Issuance of Disclaimer of Interest in Lands in Minnesota.

SUMMARY: Notice is hereby given that the United States of America, pursuant to the provisions of section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), does hereby give notice of its intention to disclaim and release all interest to the owners of record for the following described property, to-wit: All those portions riparian to Campbell's Lake, as meandered in Lots 1 and 2, Section 26 and Lots 1 through 8, Section 35, Township 117 North, Range 30 West, Fifth Principal Meridian, Minnesota.

After review of the official records and the original public land survey, it is the position of the Bureau of Land Management that all the lands up to the ordinary high water mark have been patented by the United States and that the actual ordinary high water mark forms the natural boundary of these riparian lots; not the meander line as shown on the master title plat.

Any person wishing to submit a protestor comments on the above disclaimer should do so in writing before the expiration of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will be effective on the date set out below.

EFFECTIVE DATE: Disclaimer of title and release of all interest of the United States shall issue on July 19, 1982.

ADDRESS: Information concerning these lands and the proposed disclaimer may be obtained from the protest filed with: Director (320), Bureau of Land

Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Henry Beauchamp (202) 343-8693.

Rolla E. Chandler,

Acting Assistant Director.

[FR Doc. 82-10520 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-84-M

[M 46146]

Montana; Realty Action—Exchange

April 8, 1982.

AGENCY: BLM—Lewistown District Office, Interior.

ACTION: Notice of Realty Action M 46146, Exchange of public and private lands in Petroleum County, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian

T. 12 N., R. 25 E.,

Sec. 25, S½.

T. 12 N., R. 26 E.,

Sec. 30, Lot 4, SE¼SW¼, and S½SE¼;

Sec. 31, N½NE¼ and SE¼NE¼; and

Sec. 32, West 440 feet of the E½NW¼ and

W½NW¼.

Aggregating 702.15 acres of public land.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

Principal Meridian

T. 12 N., R. 25 E.,

Sec. 1, Lots 1 to 4, inclusive, and S½NW¼;

and

Sec. 2, Lot 1 and SE¼NE¼.

T. 13 N., R. 25 E.,

Sec. 34, N½SE¼, NE¼SW¼, and S½S½;

and

Sec. 35, S½S½.

T. 12 N., R. 26 E.,

Sec. 5, Lots 3 and 4; and

Sec. 6, Lots 1 to 4, inclusive.

Aggregating 986.02 acres of private land.

DATES: Until June 3, 1982, interested parties may submit comments to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this Department.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report, is available for review

at the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire riparian habitat along Pike Creek, that is critical wintering habitat for antelope and sage grouse and to enhance the range management potential of the area. In return, approximately 702 acres of isolated land suitable for agriculture would be transferred to private ownership. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with State and local officials. The public interest will be well served by making the exchange. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for the lands being transferred out of Federal ownership.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

M. J. Penfold,

State Director.

[FR Doc. 82-10521 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-84-M

Worland District Grazing Advisory Board; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Worland District Grazing Advisory Board to be held at 1:00 p.m., May 26, 1982, in the conference room of the BLM office in Worland, Wyoming.

The agenda for this meeting includes:

1. Election of chairman and vice chairman;
2. Review of 1981 FY project program;
3. Discussion and recommendations for 1983 FY range improvement projects;
4. Review and discussion of latest Range Management policies concerning grazing regulations, range monitoring, and range improvements;
5. Opportunity for public comment.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1700 Robertson Avenue,

Worland, Wyoming 82401, by May 21, 1982.

Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

John A. Kwiatkowski,
District Manager.

[FR Doc. 82-10519 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-84-M

[Nev-048392]

Nevada; Classification Vacated

April 12, 1982.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, desert land classification Nev-048392 is hereby vacated in its entirety. The land affected is described as follows:

Mount Diablo Meridian, Nevada

T. 4 S., R. 55 E.,
Sec. 9, N½.

The area described comprises 320 acres in Lincoln County.

The segregative effect of the classification order is removed upon publication of this notice in the Federal Register.

Edward F. Spang,
State Director, Nevada.

[FR Doc. 82-10591 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Memphis Zoological Garden & Aquarium, Memphis, TN, PRT 2-9006

The applicant requests a permit to import two captive-born Asian tapirs (*Tapirus indicus*) from West Germany and the Netherlands for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI, PRT 2-9026

The applicant requests a permit to purchase in interstate commerce from the Minnesota Zoo and export to Hacienda Napoles, Medellin, Colombia two (2) female Bactrian camels (*Camelus bactrianus*) for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA, PRT 2-9013

The applicant requests a permit to import four (4) Cuvier's gazelle (*Gazella*

cuvieri) from the Munich Zoo, Germany, for enhancement of propagation.

Applicant: Cheyenne Mountain Zoo, Colorado Spring, CO, PRT 2-9014

The applicant requests a permit to purchase in foreign commerce and import one male captive-bred Bornean orangutan (*Pongo pygmaeus pygmaeus*) from the Jersey Wildlife Preservation Trust, United Kingdom, for enhancement of propagation.

Applicant: Philadelphia Zoo, Philadelphia, PA, PRT 2-9018

The applicant requests a permit to import one female captive-born Malayan tapir (*Tapirus indicus*) from the Royal Rotterdam Zoo, for enhancement of propagation.

Applicant: Woodland Park Zoo, Seattle, WA, PRT 2-9017

The applicant requests a permit to import one female captive-bred Brazilian tapir (*Tapirus terrestris*) from the Chester Zoological Gardens, England, for enhancement of propagation.

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 on or before May 19, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 14, 1982.

R. R. Robinson,
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-10583 Filed 4-16-82; 8:45 am]
BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Naval Facilities Engineering Command, Natural Resources Management Branch, San Bruno, CA, PRT 2-8959

The applicant requests a permit to trap, mark, and release salt marsh harvest mice (*Reithrodontomys raviventris*) on Navy lands bordering San Francisco, San Pablo and Suisan Bays for the purpose of scientific research.

Applicant: Cheekwood Botanical Gardens and Arts Center, Nashville, TN, PRT 2-8962

The applicant requests a permit to export and sell in interstate commerce artificially propagated specimens of Tennessee coneflower (*Echinacea tennesseensis*).

Applicant: Dr. Eugene Balon, University of Guelph, Guelph, Ontario Canada, PRT 2-8972

The applicant requests a permit to take up to thirty (30) Owen's pupfish (*Cyprinodon radiosus*) from Fish Slough, near Bishop, California for scientific research. The research deals with epigenetic processes of early ontogeny in cyprinodontid fishes.

Applicant: Dr. K. Bovee, School of Veterinary Medicine, University of Pennsylvania, Philadelphia, PA, PRT 2-8993

The applicant requests a permit to conduct scientific research concerning cryptorchidism (unilateral) and cystinuria on one (1) male maned wolf (*Chrysocyon brachyurus*). This animal was imported under PRT 2-6785 for enhancement of propagation but was found to have cryptorchidism, a genetic defect that could be transmitted to his offspring as well as reduce his potential reproductive success. This research may result in the possible death of the animal.

Applicant: Yale University School of Medicine, New Haven, CT, PRT 2-8857

The applicant requests an amendment to PRT 2-8857 to obtain a permit to export in foreign commerce 12 cotton-top marmosets (*Saguinus oedipus*) to the University of Bristol, England, for enhancement of propagation.

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 on or before May 19, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 12, 1982.

R. K. Robinson,
Chief, Branch of Permits, Federal Wildlife
Permit Office.

[FR Doc. 82-10584 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species; Receipt of Application; Correction

On April 9, 1982, Federal Register (Vol. 47, No. 69) Notice listed the Predatory Bird Research Group, University of California, Santa Cruz, CA—as applicant for PRT 2-8947. The Applicant should be the Oregon Department of Fish and Wildlife, Portland, Oregon.

All other information in this notice of April 9, 1982, is correct.

Dated April 14, 1982.

R. K. Robinson,
Chief, Branch of Permits, Federal Wildlife
Permit Office.

[FR Doc. 82-10585 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 13, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14830F, filed March 25, 1982.
Applicant: RTC TRANSPORTATION, INC., P.O. Box 308, Forest Park, GA 30050—[Control]—THE SQUAW TRANSIT COMPANY, 6211 South 49th W., Tulsa, OK 74107. Representatives: Alan E. Serby and Jeffrey W. Kohlman, 3390 Peachtree Road, N.E., Suite 520,

Atlanta, GA 30326. RTC Transportation, Inc. (RTC) seeks authority to acquire control of The Squaw Transit Company (STC) through ownership of capital stock. Richard A. Beauchamp and Lamar Beauchamp, who jointly control RTC, also seek authority to control STC's rights through this transaction. STC is a carrier holding Certificate No. MC-119176 and subnumbers thereunder which authorize the transportation of machinery and similar classifications of commodities between numerous points in the United States. RTC holds Certificates in No. MC-107515 and subnumbers. RTC controls Coastal Transport & Trading Company which holds Certificate No. MC-121654.

Note.—An application for temporary authority under 49 U.S.C. 11349(a) has been filed.

MC-F-14825, filed March 22, 1982.
MIDWEST REFRIGERATED EXPRESS, INC. (Midwest) (4440 Buckingham Ave., Omaha, NE 68107)—Purchase (Portion)—DENVER-MIDWEST MOTOR FREIGHT, INC. (Denver-Midwest) (P.O. Box 1774, Litchfield Park, AZ 85340). Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Midwest seeks authority to purchase a portion of the interstate operating rights of Denver-Midwest. Howard H. Holdcroft, the sole stockholder of Midwest, seeks authority to acquire control of said rights through this transaction. Approval is sought for the transfer of that portion of Certificate No. MC-127602 (Sub-No. 30)X which is contained in Paragraphs (35), and (54) through (69). Those authorities generally authorize transportation of *general commodities* (except classes A and B explosives), over regular routes, as follows: (1) Between Omaha, NE, and Chicago, IL, serving all intermediate points; (2) between Horton, KS, and South St. Joseph, MO, serving all intermediate and off-route points in Brown County, KS; (3) between Horton, KS, and Kansas City, MO, serving intermediate and off-route points in Brown County, KS; (4) between Auburn, NE, and Lincoln, NE, serving all intermediate points, and off/route points in Lancaster, Cass, and Otoe Counties, NE; (5) between Auburn, NE, and Beatrice, NE, serving all intermediate points and off-route points in Pawnee, Gage, and Johnson Counties, NE; (6) between Auburn, NE, and Shubert, NE, serving all intermediate points; (7) between Auburn and Peru, NE, serving all intermediate points; (8) between Auburn, NE, and Lorton, NE, serving all intermediate points; (9) between Lincoln, NE, and Nebraska City, NE, serving all intermediate points, and off-

route points in Otoe County, NE; (10) between Falls City, NE, and Omaha, NE, serving all intermediate points and off-route points in Pottawattamie County, IA, and Cass, Nemaha, Otoe, and Richardson Counties, NE; (11) between Falls City, NE, and St. Joseph, MO, serving all intermediate points and off-route points in Richardson County, NE, and Doniphan County, KS; (12) serving points in Atchison County, MO, and Pottawattami County, IA, as off-route points; and (13) serving points in the Kansas City, MO/KS commercial zone as intermediate and off-route points in connection with carrier's regular route operations to and from Kansas City, MO, and Kansas City, KS. Condition: Approval and authorization of this transaction is conditioned upon applicants submitting for cancellation paragraph (48) of Certificate No. MC-127602 (30)X, which is an exact duplicate of paragraph (69) of that certificate, and cancellation of that part of paragraph (1) authorizing service to off-route points in Pottawattamie County, IA, which also duplicate paragraph (69).

Notes.—TA has been filed. Midwest operates as a common carrier under MC-124774.

MC-F-14827, filed March 22, 1982.
CFS CONTINENTAL
TRANSPORTATION COMPANY (CFS)
(2550 North Clybourn Ave., Chicago, IL 60614)—Purchase—W & H TRUCK
SYSTEMS, INC. (W&H) (7601 W. 59th
Street (P.O. Box 353) Summit, IL 60501).
Representatives: Leonard R. Kofkin,
Suite 905, 29 South LaSalle Street,
Chicago, IL 60603; and Abraham A.
Diamond, Suite 454, 29 South LaSalle
Street, Chicago, IL 60603. CFS seeks to
purchase all of the operating rights of
W&H. CFS Continental, Inc., controls
CFS through stock ownership and joins
in the application seeking to control the
subject operating rights through the
transaction. The authority to be
purchased is contained in Certificate
No. MC-152100 (Sub-No. 1) which
authorizes operations as a common
carrier, over irregular routes,
transporting foodstuffs (except in bulk),
and materials, equipment, and supplies
used in the manufacture and distribution
of foodstuffs, between points in Cook
and Will Counties, IL, on the one hand,
and, on the other, those points in the
U.S. in and east of MT, WY, CO, and
NM. CFS is presently authorized to
conduct operations as a contract carrier
between points in the United States for

named shippers under Permit No. MC-148665 and subnumbers thereunder.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10527 Filed 4-16-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: April 9, 1982.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2,
Members Carleton, Fisher and Williams.
(Member Fisher not participating.)

Agatha L. Mergenovich,
Secretary.

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. OPP3-058

MC 121834 (Sub-2), filed March 25, 1982. Applicant: EZZELL TRUCKING, INC., P.O. Box 67, Harrells, NC 28444. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168; (703) 629-2818. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 16334 (Sub-17), filed March 29, 1982. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212; (913) 886-3386. Transporting *food and related products*, between points in the U.S.

MC 161264 filed March 29, 1982. Applicant: BOBBIE DEAN ALBRITTON, JR., 5225 East 20th Street, Tucson, AZ 85711. Representative: (Same as above.) Transporting *food and other edible products, and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4-131

MC 138237 (Sub-19), filed March 29, 1982. Applicant: METRO HAULING, INC., 20848 77th Ave. So., Kent, WA 98031. Representative: Donald Frey, P.O. Box 11365, Spokane, WA 99211; (509) 535-9851. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 159027 (Sub-1), filed March 29, 1982. Applicant: EXPRESSWAY, INC., P.O. Box 697, Greer, SC 29652. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606; (803) 288-6000. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

[FR Doc. 82-10526 Filed 4-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application; Important Notice

The following are notices of filing of applications for temporary authority under Section 10923 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of the authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment

resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-163

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 145679 (Sub-1-7TA), filed April 1, 1982. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Westergren, Hauptman & O'Brien, P.C., Suit 201, 9202 W. Dodge Road, Omaha, NE 68114. *Contract carrier*: Irregular routes: *General commodities (except Classes A and B explosives and commodities in bulk and hazardous waste)*, between points in the U.S. under continuing contract(s) with Davidson Rubber, Division of Ex-Cell-O Corporation, Dover, NH. Supporting shipper: Davidson Rubber, Division of Ex-Cell-O Corporation, Industrial Park, Dover, NH 03820.

MC 1934 (Sub-1-2TA), filed April 5, 1982. Applicant: THE ARROW LINE, INC., 105 Cherry Street, P.O. Box 387, East Hartford, CT 06108-0387. Representative: Raynald R. Dupuis (same as applicant). *Passengers and their baggage, aboard an Executive Coach, limited to twenty-six (26) passengers or less*, between Hartford County, CT and New York, NY. Supporting shipper(s): Heublein, Inc., Munson Road, Farmington, CT 06032; Pratt & Whitney Aircraft, 400 Main St., E. Hartford, CT 06108; Aetna Insurance Co., 55 Elm Street, Hartford, CT 06115; Travelers Insurance Co., One Tower Square, Hartford, Ct 06115; Connecticut General Life Insurance Co., Hartford, CT 06152.

MC 161357 (Sub-1-1TA) filed April 5, 1982. Applicant: CONSOLIDATED DELIVERY SERVICE CORP., 1079 West Side Avenue, Jersey City, NJ 07306. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract Carrier*: Irregular routes; *General commodities (except hazardous waste, commodities in bulk and household goods as defined by the Commission)* between points in the U.S. under continuing contract(s) with Wyeth Laboratories, Inc., Division of American Home Products, Malvern, PA. Supporting shipper: Wyeth Laboratories,

Inc., Div. of American Home Products, P.O. Box 61, Paoli, PA 19301.

MC 161360 (Sub-1-1 TA), filed April 5, 1982. Applicant: F.L.A.T., INC., 18th Avenue, Wall Township, P.O. Box 306, Farmingdale, NJ 07727. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract Carrier*: Irregular routes: *Scrap metals* between Farmingdale, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Trojan Tube Co. Inc., and Emil A. Schroth, Inc., Farmingdale, NJ. Supporting shipper(s): Trojan Tube Co., Inc., and Emil A. Schroth, Inc., Yellow Brook Road and Copper Ave., Farmingdale, NJ 07727.

MC 147811 (Sub-1-8 TA), filed April 2, 1982. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same as applicant). *Contract carrier*: Irregular routes: *Chemicals, dry and bulk*, between points in the U.S. on and east of the Mississippi River including all ports of entry on the U.S./CD Boundary Line, under continuing contract(s) with Hamblet & Hayes—Polar Chemical Div. of Lewiston, ME. Supporting shipper: Hamblet & Hayes—Polar Chemical Div., Crowley Road, Lewiston, ME 04240.

MC 148141 (Sub-1-1 TA), filed April 1, 1982. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs (same as applicant). *Contract carrier*: Irregular routes: *Copper cathodes, bars and rods; molybdenum* from all points in Gila County, AZ and all points in Pima County, AZ to all points in AL, AR, CT, GA, LA, MI, and NJ, under continuing contract(s) with City Service, Inc., Box 100, Miami, AZ 85539. Supporting shipper: City Services, Inc., Box 100, Miami, AZ 85339.

MC 161312 (Sub-1-1 TA), filed April 1, 1982. Applicant: HIMCO TRUCKING SERVICE, INC., 891 E. Oak Road, P.O. Box 429, Vineland, NJ 08360. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Contract carrier*: Irregular routes: *Printed matter, and pulp, paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Judd's Incorporated of Washington, D.C. and Halco Mailing Service, Inc. of Vineland, NJ. Supporting shippers: Judd's Incorporated, Judd & Deitweiler Bldg., 1500 Eokington Place, N.E., Washington, D.C. 20002; Halco Mailing Service, Inc., 891 E. Oak Road, P.O. Box 429, Vineland, NJ 08360.

MC 112908 (Sub-1-1 TA), filed March 15, 1982. (Republication) Applicant: KINGSWAY TRANSPORTS LIMITED, 401 Milner Avenue, Scarborough, Ontario, CD M1B 2V7. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Precast concrete panels* between Boston, MA, on the one hand, and, on the other, ports of entry located on the US/CD Boundary Line at Highgate Springs, VT and Champlain, NY. Supporting shipper: Prefac Concrete, 8501 Ray Dawson Blvd., Ville d'Anjou, Quebec, CD, H1S 1K6. Sole purpose of this republication is to change contract to common carrier.

MC 147573 (Sub-1-3 TA), filed April 6, 1982. Applicant: OAK ISLAND EXPRESS, INC., 2 Sixth Street, Jersey City, NJ 07302. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. *Contract carrier*: irregular routes: *Such commodities as are dealt in by retail stores (except commodities in bulk)*, between Jersey City, NJ, King of Prussia, PA, Morrisville, PA, Newark, North Bergen, Port Elizabeth and Port Newark, NJ, on the one hand, and, on the other, Atlanta, GA, Boston, MA, Buffalo, NY, Chicago, IL, Columbus, OH, Detroit, MI, Ft. Wayne and Indianapolis, IN, and Melvindale, MI, under continuing contract(s) with the K-Mart Corporation, Troy, MI. Supporting shipper: K-Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084.

MC 161361 (Sub-1-1 TA), filed April 5, 1982. Applicant: SHORE COURIER CORPORATION, 91 Manomet Avenue, Hull, MA 02045. Representative: Mark T. Greeley, Esq., 109 Walnut Hill Road, Newton, MA 02161. *Contract carrier*: irregular routes: *Medical specimens* between Waltham, MA, and Great Neck, Long Island, NY, under continuing contract(s) with Bio-Science Lab, Waltham, MA. Supporting shipper: Bio-Science Laboratories, 15 Lunda Street, Waltham, MA 02154.

MC 3647 (Sub-1-2 TA)(Republication), filed March 12, 1982. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, Attorney General of New Jersey, by John F. Ward, Deputy Attorney, McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier*: regular routes: *Passengers and their baggage, and express, in the same vehicle with passengers*, (1) Between junction U.S. Hwy 46 and Little Ferry Traffic Circle, Little Ferry, NJ, and Moonachie Road, Moonachie, NJ, serving all intermediate points: From junction U.S. Hwy 46 and Little Ferry Traffic Circle, thence over U.S. Hwy 46 to junction Liberty Street,

thence over Liberty Street, Little Ferry, NJ, to junction Moonachie Road, thence over Moonachie Road, Moonachie, NJ to junction Washington Avenue, thence over Washington Avenue, to junction Paterson Plank Road, thence over Paterson Plank Road to junction Gotham Parkway, thence over Gotham Parkway, (South Commercial Avenue), Carlstadt, NJ to junction West Commercial Avenue, thence over West Commercial Avenue to junction Caesar Place, thence over Caesar Place to junction Moonachie Avenue, thence over Moonachie Avenue to junction Moonachie Road, Moonachie, NJ and return over the same route; (2) Between points in Little Ferry, NJ serving all intermediate points: From junction Liberty Street and Washington Avenue, thence over Washington Avenue to junction Riverside Avenue, thence over Riverside Avenue to junction Bergen Turnpike, thence over Bergen Turnpike to junction U.S. Hwy 46 at the Little Ferry Traffic Circle, Little Ferry, NJ, and return over the same route; (3) Between Berry's Creek Canal and Paterson Plank Road and junction Washington Avenue, Carlstadt, NJ, and NJ Hwy 20 and NJ Hwy 3, East Rutherford, serving all intermediate points: From Berry's Creek Canal and Paterson Plank Road, thence over Paterson Plank Road to junction Washington Avenue, Carlstadt, NJ and NJ Hwy 20, thence over NJ Hwy 20 to junction NJ Hwy 3, East Rutherford, NJ, and return over the same route. Sole purpose of republication is to add this restriction: Applicant proposes to join the above described routes with its existing authorized routes only in connection with operations to and from New York, NY via the George Washington Bridge. Supporting shipper(s): There are 31 statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 152320 (Sub-1-4 TA), filed April 2, 1982. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, CD N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226. *Contract carrier*: irregular routes: *Tobacco products* between all points in the U.S., under continuing contract(s) with Imperial Leaf Tobacco, a Division of Imasco Ltd., of Aylmer, Ontario, CD. Supporting shipper: Imperial Leaf Tobacco, P.O. Box 10 Aylmer, Ontario, CD.

MC 161336 (Sub-1-1 TA), filed April 2, 1982. Applicant: PERCY WOOD, JR., Box 100, Star Route 74, E. Machias, ME 04631. Representative: John F. O'Donnell, Barrett and O'Donnell, 60

Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities, (except hazardous waste, Classes A & B explosives, and commodities in bulk)* between points in MA and ME on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th Rm. 620, Philadelphia, PA 19106.

MC 161367 (Sub-II-1TA), filed April 5, 1982. Applicant: DONALD R. & RONALD W. ARBOGAST TRUCKING, INC., P.O. Box 181, Valley Head, WV 26394. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Contract, Irregular*: *Coal*, between Monterville, WV, on the one hand, and, on the other, White Plains and Baltimore, MD; Norfolk and Quantico, VA, and points in WV. Under continuing contract(s) with Island Creek Coal Sales Co. Supporting Shipper(s) Island Creek Coal Sales Co., P.O. Box 21029, Lexington, KY 40579.

MC 161366 (Sub-II-1TA), filed April 5, 1982. Applicant: CAROL LINES, INC., 5011 Miriam Rd., Philadelphia, PA 19124. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036. *Passengers and their baggage in special and charter operations*, beginning and ending in Phila., Jenkintown, and Elkins Park, PA and extending to points in the US for 180 days. An underlying eta seeks 120 days authority. Supporting shipper(s) University of Pennsylvania, 3451 Walnut St. Phila., PA 19104; The Guided Tour, 555 Ashbourne Rd., Elkins Park, PA 19117; Ronald Franks Tours, 4141 Main St., Manyunk, PA; Boardwalk Tours, PO Box 635, Marmara, NJ 08223.

MC 157485 (Sub-II-2TA), filed April 6, 1982. Applicant: EVES TRUCKING CO., INC., Rt. 724, R.D.I, Phoenixville, PA 19460. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. *Contract; irregular: asphalt* from Philadelphia, PA to Phoenix (Three Rivers), NY, under continuing contract(s) with Atlantic Richfield Co. of California for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Richfield Co., 2700 Passyunk Ave., Philadelphia, PA 19145.

MC 161158 (Sub-II-1TA), file April 5, 1982. Applicant: FAUST TRAVEL SERVICE, INC., 1234 Market St., Philadelphia, PA 19107. Representative:

David F. Itkoff (same as applicant). *Common; regular: Passengers and their baggage*, from Philadelphia, PA and pts. in its commercial zone, to Atlantic City, NJ, via Route 42 and the Atlantic City Expressway, and return via the same route, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Resorts International, Pennsylvania Ave., Atlantic City, NJ.

MC 140889 (Sub-II-28TA), filed April 6, 1982. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1001-1 Public Sq., Cleveland, OH 44113. *Contract, irregular: Building materials, primarily roofing cements having a tar or asphalt base, rubber sheeting and related building maintenance and construction materials* from facilities of Tremco, Inc., in Cuyahoga County, OH to points in TX, FL, GA, NJ, MO, CA, and MA, and from Harris County, TX to facilities of Tremco, Inc., in Cuyahoga, OH, under continuing contract(s) with Tremco, Inc. of Cleveland, OH for 270 days. Shipper: Tremco, Inc., 8701 Kinsman Road, Cleveland, OH 44104.

MC 146298 (Sub-II-5TA), filed April 6, 1982. Applicant: KESS TRANSPORTATION, INC., P.O. Box 5091, Cincinnati, OH 45205. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. *Air conditioning and heating equipment, and materials and supplies used in the manufacture and distribution thereof*, between the facilities of The Williamson Co., at or near points in Hamilton and Highland Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Williamson Co., 3500 Madison Ave., Cincinnati, OH 45209.

MC 161386 (Sub-II-1TA), filed April 6, 1982. Applicant: MRK, INC., P.O. Box 2051, Lower Burrell, PA 15068. Representative: Arthur J. Diskin, 402 Law and Finance Bldg., Pittsburgh, PA 15219. *Contract; irregular: Carnival equipment and amusement rides*, between pts. in PA, OH, IN, MI, NY, NJ, MD, VA, WV, TN, KY, AR, OK, LA, AL, GA, FL, NC, and MS, under continuing contract(s) with Ken-Penn Amusement Co., New Kensington, PA, for 270 days. Supporting shipper(s): Ken-Penn Amusement Co., 619 Earl Ave., New Kensington, PA 15068.

MC 161166 (Sub-II-1TA), filed April 7, 1982. Applicant: MIDLAND TRANSPORTATION CORP., 237 Depot Street, Berea, OH 44017. Representative: David H. Baker, 600 Maryland Avenue

SW., Washington, D.C. 20024. *General commodities (except Class A & B explosives, commodities in bulk and household goods)* between points in OH; Allegheny, Westmoreland, Butler, and Erie Counties, PA; and Wayne, Oakland and Macomb Counties, MI, on the one hand, and, on the other, Cleveland, OH; New York, NY; Hoboken, Newark, Camden, Port Elizabeth, and Jersey City, NJ; Philadelphia, PA; Baltimore, MD; Norfolk, Newport News, and Hampton Roads, VA., for 270 days. Supporting shippers: Continental Forwarding Co., Inc., 6862 Engle Road, Cleveland, OH 44130; The Teimouri Group, Leader Building, Cleveland, OH 44114; Blazer & Mericle, 16021 Puritas Avenue, Cleveland, OH; Hobart Brothers Co., 600 W. Main St., Troy, OH; Midwest Transportation Lines, Inc., 20365 Progress Dr., Strongsville, OH 44136.

MC 124111 (Sub-II-17TA), filed April 7, 1982. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General commodities (except classes A and B explosives and commodities in bulk)* between Bellevue, OH, including pts in its commercial zone, on the one hand, and, on the other, pts in OH, restricted to traffic having a prior or subsequent movement by rail for 270 days. Supporting shippers: Webster Mfg. Co., Hall St., Tiffin, OH 44883; R. R. Donnelley & Sons Co., Willard, OH; Gender Mfg. Co., 540 Goodrich Rd., Bellevue, OH 44811; AMF Bowling Products Group, Martin Dr., Shelby, OH 44875; Friend Drop Forge, Inc., 200 N. Buchanan St., Fremont, OH.

MC 152586 (Sub-II-2TA), filed April 6, 1982. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: RICHARD A. EBERLIN, P.O. Box 39, Holland, OH 43528. *Malt beverages* between points in Toledo, OH on the one hand, and, on the other, points in Perry, GA; Pittsburgh, PA; and Milwaukee, WI for 270 days. Supporting shipper(s): Great Lakes Distributors, 3928 N. Detroit Ave., Toledo, OH 43612.

MC 152640 (Sub-II-11TA), filed April 5, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Contract, irregular: Food and related products*, between Caldwell, Heyburn, Aberdeen and Nampa, ID; Hermiston, OR; Walla Walla, WA; Clearfield, UT, and Grand Forks, ND, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Under continuing

contract(s) with J. R. Simplot Co. Supporting shipper: J. R. Simplot Company, Food Division, Boise, ID 83702.

MC 141898 (Sub-2-3 TA), filed April 6, 1982. Applicant: ROBERTS EXPRESS, INC., P.O. Box 7182, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities, (except classes A and B explosives)*, moving in express service, between Louisville, KY; Chicago, IL and points in IN, on the one hand, and, on the other, points in IL, IN, KY and PA for 270 days. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 108811 (Sub-II-2TA), filed March 31, 1982. Applicant: THOMAS MOTOR TOURS, INC., 5047 Solomon's Island Road, Lothian, MD 20820. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street NW., Washington, DC 20005. (202) 783-3525. *Passengers and their baggage, in the same vehicle with passengers, in special operations*, between Baltimore, MD and points in its commercial zone, on the one hand, and, on the other, Atlantic City, NJ, for 180 days. Supporting shippers: There are 34 individuals supporting this application. Their statements may be examined at the Phila. Regional Office.

MC 160630 (Sub-II-2TA), filed March 31, 1982. Applicant: TRANSPORT SERVICE OF AMERICA, INC., 550 N. Dual Hwy., Seaford, DE 19973. Representative: James H. Sweeney, PO Box 9023, Lester, PA 19113. *Contract, irregular: chemicals and related products, materials, equipment and supplies used in the manufacture and distribution of chemicals and related products*, between Abbeville, LA, on the one hand, and, on the other, points in US, under a continuing contract(s) with Broussard Chemical Company, Abbeville, LA. Supporting shipper: Broussard Chemical Company, PO Box 836, Abbeville, LA 70510.

MC 161365 (Sub-II-1TA), filed April 1, 1982. Applicant: VAN HESSEN & COMPANY, P.O. Box 44, Taneytown, MD 21787. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Contract, irregular: Lumber and Wooden Products* between Everett, PA and Baltimore, MD. Under a continuing contract(s) with Blue Triangle Hardwoods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Blue Triangle Hardwoods, Inc., P.O. Box 334, Everett, PA 15537.

The following applications were filed in region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 161359 (Sub-3-1TA), filed April 5, 1982. Applicant: AAFAB, INC., 2702 Shetland Lane, Kennesaw, GA 30144. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE., Suite 520, Atlanta, GA 30326. *Prepared foods* between the facilities of Alex Foods, Inc. at or near Atlanta, GA and points in FL, AL, TN, AR and MS. Supporting shipper: Alex Foods, Inc., LaGrange Blvd., Atlanta, GA.

MC 147402 (Sub-3-3TA), filed April 2, 1982. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Avenue, Charlotte, NC 28206. Representative: Carl L. Helms (same address as applicant). *Contract, carrier: irregular; Filters, air (Air Filter Elements); and Filters, NOI; Related Parts and Accessories thereof*, between points in Vance County, NC, on the one hand, and, on the other, points in SC and TN. Supporting shipper: General Products Division Facet Enterprises, Inc., P.O. Box 1637, Henderson, NC 27536.

MC 140902 (Sub-3-13TA), filed April 2, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract: irregular; automotive parts and accessories* between Marinette, WI, Nashville and Johnson City, TN on the one hand, and, on the other, points in the states of IL, IN, MI, MO, NJ, OH, PA, TN, VA and WI under continuing contract(s) with Safeguard Engine Parts: Division of KSG Industries, Inc. Supporting shipper: Safeguard Engine Parts: Division of KSG Industries, Inc., 800 Space Park South, Nashville, TN 37211.

MC 160908 (Sub-3-1TA), filed April 2, 1982. Applicant: TREADWAY TRUCKING, INC., P.O. Box 269, Oakman, AL 35579. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. (1) *Petroleum coke*; between Tuscaloosa, AL, on the one hand, and, on the other, points in GA, FL, LA, MS and TN. (2) *Coal*, between points in AL, on the one hand, and, on the other, points in GA, FL, LA, MS and TN. Supporting shippers: Pickens Sand and Gravel Co., Inc., 108 4th Avenue, N.E., Aliceville, AL 35442 and International Minerals and Chemical Corp., 666 Garland Place, Des Plaines, IL 60016.

MC 160725 (Sub-3-1TA), filed April 2, 1982. Applicant: A & S TRUCKING COMPANY, INC., 404 Cross Street, Cleveland, MS 38732. Representative:

Ajax J. Morris Jr., P.O. Box 782, Cleveland, MS 38732. *Structural Steel* from Rosedale, MS to Bastrop & Lake Charles, LA. Supporting Shipper: Cives Steel Company, P.O. Box 609, Rosedale, MS 38769.

MC 147364 (Sub-3-1TA), filed April 5, 1982. Applicant: P. W. McCULLERS TRUCK BROKERS, INC., 6010 Avery Street, Orlando, FL 32808. Representative: Elbert Brown, Jr., Post Office Box 1378, Altamonte Springs, FL 32701-1378. *Contract, Irregular, General Commodities (except Classes A & B Explosives)* between the facilities of W.R. Grace, Construction Products Division, on the one hand, and, on the other, points in the U.S. (except AK & HI) under continuing contract(s) with W. R. Grace, Construction Products Division. Supporting Shippers: W. R. Grace & Co., Construction Products Division, 62 Whittemore Avenue, Cambridge, MA 02140.

MC 107107 (Sub-3-4TA), filed April 5, 1982. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, FL 33054. Representative: Sidney Alterman, 12805 N.W. 42nd Avenue, Opa Locka, FL 33054. *Meats and Packinghouse Products, (except commodities in bulk)*, from Smithfield, VA to points in the U.S. except AL, FL, GA, LA, MS, NC, SC, TX, AK and HI. Supporting shipper: V. W. Joyner & Co., a subsidiary of Swift & Company 115 West Jackson Boulevard, Chicago, IL 60604.

MC 145956 (Sub-3-4TA), filed April 5, 1982. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Road, Belleair, FL 33516. Representative: Paul Meilleur (same address as applicant). *Blood, derivatives of blood, plasma, medical and dental products, and materials, equipment and supplies used in connection therewith*, between points in the US, restricted to shipments originating at or destined to the facilities of Bio-Cell Laboratories, Inc., El Paso Biological, Inc., and Plasma Management, Inc. Supporting shippers: Bio-Cell Laboratories, Inc., 1117 East Janis St., Carson, CA, 90746; El Paso Biological, Inc., 1020 South Mesa Sts., El Paso, TX 79901; Plasma Management, Inc., 10707 North Broadway Exit, Oklahoma City, OK 73114.

MC 2934 (Sub-3-42TA), filed April 6, 1982. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract Carrier: Irregular Household Goods*; between points within the Continental U.S. under continuing contracts with American Airlines, Inc., P. O. Box 61616, Dallas/

Fort Worth Airport, TX 75261. Supporting shipper: American Airlines, Inc., P. O. Box 61616, Dallas/Fort Worth Airport, TX 75261.

MC 154667 (Sub-3-2TA), filed April 6, 1982. Applicant: B. I. TRANSPORTATION, INC., P. O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant). *Contract carrier, irregular, athletic footwear, clothing, supplies and materials used in the manufacture and sale thereof* between points in the US in and east of MN, IA, MO, AR, and TX, under contract with Converse, Inc., 55 Fordham Road, Wilmington, MA 01887

MC 154861 (Sub-3-7TA), filed April 6, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW, Washington, DC 20005. *Food and related products*, between the facilities of Kitchens of Sara Lee, at or near points in Lake and Cook Counties, IL, Chickasaw County, IA, and Atlanta, GA, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015.

MC 161202 (Sub-3-1TA), filed April 6, 1982. Applicant: FLINT T.B.A., INC., P.O. Box 1335, Industrial Air Park, Bainbridge, GA 31717. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Industrial absorbent material and pet litter* from Thomas County, GA to points in the US east of the Mississippi River; (2) *Petroleum and petroleum products* from Panama City, FL to points in GA; (3) *Synthetic carpet backing and synthetic yarn* from Bainbridge, GA to points in CT, DE, MD, MA, NC, NH, NY, PA, RI, SC, VA and DC; (4) *Petroleum and petroleum products and chemicals* between points in McKean County, PA, Hancock County, WV, New York City Commercial Zone as defined by the Commission: Erie County, NY, Suffolk County, MA, Chicago, IL Commercial Zone as defined by the Commission, Lake County, IN and Warren County, MS on the one hand, and, on the other, points in AL, GA, FL, MS and between Fulton County, GA, Duval County, FL, Hillsborough County, FL and Dade County, FL on the one hand, and, on the other, points in MD, DE, PA, NJ, NY, IL and OH. Application does not seek authority to transport Hazardous materials. Supporting Shippers: T. E. Sharber Oil Co., Inc., P.O. Box 527, Bainbridge, GA 31717, The Anshutz Minerals Corporation, P.O. Box 230 GA

#3 North, Ochlocknee, GA 31773, Sellers Oil Company, Inc., P.O. Box 1335, Bainbridge, GA 31717, Amoco Fabrics Company, P.O. Box 1056, Bainbridge, GA 31717.

MC 161418 (Sub-3-1TA), filed April 8, 1982. Applicant: CINEVISION BUS TOURS, d.b.a. THE MOVIE BUS COMPANY, 1771 Tullie Circle, N.E., Atlanta, Georgia 30329. Representative: Richard Cooper (same address as applicant). *Contract: Irregular: Passengers and their baggage, between Atlanta, GA Commercial Zone and World's Fair Site, Knoxville, TN. Supporting Shippers: Globetrotters, Inc., 241 West Wieuca Rd., Atlanta, GA 30342; Your Travel Agent Sam Massell, 3330 Peachtree St., N.E., Atlanta, GA 30329; Five Star Travel, 1584 Tullie Circle, Suite 132, Atlanta, GA 30329; A La Carte Travel, 1776 Peachtree Street, N.E., Atlanta, GA 30309.*

MC 129063 (Sub-3-8TA), filed April 6, 1982. Applicant: JIMMY T. WOOD TRUCKING CO., P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Rubber and rubber products; chemicals or allied products; iron and steel articles; metallic and nonmetallic ores and minerals; agricultural machinery; glass and glass products; paper and paper products; beer; rope; salt and sugar. Between the facilities of Fullen Dock & Warehouse at or near Memphis, TN, on the one hand, and, on the other, points in MS, AL, TN, KY, MO, AR and LA. Supporting shipper: Fullen Dock & Warehouse, 392 Klinker Road, Memphis, TN.*

MC 161422 (Sub-3-1TA), filed April 7, 1982. Applicant: APPALACHIAN TRAVEL SERVICE, INC., 13 Clarkesville Street, Cornelia, GA 30531. Representative: Winslow H. Verdery, Jr., Front Street, Cornelia, GA 30531. *Passengers and their baggage in the same vehicle and special and charter operations between points in GA and TN. Supporting shipper: Allison C. Carruth, P.O. Box 688, Cornelia, GA 30531; James N. Butterworth, Safford Springs, Demorest, GA 30535.*

MC 161217 (Sub-3-1TA), filed April 6, 1982. Applicant: T F EXPRESS, INC., P.O. Box 114, Lawrenceburg, TN 38464. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219. *Common; Regular; General commodities (except A and B explosives, household goods and commodities in bulk) having a prior or subsequent movement in interstate commerce, between Nashville, TN and Pulaski, TN (a) over Interstate Hwy 65, TN Hwy 99 and U.S. Hwy 31 (b) over Interstate Hwy 65, TN Hwy 99, U.S.*

Hwy 43 and US Hwy 64 (2) between Pulaski, TN over US Hwy 64 to Memphis, TN serving all intermediate points and serving all points in Maury, Giles and Lawrence Counties, TN as off-route points. Applicant intends to interline at Nashville, TN and Memphis, TN. There are 55 statements which can be examined at the I.C.C. Regional Office at Atlanta, GA.

MC 161446 (Sub-3-1TA), filed April 12, 1982. Applicant: CHARLES STANLEY HARRIS AND CHARLES STEWART HARRIS, d.b.a. TRIAD FURNITURE CARRIERS, 510 Southridge Road, Jamestown, NC 27282. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture, cartoned, uncartoned, or blanket wrapped, between High Point, NC, on the one hand, and, on the other, points in the U.S. except AK and HI. There are five supporting witness statements to this application which may be examined at the Regional ICC office in Atlanta, GA.*

MC 151173 (Sub-3-19TA), filed April 12, 1982. Applicant: HAR-BET, INC., 7209 Tara Blvd, P.O. Box 855, Jonesboro, GA 30237. Representative: O.L. Godfrey, Jr. (same address as applicant). *Contract: Irregular: General Commodities (except commodities in bulk, and classes A and B Explosives and Hazardous Waste) between points in the U.S. (except AK and HI). Under contract or continuing contract(s) With Kitchens of Sara Lee. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 66015.*

MC 161417 (Sub-3-1TA), filed April 12, 1982. Applicant: AIRPORT TRANSPORTATION SERVICES, INC., P.O. Box 5181, Hilton Head Island, SC 29938. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Suite 520, Atlanta, GA 30326. *Passengers and their baggage; and express and newspapers, in special and charter operations between points in Beaufort County, SC and Savannah, GA. Supporting shipper: There are nine (9) supporting shippers whose statements may be examined at the Region office Atlanta, GA.*

MC 146402 (Sub-3-26TA), filed April 12, 1982. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Chemicals NOI and equipment, materials and supplies used in the manufacture and distribution thereof; between the facilities of J. T. Baker Chemical Company located at or near Jackson, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper: J. T. Baker Chemical*

Company, 1037 Lower Brownsville Road, Jackson, TN 38301.

MC 161441 (Sub-3-1TA), filed April 12, 1982. Applicant: WASTE PAPER CONVERTERS, INC., P.O. Box 6348, Columbus, GA 31907. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Waste paper, waste plastics, paperboard, pulpboard, linerboard, claycoated kraft, paper products and scrap aluminum cans, in containers or loose, between AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, OH, SC, TN, and VA. There are six supporting shipper statements attached to this application which may be reviewed at the ICC Regional Office in Atlanta, GA.*

MC 160094 (Sub-3-1TA), filed April 9, 1982. Applicant: A-B BUS SERVICE, INC., 4918 1/2 24th Street, North, St. Petersburg, FL 33714. Representative: Morris J. Levin, 1050 17th Street, N.W., Washington, DC 20036. *Passengers and their baggage, in special and charter operations, between points in Pinellas and Hillsborough Counties, FL, and Knoxville, TN. Supporting shippers: There are 19 support statements attached to this application, which may be reviewed at the Atlanta ICC Office.*

MC 30446 (Sub-3-13TA), filed April 9, 1982. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, Charlotte, NC 28225. Representative: S. H. Rich (same address as applicant). *General commodities (except household goods and classes A and B explosives), between points in TN and VA. Supporting shippers: There are 75 statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.*

Note.—Applicant proposes to tack with existing authority in Subs 16F and 17F and interline at Richmond, VA, Knoxville, TN, Nashville, TN and Memphis, TN.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC-2980 (Sub-4-2TA), filed April 2, 1982. Applicant: LANDGREBE MOTOR TRANSPORT, INC., P.O. Box 32, Valparaiso, IN 46383. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities, (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL and its commercial zone, and Valparaiso and South Bend, IN, on the one hand, and, on the other, points in Benton, Carroll and Tippecanoe Counties, IN. Supporting shippers: International Harvester*

Company, 1717 West Harvester Road, West Chicago, IL, Branch Motor Express, 114 5th Avenue, New York, NY.

MC 15364 (Sub-4-2TA), filed April 1, 1982. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith St., Green Bay, WI 54302.

Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, Ill 60603. *Common Regular Route, passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Green Bay, WI; and Milwaukee, WI, serving no intermediate points. From Green Bay over I-43 to Milwaukee and return over the same route. Applicant intends to tack and interline with National Trailways Bus Systems and Continental Air Transport Co. Inc. There are 13 Supporting shippers.

MC 15735 (Sub-4-11TA), filed April 5, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: household goods* between points in Fairfield, Litchfield and New Haven Counties, CT and Dutchess, Putnam and Ulster Counties, NY, on the one hand, and, on the other points in the U.S. (except AK and HI) under continuing contracts with the International Business Machines Corporation. Supporting shipper: International Business Machines Corporation, Princeton, NH.

MC 129189 (Sub-4-3Ta), filed April 2, 1982. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Limestone Pieces*, from Racine WI to Waukegan, IL Supporting shipper: Vulcan Materials Company, Midwest Division, 1501 Three Mile Road, Racine, WI 53402.

MC 129987 (Sub-4-4), filed April 5, 1982. Applicant: TERRA COTTA TRUCK SERVICE, INC., 4712 Amway Drive, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract; Irregular: Salt and Salt Products*, From points in the Chicago, IL, Commercial Zone to points in IN, MI, OH, and WI, under continuing contract(s) with Northwestern Salt Co., Inc., Chicago, IL. Supporting shipper: Northwestern Salt Co., Inc., 4343 5th Avenue, Chicago, IL 60624.

MC 147253 (Sub-4-1 TA), filed April 2, 1982. Applicant: LANDMARK INDUSTRIES, INC., East Main St., P.O.

Box 9, Landmark, Manitoba, Canada R0A 0X0. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract, irregular, Liquid fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Grand Forks and Walhalla, ND and Crookston, MN, and points within five miles thereof to ports of entry on the U.S.-Canada International Boundary line in ND and MN, under contract(s) with San Agro, Ltd. Restriction: Restricted to traffic moving in foreign commerce to points in Manitoba, Canada. Supporting shipper: San Agro, Ltd., Box 116, Sanford, Manitoba, Canada R0G 2J0.

MC 151721 (Sub-4-3 TA), filed April 5, 1982. Applicant: LAUFENBERG FEED & AGRI-SERVICE, INC., Route 1, Box 90-A, Highland, WI 53543. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Dry fertilizer and dry fertilizer ingredients* between points in IL, IA, MN and WI. Underlying ETA seeks 120 days authority. There are sixteen Supporting shippers.

MC 152016 (Sub-4-3 TA), filed April 5, 1982. Applicant: CHICAGO AREA TRANSPORT, INC., 9517 South Merton, Oak Lawn, IL 60453. Representative: Roy Warner (same address as applicant) (312) 376-8723. *Such commodities as are used in the manufacture and production of industrial tools and dies; and paper and paper products, including corrugated boxes, in truck load quantities: (excepting commodities classified as bulk, classes A & B explosives, and Household goods as defined, and operations defined as special commodity)* between the commercial zone of Chicago IL, and points in the states of IL, IN, WI, MN, MI, MO, IA, KY, TN, and OH. Supporting shippers: Glenview Enterprises, 601 Hillside, Glenview, IL; P. D. Q. Inc., 14822 So. Drexel, Dolton, IL.

MC 153973 (Sub-4-1), filed April 2, 1982. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Contract irregular: Cereal beverages, Malt beverages, and carbonated beverages with related advertising matter and the return of empty cereal, malt, and carbonated beverage containers and/or rejected shipments* between Aurora, IL and points and places in the state of MN under continuing contract(s) with Shipley Distributing Company. Supporting shipper: Shipley Distributing

Company, 1127 Dearborn, Aurora IL 60505.

MC 155981 (Sub-4-2), filed April 5, 1982. Applicant: ARMORED SERVICES, INC., Suite 614, St. Joseph Bank Bldg., South Bend, IN 46601. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226. *Contract irregular: Currency, coin, securities, checks, negotiable and non-negotiable documents, and other valuables* between points in Berrien and Cass Counties, MI and St. Joseph County, IN, under contract with Pacesetter Bank and Trust Southwest. An underlying ETA application seeks authority for 120 days. Supporting shipper: Pacesetter Bank and Trust Company, 210 E. Main Street, Niles, MI 49120.

MC 161337 (Sub-4-1 TA), filed April 2, 1982. Applicant: DONALD HOLM, P.O. Box 133, Arthur, ND 58006. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract Irregular Fertilizer and fertilizer ingredients*, from Dilworth, Barnesville and Glenwood, MN; points in the Minneapolis-St. Paul Commercial Zone; and Velve and Grand Forks, ND to Arthur, Buffalo, Harvey and Ayre, ND and Warroad, MN under contract(s) with Farmers Elevator Company of Arthur, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Farmers Elevator Company of Arthurs Arthur, ND 58006.

MC 161338 (Sub-4-1 TA), filed April 2, 1982. Applicant: LARRY FRICK, an Individual d.b.a. L & S TRUCKING, 3303 East Wausau Avenue, Wausau, WI 54401. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract; irregular; steel, metal, metal products, and materials, equipment and supplies* used in the manufacture, sale, or distribution of such commodities, between points in the Chicago, IL Commercial Zone on the one hand and, on the other hand, points in the Milwaukee, WI Commercial Zone and Lincoln County, WI. Restriction: restricted to transportation performed under continuing contract(s) with Mitchell Metal Products, Inc., and National Steel Service Center, Inc., Division of National Steel Corp. An underlying ETA seeks 120 days authority. Supporting shippers: Mitchell Metal Products, Inc., Box 207, Merrill, WI 54452; and National Steel Service Center, Inc., Division of National Steel Corp., 7550 South 10th Street, Box 603, Oak Creek, WI 53154.

MC 161356 (Sub-4-1 TA), filed April 5, 1982. Applicant: DES-LAN TRUCKING, INC., 67911 State Road 23, North Liberty, IN 46544. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Doors and doorframes and materials, equipment and supplies, used in the manufacture of doors and door frames, between Walkerton and Kingsbury, IN on the one hand, and on the other, points in MI, OH, KY, TN, GA, FL, NJ, PA, WV, IL, IA, NE, KS, MO, ND, SD, MN, CO, and WI. Supporting shipper: American Door Co. of Michigan, Inc., Walkerton, IN.*

MC 161358 (Sub-4-1 TA), filed April 5, 1982. Applicant: CHECKER MOVING & STORAGE, INC., P.O. Box 658, 1705 Dixie Road, Neenah, WI 54956. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Paper, plastic, cellulose and/or foil packaging articles, separate or combined, laminated or not laminated, and the return of materials, equipment and supplies used in the manufacture, sale or distribution of such packaging articles between Menasha and Neenah, WI on the one hand, and on the other, points in IL, IN, IA, MI and MN. Supporting shipper is American Can Company, Menasha, Wisconsin 54952.*

MC 161370 (Sub-4-1 TA), filed April 5, 1982. Applicant: Robert L. Keller d.b.a. Keller Transit, P.O. Box 6, Kempton, IN. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. *Contract; Irregular Such merchandise as is dealt in or used by Farm Bureau Cooperative Associations, between, Indianapolis, IN on the one hand, and on the other, Cincinnati, Akron and Rittman, OH; St. Clair and Marysville, MI; Decatur and Chicago, IL; and Louisville, KY under continuing contracts with Central Indiana Supply Company, Indianapolis, Indiana. Supporting shipper: Central Indiana Supply Company, Indianapolis, IN.*

MC 134970 (Sub-4-3TA), filed April 5, 1982. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Meat, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. (Except hides and commodities in bulk), between Crawford County, KS, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Sugar Creek Packing Co., Inc., 2101 Kenskill Ave., Industrial Park, Washington Court House, OH 43160.*

MC 135476 (Sub-4-1TA), filed April 5, 1982. Applicant: WARD TRUCKING, INC., 2002 Ladoga Road Crawfordsville, IN 47933. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Printed matter and materials, equipment, and supplies used in the manufacture, distribution and sale thereof, between Crawfordsville, IN, and Chicago, IL, and its commercial zone. Supporting shipper: R. R. Donnelley & Sons, Inc., 1009 Sloan Street, Crawfordsville, IN 47933.*

MC 147499 (Sub-4-8TA), filed April 7, 1982. Applicant: D.H. TRANSFER INC., 671 M-73, IRON RIVER, MI 49935. Representative: Donald Hooper, 671 M-73, Iron River, MI 49935. (1) *Lumber, wood products, and forest products between points in WA, OR, CA, ID, NV, MT, WY, UT, CO, AZ, NM, AR, LA, MS, AL, SC, NC, TN, KY, GA, PA, NJ, and MD on the one hand, and on the other points in MI, WI, MN, IA, IL, IN and OH;* (2) *Machinery, Iron and Metal Products between points in the Upper Peninsula of MI and those in WI on and North of WI Hwy. 29 on the one hand and on the other, points in the U.S. including AK;* (3) *Commodities in bulk, between points in WI and IL on the one hand and on the other points in the Upper Peninsula of MI;* (4) *Hardwood systems, synthetic flooring systems, hardwood and synthetic flooring materials and supplies used in the installation of the commodities in (4a) above and (b) lumber, wood products and millwork between points in the Upper Peninsula of MI and those in WI on and North of WI Hwy. 29 on the one hand and on the other points in AK. There are nine supporting shippers.*

MC 148055 (Sub-4-1TA), filed April 7, 1982. Applicant: L & B CARTAGE, INC., P.O. Box 388, Freeland, MI 48263. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A Troy, MI 48084. *Automobile parts and materials, equipment and supplies used in the manufacture and production of motor vehicles between the facilities of General Motors Corporation located in Bay and Saginaw Counties, MI, on the one hand, and, on the other, points in IN and OH. Supporting shipper: General Motors Corporation, Suite 1300, Top of Troy, 755 W. Big Beaver Rd., Troy, MI 48084.*

MC 149308 (Sub-4-16TA), filed April 7, 1982. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract-Irregular Aluminum and zinc castings and automotive and machinery parts,*

from Woodstock, IL, Long Beach, CA, Detroit and Dowagiac, MI, and Toledo, OH to Paris, TN, Water Valley, MS, and Bowling Green, KY under continuing contracts with Holley Carburetor Division, Supporting shipper: Holley Carburetor Division, Colt Industries, 11955 E. 9 Mile Rd., Warren, MI 48090.

MC 156539 (Sub-4-4TA), filed April 5, 1982. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. Rte. 30, West, Fort Wayne, IN 46808. Representative: James P. Kirkhope, for TRANSPORT MANAGEMENT SERVICES, INC., P.O. Box 15296, Fort Wayne, IN 46885. *Contract; Irregular. (1) Transportation Equipment; and (2) materials, equipment and supplies used in the manufacture, distribution, installation and sale of (1) above, between Allen County, IN on the one hand, and, on the other hand, points in the U.S. (except AK and HI) under continuing contract(s) with The Truck Engineering Co., Inc. of Fort Wayne, IN. An underlying ETA seeks 120 day authority. Supporting Shipper: The Truck Engineering Co., Inc., 3200 East Pontiac Street, Fort Wayne, IN 46803.*

MC 160488 (Sub-4-2TA), filed April 7, 1982. Applicant: BADGER TRANSPORT, INC., Route 2, Box 75, Clintonville, WI 54929. Representative: Richard A. Westley, Attorney, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086. *Contract; Irregular. Iron and Steel articles (1) from Green Bay, WI to points in IL, IN, OH, Jacksonville, FL and points in the Upper Peninsula of MI, and (2) from Chicago and Sterling, IL, and Norfolk, NE, and Toledo, OH and points in their respective commercial zones to points in WI and the Upper Peninsula of MI, all under continuing contract(s) with Structural Components Corporation, of Green Bay, WI. An underlying ETA seeks 120 days authority. Supporting Shipper: Structural Components Corporation, 730 Packerland Drive, P.O. Box 2671, Green Bay, WI 54303.*

MC 161196 (Sub-4-1TA), filed April 7, 1982. Applicant: JACK L. OLSEN, INC., P.O. Box 7197, Duluth, MN 55807. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. *Railway car parts and accessories, between Kansas City, MO, on the one hand, and, on the other, Duluth, MN. Supporting Shipper: Duluth, Winnipeg & Pacific Railway, 69th Avenue West and Polk Street, Duluth, MN 55807.*

MC 161293 (Sub-4-1TA), filed April 7, 1982. Applicant: E-Z LEASE, INC., 1050 South 1260 East, Fairmont, IN 46928. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204-3491. *Malt*

beverages, (1) From Memphis, TN; St. Paul, MN; Cincinnati, OH; Newport, KY; Belleville, IL; Pabst City, GA; San Antonio and Longview, TX; and LaCrosse, Milwaukee, and Monroe, WI to Kokomo, IN; and (2) From Memphis, TN and Longview, TX to Hudson, WI. Supporting Shippers: Hudson Distributing Co., Inc., 1810 Webster Street, Hudson, WI 54016 and Schembre Beverage Co., Inc., 1432 South Union Street, Kokomo, IN 46901.

MC 161388 (Sub-4-1TA), filed April 5, 1982. Applicant: N.E.W.S. Transportation, Inc., P.O. Box 1242, 3152 Princeton Dr., Granite City, IL 62040. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Iron and Steel articles* between Madison and Granite City, IL, on the one hand, and points in the states of MO, KS, OK, AR, & IA, on the other hand. Supporting Shippers are: Southwest Steel Co., P.O. Box 126, Madison, IL 62060; Doolan Steel Corp., P.O. Box 154, Madison, IL 62060; Granite City Steel Co., 20th & State Street, Granite City, IL 62040; and Michigan Metal Processors, P.O. Box H, Granite City, IL 62040. An application for emergency temporary authority was also filed.

MC 161390 (Sub-4-1TA), filed April 5, 1982. Applicant: CURRAN CARRIERS, 120 N. Brooklyn St., Berlin, WI 54923. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901. *Food and Related Products* between WI on the one hand, and on the other points in AL, AR, IL, IN, KY, MS, NC, TN and TX. Supporting shippers: Ripon Foods, Inc. Ripon, WI, Heritage Wafer Ltd, Ripon, WI. Aunt Nellies Foods, Inc. Clyman, WI. Berlin Brewing Co., Berlin, WI.

MC 161411 (Sub-4-1TA), filed April 7, 1982. Applicant: AUGUST LINDECKER d.b.a. LINDECKER TRUCKING, R.R. 1, Alexander, ND 58831. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Liquid fertilizer, in bulk, in tank vehicles*, from East Fairview ND, to points in MT. An underlying ETA seeks 120 days authority. Supporting shipper: High Grade Fertilizer, Inc., 208 5th Ave, W., Ada, MN 56510.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102

MC 129784 (Sub-5-6TA), filed April 5, 1982. Applicant: Davison Transport, Inc. P.O. Drawer 846, Ruston, LA 71270. Representative: Dennis W. Ledet, (same as above). *Food or kindred products and materials used in the manufacture and distribution thereof*; between points in

St. Landry Parish, LA, on the one hand, and on the other, points in the U.S. Supporting shipper: LouAna Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 141489 (Sub-5-5TA), filed April 6, 1982. Applicant: HUNTER TRUCKING, INC., 2230 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular; T3Such commodities as are dealt in or used by manufacturers and distributors of clay, concrete, glass, or stone products, between Pts in the U.S. under continuing contract (s) with Sioux City Brick & Tile Company. Supporting shippers: Sioux City Brick & Tile Company, 222 Commerce Building, Sioux City, IA 51102; United Brick & Tile Co. of Iowa, P. O. Box 32, Adel, IA 50003; Ballou Brick Company, 504 F Street, Sergeant Bluff, IA 51054.

MC 160746 (Sub-5-TA), filed April 6, 1982. Applicant: B. C. T., INC., P.O. Box 6305, Waco, TX 76705. Representative: Curtis E. Bradford (same as applicant). *General commodities* (except class A and B explosives, hazardous materials or waste, household goods, commodities in bulk) between points in TX, NM, OK, AR, LA, and MS. Applicant intends to interline. Supporting shippers: 9.

MC 160798 (Sub-5-3TA), filed April 6, 1982. Applicant: CRYOGENIC TRANSPORTATION, INC., 825 East South Omaha Bridge Road, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular. *Fertilizer* from Omaha, NE to pts in IA under continuing contract(s) with Kaiser Agricultural Chemical, Division of Kaiser Aluminum & Chemical. Supporting shipper: Kaiser Agricultural Chemical, Division of Kaiser Aluminum & Chemical, 7025 Hickman Road, Des Moines, IA 50322.

MC 161349 (Sub-5-1TA), filed April 5, 1982. Applicant: W.B.L. TRUCKING CO., INC., 5822 Cromo Drive (Suite 235), El Paso, TX 79912. Representative: Billy D. Long, Treasurer (same as Applicant). (1) *General Commodities, (except Class A & B Explosives, Household Goods, as defined by the Commission and Commodities in Bulk, and except hazardous materials)* between points in El Paso County, TX, on the one hand, and, on the other, points in the states of AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MO, MS, NC, NM, NV, OH, OK, OR, SC, TN, TX, UT, WA, WI and WY and (2), *Building Materials*, between Dallas, San Angelo and San Antonio, TX, on the one hand, and, on the other, points in the states of AR, AZ, CA, CO, FL, GA, KY, LA, MS, NC, NM,

OH, OK, SC, TN, TX, and WY. Supporting Shippers: 16.

MC 161350 (Sub-5-1TA), filed April 5, 1982. Applicant: E.I.G., INC., R.R. #1, Clinton, IA 52732. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Fertilizer*, (1) from Cordova, and Fulton, IL and Whitewater, WI to pts in IA (2) from Clinton, IA to pts in IL. Supporting shipper(s): Kaiser Agricultural Chemicals, Div. of Kaiser Aluminum & Chemical, 7025 Hickman Road, Des Moines, IA; Burlington River Terminal, Inc., P.O. Box 884, Burlington, IA 52601; Hawkeye Chemical Co., P.O. Box 899, Clinton IA 52732.

MC 161372 (Sub-5-1TA), filed April 6, 1982. Applicant: EXHIBIT BILDERS, INC., TRUCKING DIVISION, 90109 Premier Row, Dallas, TX 75247. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. *Trade show exhibits* between Dallas, TX on the one hand, and on the other, points in the U.S. Supporting shippers: There are seven (7) supporting shippers to this application.

MC 161373 (Sub-5-1TA), filed April 6, 1982. Applicant: JIM DOERR TRUCKING, P.O. Box 227, Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract; Irregular. *Concrete Plants and/or Parts There of* between Dallas, TX on the one hand, and, on the other, points in the United States. Supporting shipper: Souther Equipment, Inc., 5609 West Ledbetter, Dallas, TX 75236.

MC 16334 (Sub-5-5TA), filed April 9, 1982. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212. *Pulp, Paper and related products*, between the facilities of Stone Container Corporation, on the one hand, and, on the other points in the U.S. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601.

MC 142913 (Sub-5-3TA), filed April 9, 1982. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Road, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irreg. *General commodities (except explosives, commodities in bulk and household goods)* between pts in the U.S. except AK and HI under contract with ITOFCA, Inc. Supporting shipper: ITOFCA, Inc., 1001 West 31st Street, Downers Grove, IL 60511.

MC 143165 (Sub-5-1TA) filed April 8, 1982. Applicant: MC CLELLAND LUMBER TRANSPORTS, P.O. Box 73,

Cuba, MO 65453. Representative: Charles W. McClelland (same address as applicant). Contract irregular: *Such commodities as are dealt in or used by manufacturers and distributors of paint and sealers*, between points in the U.S. (except AK & HI), under contract with Prismo Universal Corporation. Supporting shipper(s); Prismo Universal Corporation, 2675 Martin Street, East Point, GA 30344.

MC 150088 (Sub-5-17TA), filed April 7, 1982. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Pkwy., Grand Prairie, TX 75051. Representative: Robert K. Frisch, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240. Malt beverages, empty cartons, containers equipment and supplies used in distributing malt beverages between points in TX on the one hand and points in AR on the other hand. Supporting shippers: 6.

MC 150803 (Sub-5-2TA), filed April 9, 1982. Applicant: T. W. KOEGER TRUCKING CO., 1220 S. Main, Williamsville, MO 63967. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Charcoal, in bags*, from facilities utilized by Roz Ark Farms, Inc., in Butler and Carter Counties, MO, to pts in the U.S. (except AK and HI). Supporting shipper: Roz Ark Farms, Inc., Route 1, Ellsinore, MO 63967.

MC 151534 (Sub-5-9TA), filed April 7, 1982. Applicant: R & D TRANSPORTATION CORPORATION, Post Office Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309. *Clay, Concrete, Glass, and Stone Products*, between pts in the U.S. (excluding AK and HI). Supporting shipper: Sioux City Brick and Tile Company and its subsidiary companies; 222 Commerce Building, Sioux City, IA 51102.

MC 152146 (Sub-5-2TA), filed April 8, 1982. Applicant: FAR WEST TRANSPORTERS, INC., 14901 Chandler Road, Omaha, NE 68138. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Building materials*. From Sarpy and Douglas Counties, NE to pts in AZ, CA, CO, ID, NV, NM, OK, TX, UT and WY (restricted to traffic having a prior movement by rail). Supporting shipper: Boise Cascade Corporation, P.O. Box 2885, Portland, OR 97208.

MC 154723 (Sub-5-7TA), filed April 9, 1982. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Hazardous and/or*

non-hazardous waste materials in dump vehicles between points in AL and LA. Supporting shipper(s): Shell Oil Company, P.O. Box 2099, Houston, TX 77001.

MC 156693 (Sub-5-2TA), filed April 7, 1982. Applicant: LYNN D. PLETCHER AND PAULETTE PLETCHER, d.b.a. PLETCHER TRUCKING, 450 Coombs Drive, Aurelia, IA 51005. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. Contract irregular *park equipment and furniture, lumber, metal and metal products*, between Cherokee and Meriden, IA on the one hand, and pts in AR, CA, CO, FL, GA, ID, IL, IN, KS, KY, MI, MN, MS, MO, MT, NE, NC, NJ, OH, OR, PA, SD, TN, TX, UT, VA, WA, WV, and WI, on the other. Supporting shipper: R. J. Thomas Manufacturing Co., Inc., Box 772, Cherokee, IA 51012.

MC 160650 (Sub-5-2TA), filed April 7, 1982. Applicant: OSBORNE TRUCKING, INC., 3908 Wilbarger, Vernon, TX 76384. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular. *Such Articles as are dealt in by manufacturers or distributors of Automotive Accessories* between Grand Prairie, TX, on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of A.R.A. Manufacturing Company, Grand Prairie, TX.

MC 161079 (Sub-5-1TA), filed April 7, 1982. Applicant: H. J. WAGNER, d.b.a. WICHITA SOUTH & WEST, 115 Ave. A East, Kingman, KS 67068. Representative: H. J. Wagner (same as above). *Plate steel* (1) between Pratt, KS Airport Ind. Park, on the one hand, and, on the other, Houston, TX, Lone Star, TX and Fort Worth, TX and their commercial zones; (2) between Pratt, KS Airport Ind. Park, on the one hand, and, on the other, Port of Catoosa, OK, and Port of Muskogee, OK. Supporting shipper: R & R Industries, Airport Industrial Park, Pratt, KS 67124.

MC 161235 (Sub-5-1TA), filed April 8, 1982. Applicant: ARTHUR BELL, d.b.a. BELL TRUCK RENTAL, Route 1, Martinsburg, MO 65264. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract: Irregular. *Metal products* from the facilities of Midland Industries, Inc., Wichita, KS to all points in OH, IL, IN, MN and MO and from all such points in OH, IL, IN, MN and MO to the facilities of Midland Industries, Inc., Wichita, KS. Supporting shipper: Midland Industries, Inc., 8219 West Irving, Wichita, KS 67209.

MC 161414 (Sub-5-1TA), filed April 8, 1982. Applicant: JOE CAPSHAW, 116

West Walnut, Altus, OK 73521. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Gypsum Wallboard and Related Products; Materials, Supplies and Equipment used in the manufacture and production of Gypsum Wallboard and Related Products*, Between points in OK, on the one hand, and, on the other, points in TX. Supporting shipper: Republic Gypsum Company, P.O. Drawer C, Duke, OK 73532.

MC 161423 (Sub-5-1TA), filed April 8, 1982. Applicant: HAROLD JOHNSON, d.b.a. JAMES TRANSPORT, P.O. Box 29504, New Orleans, LA 71089. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Bananas* From Mobile, AL and Gulfport, MS to Nashville, TN. Supporting shippers: Castle and Cooke Foods, Metairie, LA; Joe Formosa and Sons, Nashville, TN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10529 Filed 4-16-82; 8:45 am]
BILLING CODE 7035-01-M

[No.38821]

Rail Carriers; New York, Susquehanna & Western Corporation Exemption for Surcharges

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10705a(f). The surcharge tariff may be filed to become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The New York, Susquehanna & Western Railway Corporation (NYS&W) filed a petition on April 2, 1982, seeking an exemption under 49 U.S.C. 10505 from the 45-day statutory notice provisions of 49 U.S.C. 10705a(f). Petitioners request that we permit the surcharge tariff to become effective on one day's notice. The tariff has not yet been filed. However, the proposed surcharges, as presented by petitioner, range between \$100 and \$200 per car, depending on the commodity, weight of shipment, and movement.

Under 49 U.S.C. 10705a(f), the surcharges sought by NYS&W must be filed on not less than 45 days' notice. There is no provision for waiving this requirement. However, the commission has granted relief in other cases where notice periods are prescribed by statute under our section 10505 exemption authority where exceptional situations justify it.

NYS&W is planning to operate lines, as a successor to Consolidated Rail Corporation (Conrail), subject to our approval in Finance Docket No. 29867, *Delaware Otsego Corporation—Exemption from 49 U.S.C. 10762(c), 10901, 11301 and 11343* (pending). Upon approval, NYS&W would have authority to operate track between: (1) Binghamton, NY, and Utica, NY; and (2) Chenango Forks, NY, and Jamesville, NY.

In the meantime, due to the planned track transfer, NYS&W, Conrail, The Delaware & Hudson Railroad (D&H), and affected shippers have been in negotiations concerning the future rate structure. NYS&W and D&H have apparently agreed that existing joint rates on all commodities, except grain and grain products, will be maintained when interchanged with the D&H. NYS&W and Conrail have agreed to enter into contracts maintaining joint rates on grain and grain products when routed via NYS&W-CR. See Ex Parte No. 387 (Sub-No. 112), *Consolidated Rail Corporation Exemption For Contract Tariffs ICC-CR-C-0061 through 0071*.

In both cases, NYS&W arguably will not be adequately compensated under current or agreed divisions. In order to avoid disrupting the existing rate structure, shippers have agreed to pay surcharges to the NYS&W on commodities handled under single factor joint rates. A statement in support of the proposed surcharges was filed by Chenango Valley Shipper's Association.

NYS&W thus states that the 45-day notice requirement would have an extreme adverse financial impact, denying it the necessary revenues to initiate and maintain its new operations. Advancement of the effective date would permit immediate use of the surcharges. More importantly the affected shippers appear to have no objection.

We shall grant a provisional exemption.¹ However, since Conrail's

¹ We stress that this is an *exceptional* circumstance. Absent clear, overwhelming evidence of shipper support, we would not have granted this exemption.

transfer of lines to NYS&W has not been approved, our action is contingent upon approval of the transfer in Finance Docket No. 29867, *supra*. A provisional exemption will also permit any affected shipper that may object to do so.

NYS&W's proposed surcharge may become effective on one day's notice, in the event of approval of Conrail's transfer of lines in Finance Docket No. 29867, *supra*. We will impose conditions similar to those imposed in other exemption proceedings:

If the Commission permits the surcharge to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved surcharge for purposes of 49 U.S.C. 10705a nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this surcharge and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 45 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the *Federal Register*.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C.10505)

Dated: April 13, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre, Commissioner Gresham did not participate.

Agatha L. Mergenovich
Secretary.

[FR Doc. 82-10530 Filed 4-16-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.122, Amendment No. 1]

Mission Directors And Principal Officers Latin America/Caribbean; Redelegation Of Authority Regarding Grant Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1, (38 FR 12836), dated May 1, 1973, as amended, I hereby amend Redelegation of Authority No. 99.1.122 (47 FR 873), dated November 4, 1981, as follows:

In paragraph one the list of countries is revised to read:

Bolivia	Honduras
Costa Rica	Jamaica
Dominican Republic	Nicaragua
Ecuador	Panama
El Salvador	Peru
Guatemala	Regional Development
Guyana	Office of the
Haiti	Caribbean (RDO/C)

Except as provided herein the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective immediately.

Dated April 6, 1982.

Hugh L. Dwelley,

Director, Office of Contract Management

[FR Doc. 82-10522 Filed 4-16-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance Administration; Closeout of Operations and Transfer of Remaining Functions

AGENCY: Office of Justice Assistance, Research, and Statistics, Justice.

ACTION: Closeout of the Operations of the Law Enforcement Assistance Administration and Transfer of Remaining Functions.

EFFECTIVE DATE: April 15, 1982.

SUMMARY: This is to announce that the remaining programs and staff of the Law Enforcement Assistance Administration (LEAA) have been transferred to the Office of Justice Assistance, Research, and Statistics (OJARS) effective April 15, 1982. The acting Administrator of LEAA has taken this action pursuant to the Economy Act (31 U.S.C. 686 *et seq.*) and Sections 806 and 811 of the Justice System Improvement Act of 1979 (Pub. L. 96-157, 42 U.S.C. 3786 and 3789). The Law Enforcement Assistance Administration was established by the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, *et seq.*, as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, and Pub. L. 96-157).

The last authorization for LEAA was enacted December 27, 1979 (Pub. L. 96-157). The last significant appropriation for LEAA program activities was for Fiscal Year 1980. Congress did not appropriate any significant program money for LEAA grants or contracts in Fiscal Years 1981 or 1982. There is no

appropriation proposed or anticipated for the program in Fiscal Year 1983. However, the agency has continued to employ personnel, expend previously appropriated funds, monitor and close out previously funded programs and projects, and exercise its few continuing functions even in the absence of appropriations for new programs. The LEAA organizational structure was maintained to insure that there was a responsible and orderly closeout of the program which properly accounted for the expenditure of appropriated Federal funds.

This orderly closeout has largely been completed. It is no longer administratively efficient or necessary to continue to staff an agency which no longer receives significant funding from Congress and which has few continuing functions to perform. Consequently, the following actions have been taken:

1. The continuing programs of the Law Enforcement Assistance Administration and the staff assigned to administer them have been transferred to the Office of Justice Assistance, Research, and Statistics (OJARS). The programs will be administered through OJARS. These continuing programs are the Public Safety Officers' Benefits Program (PSOB), the Treatment Alternatives to Street Crime Program (TASC), the Sting Program, and the Prison Industries Certification Program.

2. A small closeout unit has been established in OJARS to complete the administrative closeout of any active grant projects that have not yet been completed.

3. The redelegation of authority from OJARS to LEAA to administer the Regional Information Sharing Systems Program has been canceled and OJARS will assume this function.

This action will not result in an impoundment of any funds or in the termination of any function required by statute to be carried out under the agency's authorizing legislation.

Dated: April 14, 1982.

Robert F. Diegelman,

Acting Administrator, Law Enforcement Assistance Administration; Acting Director, Office of Justice Assistance, Research, and Statistics.

[FR Doc. 82-10514 Filed 4-16-82; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel (Special Exhibitions); 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 Museum Panel (Special Exhibitions) to the National Council on the Arts will be held May 11-14, 1982, from 9:00 a.m. to 5:30 p.m. in room 1422 of the Columbia Plaza Office complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is 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. 82-10592 Filed 4-16-82; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of those advisory committees which held any closed or partially closed meetings in 1981. The reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and are available for public inspection and use at the Library of Congress, Room 632, Madison Building, First and Independence Avenue, S.E., Washington, D.C. and at the National Science Foundation Committee Management Office, Room 217-A, Washington, D.C. The names of the committees submitting reports are:

1. Advisory Committee for Atmospheric Sciences.
2. Advisory Committee for Behavioral and Neural Sciences.
3. Advisory Committee for Chemistry.
4. Advisory Committee for Earth Sciences.
5. Advisory Committee for Engineering.
6. Advisory Committee for Environmental Biology.

7. Advisory Committee for Materials Research.

8. Advisory Committee for Ocean Sciences.

9. Advisory Committee for Physics.

10. Advisory Committee for Physiology, Cellular and Molecular Biology.

11. Advisory Committee for Social and Economic Science.

12. Advisory Committee on Special Research Equipment (2-Year and 4-Year Colleges).

13. Alan T. Waterman Award Committee.

Dated: April 12, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-10593 Filed 4-16-82; 8:45 am]

BILLING CODE 7555-01-M

Committee Management, Alan T. Waterman Award Committee; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Alan T. Waterman Award Committee is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration, as required by the Federal Advisory Committee Act and other applicable regulations.

Authority for the Alan T. Waterman Award Committee shall expire on April 11, 1984, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Donald N. Langenberg,

Deputy Director.

April 12, 1982.

[FR Doc. 82-10594 Filed 4-16-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Watts Bar; Change

The ACRS Subcommittee on Watts Bar scheduled for April 29 and 30, 1982 has been changed on a one-day meeting, Friday, April 30, 1982 starting at 1:00 p.m. at the RAMADA INN WEST, 7621 Kingston Pike, Knoxville, TN.

All other items regarding this meeting remain the same as announced in the

Federal Register published Monday, April 12, 1982 (47 FR 15671).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or Mr. Stuart Beal, Staff Engineer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 13, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-10557 Filed 4-16-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, TM 608-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guide for the Preparation of Applications for Licenses in Medical Teletherapy Programs" and is intended for Division 10, "General." It is being developed to describe the information the NRC staff needs to evaluate an application for a specific license for the possession of byproduct material to be used for the treatment of humans in a teletherapy unit.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention:

Docketing and Service Branch, by June 15, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 12th day of April 1982.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 82-10556 Filed 4-16-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443A AND 50-444A]

Public Service Co. of New Hampshire, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105(c) of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated March 26, 1982, with respect to the construction permit application for the Seabrook Nuclear Station, Units 1 and 2.

You have requested our advice pursuant to section 105(c), of the Atomic Energy Act, as amended, 42 U.S.C. 2135(c), in regard to a transfer of ownership interest in the above-referenced units from the New Bedford Gas and Edison Light Company ("New Bedford") to the Canal Electric Company. Under the proposed transfer, Canal Electric Company would receive New Bedford's 1.34927 percent interest in the Seabrook units, representing approximately 31 megawatts, as well as its executory rights to an additional 2.1739 percent interest in the Seabrook units, representing approximately 50

megawatts. Both New Bedford and Canal Electric Company are wholly-owned subsidiaries of the New England Gas and Electric Association.

The Department advised the Nuclear Regulatory Commission on December 4, 1973, that New Bedford's participation in the Seabrook units, along with that of a number of other small utilities in the New England area, would not create or maintain a situation inconsistent with the antitrust laws. Our review of the information submitted in connection with the current request, as well as other relevant information, has disclosed that the proposed transfer of ownership interest from New Bedford to its sister company does not appear to present any antitrust problems that would warrant a change in our prior advice. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed transfer of ownership.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, filed a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed on or before May 19, 1982 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 82-10556 Filed 4-16-82; 8:45 am]

BILLING CODE 7590-01-M

[License No. 45-09963-01 (EA 81-51)]

Met Lab, Inc.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.704(d) (1981), the Atomic Safety and Licensing Board for Met Lab, Inc. (Met Lab, Inc.), License No. 45-09963-01 (EA 81-51) is hereby reconstituted by appointing Administrative Law Judge Morton B. Margulies to serve in place of Judge Ivan W. Smith. Judge Smith, because of schedule conflicts, is unavailable to continue to serve.

All correspondence, documents and other materials shall be filed with Judge Margulies in accordance with 10 CFR 2.701 (1980). His address is: Administrative Law Judge Morton B.

Margulies, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 12th day of April, 1982.

B. Paul Cotter, Jr.,

Chief Administrative Law Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-10554 Filed 4-16-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the *Federal Register* of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624, 46 FR 46283, and 46 FR 48391.

Under section 1-103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, as delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, David R. Macdonald, Acting United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, Section 701(b) of the Tariff Act of 1930 as amended, and section 1-103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this Notice that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), Spain has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of April 14 Spain is a "country under the Agreement".

Inquiries concerning this notice should be addressed to Kathryn Flynn, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506, (202) 395-3063.

Dated: April 14, 1982.

David R. Macdonald,
Acting United States Trade Representative.

[FR Doc. 82-10803 Filed 4-16-82; 11:01 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Fidelity Financial Corp.; Order of Trading Suspension

April 12, 1982.

It appears to the Securities and Exchange Commission that there is a pending regulatory announcement relating to the securities of Fidelity Financial Corporation. The Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Fidelity Financial Corporation.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that exchange and over-the-counter trading in the securities of Fidelity Financial Corporation are suspended, for the period commencing at 11:40 a.m. on April 12, 1982, and terminating at midnight (EST) on April 21, 1982.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10504 Filed 4-16-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11532]

Union Pacific Corp.; (a Utah Corporation); Application and Opportunity for Hearing

April 8, 1982.

Notice is hereby given that Union Pacific Corporation (a Utah corporation) ("Union Pacific") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under an indenture dated March 1, 1982, an application for qualification of which under the Act is presently pending, and under a trust indenture dated June 15, 1977, which does not require qualification under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers

from acting as trustee under either of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign.

Subsection (1) of this Section provides, with certain exceptions, that a trustee under a qualified indenture is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

Union Pacific alleges that:

1. As part of its Registration Statement (File No. 2-68787), Union Pacific has presently pending before the Commission an application to qualify under the Act an indenture, to be dated as of March 1, 1982, between Union Pacific and Manufacturers, a trustee (the "Union Pacific Indenture"), pursuant to which \$2,000,000,000 of its 6% Notes Due 1992 are to be issued.

2. Bear Creek Security Corporation ("Bear Creek Security") a Delaware corporation, has entered into a Collateral Trust Indenture, dated as of June 15, 1977 (the "Bear Creek Security Trust Indenture"), with Manufacturers, as Trustee, pursuant to which Bear Creek Security issued an aggregate principal amount of \$40,000,000 of its Series A Collateral Trust Notes due 1989 (collectively, the "Notes"). Inasmuch as the Notes were offered and sold in a private placement to a small group of institutional investors in reliance upon the representations of the purchasers that they were purchasing the Notes for investment and not with a view for resale, they were not registered under the Securities Act of 1933, as amended, and the Bear Creek Security Trust Indenture was not qualified under the Trust Indenture Act of 1939. The Notes are secured, inter alia, by the pledge of certain Series A Partnership Notes to Bear Creek Uranium Company, a Colorado Partnership whose two

partners are Mono Power Company and Rocky Mountain Energy Company. Rocky Mountain Energy Company is a wholly-owned subsidiary of Union Pacific. The Notes are also secured by the assignment by Bear Creek Uranium Company to Manufacturers, a part of the estate, right, title and interest of Bear Creek Uranium Company in and to a Cash Deficiency Agreement (the "Cash Deficiency Agreement") between Bear Creek Uranium Company and Rocky Mountain Energy Company. The Cash Deficiency Agreement provides, in relevant part, that Rocky Mountain Energy Company will pay to Bear Creek Uranium Company its proportionate share of any amount by which payments due under the Series A Partnership Notes exceed amounts then available to Bear Creek Uranium Company for such payment. Rocky Mountain Energy Company's performance of this obligation under the Cash Deficiency Agreement is guaranteed by Union Pacific pursuant to a Performance Guarantee dated as of June 15, 1977, which has also been assigned to Manufacturers, as Trustee under the Bear Creek Security Trust Indenture, as additional security for payment of the Notes.

3. The Union Pacific Indenture will contain the provisions required by Section 310(b) of the Act.

Union Pacific respectfully requests that the Securities and Exchange Commission find and declare by order that the continued trusteeship of manufacturers under the Bear Creek Security Trust Indenture would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that manufacturers be disqualified from acting as trustee under the Union Pacific Indenture, if Manufacturers were to continue to act as Trustee under the Bear Creek Security Trust Indenture.

Union Pacific has waived notice of hearing, and waives hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than May 3, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or

fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-10505 Filed 4-16-82; 8:45 am]

BILLING CODE 8019-01-M

SMALL BUSINESS ADMINISTRATION

[Proposal No. 04/04-0211]

Equity Financial Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1982)) by Equity Financial Corporation, 1409 Peachtree Street, NE., Atlanta, Georgia 30309 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and 10 percent or more shareholders are:

Name and address	Title and relationship	Shareholder (percent)
Bussey C. Bonner, Jr., 2348 Christophers Walk, Atlanta, GA 30327.	President and director.	19.9
William R. Hill, 3138 Verdun Drive, Atlanta, GA 30305.	Vice president and director.	19.97
Robert F. Bonner, 2717 Pargoud 1, Monroe, LA 71201.	Director.....	19.97
Alexander S. Hill, 3127 Farmington Dr. N.W., Atlanta, GA 30339.	Treasurer and director.	19.97
Peter B. Glass, 3315 Pine Meadow Road, Atlanta, GA 30327.	Secretary, general counsel and director.	

No corporation, partnership, business entity, or other individual owns or will own 10 percent or more of common capital stock of the company. The private capital will be obtained through

the sale of common capital stock to a maximum 15 investors.

The Applicant will begin operations with a capitalization of \$1.252 million and will be a source of equity capital and long term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Atlanta, Georgia.

(Catalog of Federal Domestic Assistance Program No 59.011, Small Business Investment Companies)

Dated: April 12, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-10565 Filed 4-16-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

National Productivity Advisory Committee; Meeting

April 8, 1982.

The National Productivity Advisory Committee will hold its second meeting on Tuesday, May 4, 1982, at 10:00 am at the Main Treasury Building, at 15th Street and Pennsylvania Avenue, NW, Washington, D.C.

The four subcommittees will meet during the morning beginning at 10:00 am as follows:

Capital Investment—Room 3112.
Human Resources—Room 3424.
Role of Government in the Economy—Room 4426.

Research, Development and Technological Innovation—Room 4125.

The full committee will begin its session at 1:30 pm in Room 4121/25 of the Main Treasury. It will adjourn at 3:30 pm.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting. Approximately 25 seats will be available on a first come, first served basis.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 82-10524 Filed 4-16-82; 8:45 am]

BILLING CODE 4810-25-M

Customs Service

[T.D. 82-77]

"Bristol-Myers Company"; Recordation of Trade Name

On February 3, 1982, there was published in the *Federal Register* (47 FR 5063), a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Bristol-Myers Company." The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than

June 18, 1982. No responses were received in opposition to the application.

The name "Bristol-Myers Company" is hereby recorded as the trade name of Bristol-Myers Company, a corporation organized under the laws of the State of Delaware, located at 345 Park Avenue, New York, New York 10154. The trade name is used in connection with the following merchandise manufactured in numerous foreign countries: pharmaceuticals and medicines for human and veterinary use; vitamins, deodorants and oral hygiene preparations for human use; cosmetics and toiletries; medical appliances; small electrical appliances; and nutritional foods.

Dated: April 14, 1982.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

[FR Doc. 82-10552 Filed 4-16-82; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 82-78]

"Clairol Incorporated"; Recordation of Trade Name

On February 3, 1982, there was published in the *Federal Register* (47 FR 5063), a notice of application for the

recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Clairol Incorporated." The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than June 19, 1982. No responses were received in opposition to the application.

The name "Clairol Incorporated" is hereby recorded as the trade name of Clairol Incorporated, a corporation organized under the laws of the State of Delaware, located at 345 Park Avenue, New York, New York 10154. The trade name is used in connection with the following merchandise which is manufactured in numerous foreign countries: hair coloring, hair care products, electrical appliances, cosmetics and toiletries.

Dated: April 14, 1982.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

[FR Doc. 82-10553 Filed 4-16-82; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 75

Monday, April 19, 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

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 22, 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

Private Radio—1—Title: Amendment of Part 90 of the Commission's Rules to simplify the requirements for frequency coordination in the Business Radio Service, RM-3448. **Summary:** The FCC will consider whether to adopt a Notice of Inquiry which would provide information that would enable the Commission to determine whether such a rule change would be in the public interest.

Private Radio—2—Title: 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.

Cable Television—1—Title: "Petition for Special Relief" (CSR-1788) filed June 27, 1980, by Virginia Broadcasting Corporation, licensee of Station WVIR-TV (NBC, Channel 29), Charlottesville, Virginia. **Summary:** Virginia Broadcasting Corporation, licensee of Station WVIR-TV (NBC, Channel 29), Charlottesville, Virginia, requests a waiver of Section 76.92(g) of the Commission's Rules vis-a-vis the duplicating network programming of Television Broadcast Station WWBT (NBC, Channel 12), Richmond, Virginia, carried by cable systems in Albermarle, Augusta, and Rockingham Counties, Virginia.

Cable Television—2—Title: Quincy Cable TV, Inc. "Application for Review" of Cable Television Bureau decision denying its petition for reconsideration. **Summary:** "Application for Review" (CSR-1678) filed by Quincy Cable TV, Inc., operator of cable

television system in Quincy, Washington, for Commission review of Cable Television Bureau action denying petition for reconsideration for waiver of the mandatory signal carriage rules.

Renewal—1—Title: License Renewal Applications of Certain Broadcast Stations Serving the Baltimore Metropolitan Area. **Summary:** The Commission considers a petition to deny by the National Black Media Coalition and the Baltimore Black Media Coalition, which challenges the renewal of licenses for WMAR-TV, WMAR-FM, WMPB(TV), all in Baltimore, Maryland; WAPB(TV) and WYRE, Annapolis, Maryland; WAMD, Aberdeen, Maryland; and WVOB, Bel Air, Maryland, based on allegedly deficient employment practices regarding Blacks.

Aural—1—Title: Application to improve the facilities of station WKKQ, Hibbing, Minnesota. **Summary:** The Commission considers the application, two petitions to deny it, and a petition for reconsideration of staff action denying a public-file complaint against WKKQ.

Television—1—Title: Application for review of the Broadcast Bureau's action, *Focus Broadcasting of the Monterey Peninsula, Inc.* Mimeo No. 001954, (released: July 7, 1981) denying the Motion to Dismiss, filed by Schuyler against the competing application of Focus Broadcasting of the Monterey Peninsula, Inc. **Summary:** Schuyler, applicant for a CP for a new television station on Ch. 67, Monterey, California, seeks review of the Broadcast Bureau's denial of Schuyler's Motion to Dismiss. Petitioner alleges that the Bureau's finding was erroneous. The issue before the Commission is whether the Petitioner has made a showing justifying grant of its application for review.

Broadcast—1—Title: Assignment of FM Channel 265A to Falmouth, Massachusetts (BC Docket No. 80-159). **Summary:** The Commission will consider an Application for Review of the Report and Order, adopted February 24, 1981, which assigned FM Channel 265A to Falmouth, Massachusetts, as that community's second FM assignment.

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 Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 15, 1982.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[S-565-82 Filed 4-15-82; 3:34 pm]
BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION Deletion of Agenda Item From April 14th Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the April 14, 1982, Open Meeting and previously listed in the Commission's Notice of April 7, 1982.

Agenda, Item No., and Subject

Private Radio—3—Title: No-code amateur radio operator license class. **Summary:** The Commission will consider various alternatives in connection with whether or not to propose a no-code amateur radio operator license class.

Issued: April 14, 1982.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[S-564-82 Filed 4-15-82; 3:34 pm]

BILLING CODE 6712-01-M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Page No. (none at this time) Published Thursday, April 15, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, April 15, 1982.

PLACE: Board room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting.

Bank Membership; Insurance of Accounts—Petroplex Savings and Loan Association, Midland, Texas
Insurance of Accounts—Burleson County Savings Association, Caldwell, Texas

[No. 24, April 14, 1982]

[S-560-82 Filed 4-14-82; 4:54 pm]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on April 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 21, 1982.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposed statement to the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce on regulation of financial markets.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 15, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-562-82 Filed 4-15-82; 2:56 pm]

BILLING CODE 6210-01-M

5

FEDERAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Monday, April 19, 1982.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this 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 Public:

(1) Oral Argument in Grand Union Co., D 9121.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in Grand Union Co., D 9121.

CONTACT PERSON FOR MORE

INFORMATION: Susan B. Ticknor, Office of Public Information; (202) 523-1892; Recorded Message: (202) 523-3806.

[S-561-82 Filed 4-14-82; 4:55 pm]

BILLING CODE 6750-01-M

6

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Wednesday, May 12, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-49 [Final] (Fireplace Mesh Panels from Taiwan)—briefing and vote.
6. Investigation 731-TA-90 [Preliminary] (Chlorine from Canada)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-567-82 Filed 4-15-82; 3:50 pm]

BILLING CODE 7020-02-M

7

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Thursday, May 6, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 104-TAA-7 (Sugar from the European Communities)—briefing and vote.
6. Investigation 104-TAA-8 (Molasses from France)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-566-82 Filed 4-15-82; 3:50 pm]

BILLING CODE 7020-02-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 15477 April 9, 1982.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 5, 1982

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at an open meeting for Thursday, April 15, 1982, at 9:30 a.m.

Consideration of whether to publish a release adopting a rule and rule amendments providing for a system of classifying smaller issuers for purposes of exempting certain categories of issuers from Securities Exchange Act of 1934 reporting and other obligations. For further information, please contact Suzanne Brannan at (202) 272-2644.

The following additional items will be considered at a closed meeting scheduled for Thursday, April 15, 1982, following the 9:30 a.m. open meeting.

Terminating investigation.
Settlement of administrative proceeding of an enforcement nature.
Consideration of amici participation.
Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

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: Jerry Marlatt at (202) 272-2092.

April 14, 1982.

[S-563-82 Filed 4-15-82; 3:15 pm]

BILLING CODE 8010-01-M

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federal register

Monday
April 19, 1982

Part II

Department of the Interior

Fish and Wildlife Service

**Proposed 1982-83 Migratory Game Bird
Hunting Regulations (Preliminary)**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Proposed 1982-83 Migratory Game Bird Hunting Regulations (preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours for designated groups or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1982-83. The Service annually prescribes migratory bird hunting regulations. These regulations provide hunting opportunity, a popular form of outdoor recreation, to the public and aid Federal and State governments in the management of migratory game birds.

DATES: The comment period for proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands will end on June 23, 1982; for early season proposals on July 16, 1982; and for late season proposals on August 23, 1982. Public Hearings: Early Season Regulations, including those for Alaska, Puerto Rico, and the Virgin Islands—June 23, 1982, at 9 a.m.; Late Season Regulations—August 3, 1982, at 9 a.m. Both public hearings will be held in the Auditorium, Interior Department Building, 18th and C Streets, NW., Washington, D.C.

ADDRESSES: Comments and requests to testify may be mailed to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received may be inspected from 8 a.m. to 4 p.m. at the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202-254-3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds during 1982-83 under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these

birds. During the 1982-83 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Scolopacidae* (woodcock and snipe). These proposals are described under Proposed 1982-83 Migratory Game Bird Hunting Regulations (Preliminary) in this document.

Notice of Intention to Establish Open Seasons.

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1982-83 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Factors Affecting Regulations Process

This is first in a series of proposed and final rulemaking documents for migratory bird hunting regulations. Proposed season frameworks, shooting hours, and daily bag and possession limits are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here and the schedule by which more detailed proposals for these and other species will be developed depend upon a number of factors. Among these are the times when various annual population, habitat, and harvest surveys are conducted and results are available for analysis; times of migration and other biological considerations; and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) Regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States about October 1 and later (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings

to be published in the *Federal Register*. Also, additional supplemental proposals will be published for public comment in the *Federal Register* as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to adjust their licensing and regulatory mechanisms and, on the other hand, the lack before late July of current data on the status of most waterfowl.

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the *Federal Register* in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemakings—proposals to amend Subpart K (and other subparts when necessary) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

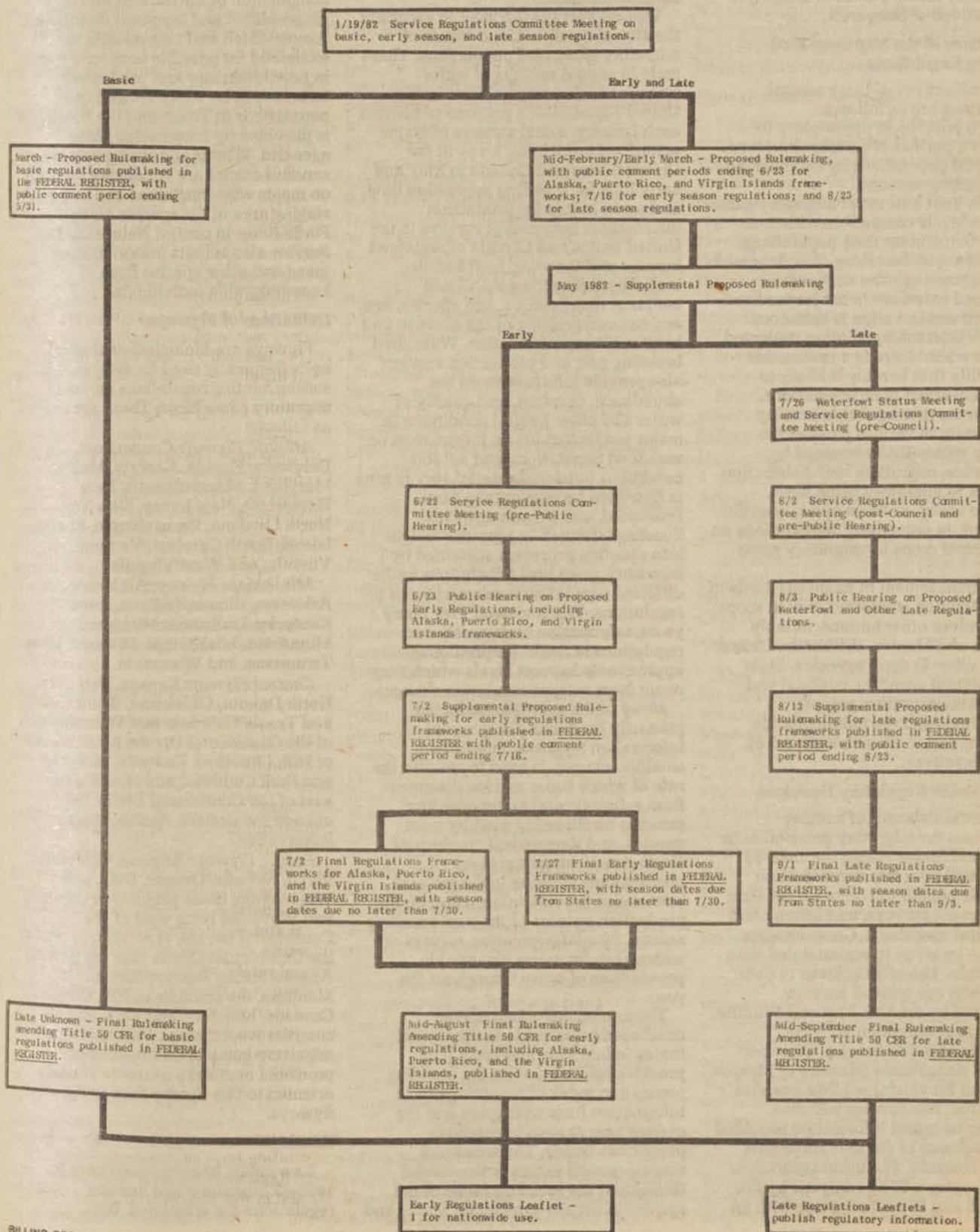
2. Final rulemakings—frameworks. Final migratory game bird regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of Subpart K (and other subparts when necessary) of 50 CFR Part 20 based on the final regulations frameworks and on season selections communicated by the States to the Service.

Major steps in the 1982-83 regulatory cycle relating to public hearings and *Federal Register* notifications are illustrated in the accompanying diagram.

BILLING CODE 4310-55-M

1982 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under § 20.21 of Subpart C and § 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishment of hunting regulations for migratory game birds in the United States during the 1982-83 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, *Direccion General de la Fauna Silvestre* of Mexico, State and Provincial wildlife agencies, and others. The Service will also consider technical information provided by consultants of the four waterfowl flyway councils. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service with an

opportunity for the public to review and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the United States and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial, and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations of geese in the fall and winter also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and

Canada. Insight into production success is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than to the other flyways.

Hearings

Two public hearings pertaining to 1982-83 migratory bird hunting regulations are scheduled. Both

meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 23 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations will be discussed for these species plus regulations for sandhill cranes in some States; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons; other duck seasons in September; and special sea duck seasons in the Atlantic Flyway. On August 3 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202-254-3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the

comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on Proposed 1982-83 Migratory Game Bird Hunting Regulations (preliminary) write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C. The Service will acknowledge but may not respond in detail to each comment. Specific comment periods will be established for each of the three series of proposed rulemakings. All relevant comments will be accepted through the closing date of the last comment period on the particular proposal under consideration. As in the past, the Service will summarize all comments received during the comment period and respond to them.

Recommendation To Change Process for Establishing Migratory Bird Hunting Regulations

The Office of Management and Budget (OMB), as part of its program to eliminate unnecessary, burdensome or counterproductive regulations, has urged the Service to consider not publishing final rules (regulations) on hunting season dates and options selected by State conservation agencies from the annual frameworks. Under this arrangement there would be no Federal regulations showing hunting season dates and options selected by each State. Instead, the final regulatory action taken by the Service would be the promulgation of frameworks. Season selections and other selected options would be finalized only in State regulations. The Service would continue to review State selections for consistency with Federal frameworks, and would compile them for informational purposes.

Acceptance of the OMB recommendation would shift the focus of the Federal regulations from individual hunters to State conservation agencies, with the latter being required to make proper selections from the

Federal frameworks, and formalize the selections as State regulations. Notice about this recommendation is being provided now so that State conservation agencies will have time to consider how the suggested change might impact upon their responsibilities and programs, and both State agencies and the public will have opportunity to comment.

Flyway Council Meetings

The Service published a final rule in the *Federal Register* dated December 22, 1981 (46 FR 62077) which established certain procedures in the development of the annual migratory bird hunting regulations. This rule took effect on January 21, 1982. One provision is to publish notification of meetings of waterfowl flyway councils where Department officials will be in attendance. In this regard, Departmental representatives will be present at the following spring meetings of the various flyway councils:

Date: All of these meetings are scheduled for March 28, 1982, at the following times:

Central and Pacific Flyway Councils, 8:30 a.m.

Atlantic and Mississippi Flyway Councils, 9 a.m.

National Waterfowl Council, 3 p.m.

Address: The above meetings will be held at the Portland Hilton Hotel, 920 Southwest Sixth Avenue, Portland, Oregon.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *Federal Register* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Endangered Species Act Consideration

Prior to finalization of the 1982-83 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, and as amended, (16 U.S.C. 1531-1543; hereinafter the Act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to

proposals in this and future supplemental proposed rulemaking documents.

Regulatory Flexibility Act and Executive Order 12291

In complying with these new requirements during the 1981-82 regulatory development cycle, the Service prepared a Determination of Effects, a Preliminary Regulatory Impact Analysis (PRIA), a Final Regulatory Impact Analysis (FRIA), and a Memorandum of Law. For further information see the *Federal Register*: March 25, 1981, at 46 FR 18669; August 17, 1981, at 46 FR 41739; August 21, 1981, at 46 FR 42643; and September 18, 1981, at 46 FR 46543. The FRIA which was issued by the Service on June 22, 1981, was announced to the public in the *Federal Register* dated August 17, 1981 (at 46 FR 41739).

A Determination of Effects approved by the Assistant Secretary, Fish and Wildlife and Parks, on February 3, 1982, concluded that the hunting frameworks being proposed for 1982-83 were "major" rules, subject to regulatory analysis. Discussions with Office of Management and Budget officials indicated that inasmuch as little new pertinent information or data has accrued since the issuance of the 1981 FRIA, it would be satisfactory to update its analysis for the 1982 migratory bird hunting proposed and final rules.

An updated FRIA analysis, focusing on waterfowl hunting, was completed by the Service on February 18, 1982. No new economics data or information had come to light since the 1981 FRIA was issued. Using Consumer Price Index information, the Service updated its estimate of 1975 expenditures arising from waterfowl hunting to \$311 million January 1982 dollars. The 1975 estimate of 1981 expenditures for migratory bird hunting was similarly revised from \$949 million to \$1.58 billion.

A summary of the updated FRIA follows:

Stabilized regulations were again in effect during the 1981-82 season. New information which could be compared to that appearing in the 1981 FRIA included estimates of the 1980 fall flight of ducks from surveyed areas, and hunter activity and harvest information from the 1980-81 hunting season. These data were presented by flyways, and for the U.S. Fall flights of waterfowl were depressed, particularly in the Central and Mississippi Flyways. Hunter activity, both in numbers of hunters and total days spent afield, decreased in all flyways. The findings supported relationships identified in the 1981 FRIA, and again demonstrated that hunter numbers and days spent afield vary considerably from year to year, even though unchanged hunting season frameworks were

in effect. Hunter participation, including expenditures, is influenced by several nonregulatory considerations, including weather, local availability and vulnerability of ducks, habitat conditions, and conditions of the economy. Also, States sometimes do not select comparable seasons and options each year from the Federal frameworks.

Copies of the updated FRIA are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the time the first of these rules is finalized.

Authorship

The primary author of the proposed rules on annual hunting regulations is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202-254-3207.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife.

Proposed 1982-83 Migratory Game Bird Hunting Regulations (preliminary)

The following general frameworks and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe, and woodcock are proposed during the 1982-83 season. Changes or possible changes, when noted, are in comparison to 1981-82 final frameworks or regulations, and reflect the Service's position at this time. As noted earlier, public responses, additional data and information, and other considerations may lead to changes in the frameworks being proposed at this time. In this respect, date changes of one or two days, because of the 1982-83 calendars causing dates to fall on different days of the week, are regarded as "no change." All mentioned dates are inclusive. The Service also wishes to alert the public to various recommendations it has received since the 1981-82 regulations were finalized, and prior to the initiation of this year's regulatory cycle. These and the Service's responses or comments follow the frameworks being proposed.

Stabilized Regulations for Duck Hunting. During the 1980-81 hunting season, the Service implemented a program of stabilized regulations (numbers of hunting days and limits) for ducks in the United States. On July 1, 1980, the Service advised in the *Federal Register* (at 45 FR 44546) that it planned

to take this action in connection with an evaluation program to be conducted in cooperation with the Canadian Wildlife Service. A stabilized regulations program was initiated in Canada in the 1979-80 hunting season. The study was described at that time, and is repeated for informational purposes as follows:

At the Public Hearing held on August 2, 1979, to review the proposed waterfowl and other late hunting season regulations, the Canadian Wildlife Service announced its intention to initiate a new waterfowl management program that had been developed cooperatively with the Provinces of Alberta, Manitoba, and Saskatchewan. A major element of this program is the stabilization of waterfowl hunting regulations for five years. The Service, in responding to the Canadian statement, noted that annual changes in hunting regulations constitute a source of difficulty in understanding the population dynamics of waterfowl, particularly the relationship between regulations and harvest rates. It also noted the advantages of the two nations jointly implementing a study of stabilized regulations.

Duck bag limits and season lengths have not been markedly altered among years in the United States for some time. The objectives of this approach have been to hold hunting opportunity reasonably constant, but within a range that would not result in an overharvest of any population, and to provide an opportunity to define more precisely the relationships between regulations and harvest.

During the past few months, the Service has been discussing a cooperative study with Canadian Wildlife Service aimed at investigating more thoroughly the impact of environmental variables on waterfowl populations. To this end, the Service proposes to initiate a program in which hunting regulations during the next five years in each of the Flyways would be maintained at the same general levels as during the 1979-80 hunting season. The focus of the program would be primarily on ducks, and on seasons and bag limits. Consideration will be given to special situations regarding particular species or other aspects of the regulations. An environmental assessment is in preparation in which the proposed program will be examined in more detail, and criteria to be used in guiding it will be defined. The assessment will be made available for public review as soon as possible. The Service proposes to conduct the program in cooperation with the State wildlife agencies and the Canadian Wildlife Service. The program will provide a unique opportunity to study the impact of hunting on North American waterfowl, and to initiate or redirect studies relating to other aspects of waterfowl population dynamics.

The assessment noted above was subsequently issued, and copies are available from the Office of Migratory Bird Management. The hunting regulations for the 1980-81 season incorporated the concept of regulations

stability and represent the first year of a five-year study. The Service proposes to continue with the program of stabilized regulations during the 1982-83 hunting season, the third year of study.

In a letter of December 31, 1981, the Alaska Department of Fish and Game requested that it be allowed to continue with stabilized duck hunting regulations at least until the stabilized duck hunting regulations study in the remainder of the Pacific Flyway has been completed. Alaska's request was accompanied by a report summarizing the results of a stabilized regulations study undertaken in Alaska during the 1976 through 1980 seasons. Data for the 1981-82 season will not be available until mid-summer, after the deadline for establishing the 1982-83 Alaska frameworks.

Response. Because Alaska produces many of the ducks harvested in the Pacific Flyway, where stabilized regulations are being proposed, the Service believes that the Alaska request is reasonable. Also, stabilized regulations studies are proposed to continue in the three other waterfowl flyways, and some Alaska-produced ducks are harvested in each. Maintaining stabilized regulations in Alaska would contribute to the studies of stabilized regulations in the remainder of the United States, and Canada. The 1982 hunting season will be the third year of a five-year study in these areas. The Service's proposed frameworks provide that Alaska may continue to establish stabilized regulations for the 1982-83 season.

The Service proposes to amend 50 CFR Part 20 as follows:

1. **Shooting hours.** (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

Shooting hours were subjected to extensive review and discussion during the regulatory process for the 1977-78 hunting seasons. The Service undertook a study of information and data in its files and prepared an environmental assessment on shooting hours which was made available to the public in August 1977. The Director concluded, after study of this assessment, that the proposed shooting hours did not constitute a major impact upon the environment, and signed a negative declaration to that effect. Copies of the assessment are available and can be supplied upon request to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service adopts and incorporates by reference for purposes of this rulemaking the rationale for the proposed shooting hours set forth in the four past years' proposed and final regulations for migratory bird hunting.

2. **Framework dates for ducks and geese in the continental United States.** (No change.) The Service proposes that these frameworks are to be generally the same as during the 1981-82 season. From October 1, 1982, to January 20, 1983, for the Atlantic Flyway; from October 2, 1982, to January 20, 1983, for the Mississippi Flyway; and from October 2, 1982, through January 23, 1983, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 15, 1982, through January 20, 1983.

(b) September teal season: September 1 through September 30, 1982, in specified areas.

(c) Special scaup season: October 1, 1982, through January 31, 1983, in specified areas.

(d) Experimental duck seasons: in Iowa, up to 7 days of the regular duck season may begin as early as September 18, 1982. It is proposed to continue this option pending evaluation of the 3 experimental seasons already completed. In Florida, Kentucky, and Tennessee, 5-consecutive-day duck seasons may be selected in September. In Mississippi, the waterfowl season framework may extend to January 31, 1983. It is proposed to continue this option pending evaluation of the 3 experimental seasons already completed.

(e) Snow (including blue) and white-fronted geese: In Louisiana, between October 2, 1982, and February 14, 1983, in zones established for duck hunting seasons.

(f) Snow geese: In the Atlantic Flyway, October 1, 1982, through January 31, 1983. In New Mexico, October 2, 1982, through February 13, 1983.

(g) Canada geese: In New York, Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and a designated area in southeastern Pennsylvania, the Canada goose season framework extends to January 31, 1983.

(h) Pacific Flyway brant: October 23, 1982, through February 20, 1983.

(i) Alaska waterfowl: September 1, 1982, through January 26, 1983.

Wisconsin requested a waterfowl season framework beginning October 1.

Response. The Service does not propose a change in the flyway framework dates at this time, pending

comment from other States in the flyway. As a point of information, the framework date for the Mississippi Flyway was changed in 1979 from October 1 to the Saturday closest to October 1 at the request of the Mississippi Flyway Council.

The Waterfowl Habitat Owners Alliance requested that the California waterfowl hunting season framework be extended through the end of January, with no increase in the number of hunting days.

Response. The Service believes that before hunting season frameworks are changed, all pertinent information should be examined. This study should examine framework considerations throughout the Pacific Flyway. In this respect, the Service notes that severe weather conditions in some northern or high altitude areas effectively terminate the waterfowl season before the selected number of hunting days has expired. Seasons in these areas cannot be advanced under the opening frameworks which have been in effect in recent years. Consequently, the Service favors a comprehensive review of the suitability of present frameworks and alternatives, either more liberal or restrictive, to them. Information from the current study of stabilized hunting regulations for ducks will provide much of the information on the magnitude, distribution, and chronology of the harvest which would be necessary for such a comprehensive study. In the meantime, it would be desirable to investigate apparent differences among various sources of harvest information available for California in order to develop the best data basis for the comprehensive study of frameworks. California dominates the Pacific Flyway in terms of hunter numbers, hunter days spent afield, and waterfowl harvested. Hunting activity and harvest there occurs on many Federal and State areas, private duck clubs, and other privately owned lands. Because of California's dominance, it is important that hunter activity and harvest on these areas be better understood. The Service proposes that such information be gathered and analyzed so that consideration of the frameworks question be addressed at the termination of the stabilized regulations study.

3. **Black ducks.** (No change.) An environmental assessment of proposed hunting regulations for black ducks was issued by the Service in August 1976. Subsequently, a three-year cooperative research and management program was developed by the Service and States of the Atlantic and Mississippi Flyways. This was reported in the Federal

Register dated March 10, 1977; 42 FR 13315, and for informational purposes is repeated as follows:

A research and management program for this species is presently being developed by the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977-79 banding programs.

In order to assure achievement of banding objectives, a new 5-year black duck banding program commenced on July 1, 1981; it includes both pre-season and winter banding. Pending the analysis of data derived from banding, as well as from other sources, and the completion of a black duck management plan currently under development in a joint effort by the U.S. Fish and Wildlife Service, Canadian Wildlife Service, and the Atlantic Flyway Council, no changes in black duck hunting regulations are proposed.

4. Wood ducks. (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the Federal Register dated May 25, 1977 (42 FR 26669), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1982 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1982 shall apply to wood ducks, and under the point system,

the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1982 season.

5. Sea ducks. (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1982, and January 20, 1983, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter,

eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its selection no later than July 30, 1982. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. September teal season. (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 30, 1982.

7. Extra teal option. (No change.)

(a) States in the Atlantic (except Florida), Mississippi (except Kentucky and Tennessee), and Central flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

8. Experimental September Duck Seasons.

Iowa September Duck Season: Iowa may take 5 days of its duck hunting season in September, with the number of days in September to be deducted from the number of days allowed for the regular duck season. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1982, the 5-day early season may commence no earlier than September 18, with daily bag and possession limits being the same as those in effect during the 1982 season.

Tennessee, Kentucky, and Florida September Duck Seasons: Experimental 5-consecutive-day duck seasons may be selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons will be in lieu of September teal seasons;

2. In all States, the daily bag limit will be 4 ducks, no more than 1 of which may be of a species other than teal or wood duck, and the possession limit will be double the daily bag limit;

3. The experimental season will be for 3 years to facilitate evaluation; and

4. Additional information to be gathered by the States to evaluate the experiment will include hunter and harvest surveys, banding, and population surveys.

9. *Special scaup season.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must occur between October 1, 1982, and January 31, 1983.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to September 3, 1982, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup-only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

10. *Extra scaup option.* As an alternative to a special scaup-only season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

11. *Mergansers.* (No change.) States in the Atlantic and Mississippi Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The restriction on hooded mergansers of 1 daily and 2 in possession is continued in the Atlantic, Mississippi, and Central Flyways.

12. *Canvasback and redhead ducks.* (No change.) The Service proposes to again offer the experimental regulations option in designated portions of the Atlantic Flyway subject to the criteria published earlier (46 FR 18672; March 25, 1981). No other changes in canvasback

and redhead hunting frameworks are proposed at this time.

Additional information on the population status and trends of the two species, plus their production success this summer, will become available prior to the date that the frameworks for the 1982-83 season are finalized. The management rationales for canvasbacks and redheads were described in an environmental assessment issued in August 1976. As an outgrowth of the assessment, a number of area closures were established where full protection from hunting was given to the two species. In other areas, minimal harvests were allowed under the point system and conventional regulations. Area closures for redheads were judged unnecessary and were eliminated in 1980 because of the improved status of that species. The assessment also established short-term and long-term population objectives.

Last year the Service proposed to implement a special canvasback season in the Atlantic Flyway, providing certain population status and production success guidelines were met. Details of the study were reported in the *Federal Register* dated March 25, 1981 (at 46 FR 18672). Because the population level and production success guidelines were not met in 1981, the experiment was not implemented (see 46 FR 41737).

Ohio recommended that the canvasback hunting closure adjoining Lake Erie be abolished, while Wisconsin made the same recommendation for designated areas in the southern part of that State.

Response. The Service has these requests under study but is taking no position pending availability of other data and information.

13. *Zoning.* (Possible change.) States of the Atlantic, Mississippi, and Central Flyways may divide their States into zones for establishing different hunting seasons in accordance with criteria described in the *Federal Register* dated May 25, 1977 (42 FR 26671). The criteria for zoning are as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in the experimental zoning.

States in the Atlantic and Central Flyways, in lieu of zoning, may split their seasons for ducks and geese into two or three segments.

Maryland informed the Service that it is considering a proposal to zone the State for duck hunting during the 1982-83 season. Montana proposed to zone the Central Flyway portion of its State for establishing waterfowl hunting regulations. The first zone would include roughly the southeastern quarter of the Central Flyway portion of the State, while the second zone would comprise the north and west portions. Oklahoma also expressed an interest in zoning and said that a formal proposal was forthcoming.

Response. Criteria for zoning were described earlier and are repeated above. The Service will consider these requests once formal proposals and detailed evaluation plans have been received.

14. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four waterfowl flyway council, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery and ground studies for May and June of 1982 will provide additional information. No changes from 1981-82 regulations are proposed at this time, however, the following proposed general regulations are subject to revision as additional information becomes available.

Atlantic Flyway. Seasons and bag limits are to be generally the same as

last year pending receipt of additional information and recommendations from the public. The following regulations are tentatively proposed:

Between October 1, 1982, and January 20, 1983, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits will be 3 and 6 geese, respectively. However, in the area comprised of Delaware, the Delmarva Peninsula portions of Maryland and Virginia, that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, and then east on U.S. Highway 22 to the New Jersey border, and that portion of New Jersey south of the Atlantic City Expressway from its juncture with Interstate 76 near Camden southeast to Atlantic City, the Canada goose season length will be 90 days with the closing framework date extended to January 31, 1983. The daily bag limit within this area may not exceed 4 birds with a possession limit of 8 birds. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1982, to January 20, 1983, framework; the daily bag and possession limits will be 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1982, to January 20, 1983, framework. The daily bag and possession limits will be 1 and 2 Canada geese, respectively. The season will be closed on Canada geese in Florida and Georgia. States may, in lieu of zoning, split their goose season into two or three segments.

Between October 1, 1982, and January 31, 1983, States in the Atlantic Flyway may select 70-day seasons on snow geese (including blue geese); the daily bag and possession limits may not exceed 4 and 8 geese, respectively.

Between October 1, 1982, and January 20, 1983, States in the Atlantic Flyway may select 30-day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese.

Maryland requested a 90-day Statewide goose season to alleviate crop

damage and other problems in the western part of the State.

Response. The proposed goose season frameworks provide for a 90-day goose season in the Delmarva portion of Maryland. The request relating to the remainder of Maryland will be considered later in the regulations cycle when data on goose population status and reproduction, and other information become available.

Mississippi Flyway. Seasons and bag limits for Canada geese to be generally the same as last year, that is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese, snow geese (including blue geese), and white-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Populations of Canada geese in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of section 20.26 of Title 50, or when the permissible number of hunting days has expired.

Wisconsin requested that Canada geese limits outside harvest quota zones be 2 birds daily and 4 birds in possession.

Response. Action on this request is deferred pending additional biological information and consideration of population management objectives.

Central Flyway. Seasons and bag limits for Canada, white-fronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1981-82 are anticipated at this time.

Pacific Flyway. Seasons and bag limits to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations.

A Wyoming request involving both sandhill cranes and Canada geese is addressed under item 16.

15. *Whistling swan.* (No change.) The following frameworks for whistling swans are proposed.

In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions:

(1) The season must run concurrently with the duck season;

(2) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan;

(3) In Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Churchill County;

(4) In Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties;

(5) Permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

Montana recently informed the Service of its interest in establishing a swan season in the Central Flyway portion of the State.

Also, some Atlantic Flyway States have expressed interest in harvesting whistling swans. The Service last addressed this issue in the Federal Register dated July 8, 1981 (at 46 FR 35319). In recent years only swans of the western population have been harvested in the United States, in Utah and designated areas of Montana and Nevada.

Response. The Service proposes to defer consideration of additional hunting of whistling swans pending development of a management plan for these birds. A draft of such a plan is in preparation now in conjunction with representatives of all four flyway councils. Availability of the plan for public review will be announced in the Federal Register.

16. *Sandhill cranes.* (No change.) Pending evaluation of harvest data from the 1981-82 season, to be available later, seasons for hunting sandhill cranes may be selected within specified areas in Arizona, Colorado, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1981-82 seasons and with a daily bag limit of 3 and a possession limit of 6 sandhill cranes, except in Arizona where the limit is 2 cranes per season for 100 permit holders. The provision for the Federal sandhill crane hunting

permit is continued in all the above areas except Arizona.

Kansas advised the Service that it plans to request a sandhill crane hunting season for 1982-83. A detailed proposal is being developed. Montana recommended two changes in its sandhill frameworks. The first would be a lengthening of the hunting season from 37 to 51 days in the Central Flyway counties where cranes are hunted. Secondly, Montana requests that a late crane hunting season be allowed in Sheridan County. New Mexico requested that it be allowed to establish a limited permit hunt for sandhill cranes in Sierra, Luna, and Hidalgo Counties in the southwestern part of the State. The hunt would be part of a research study on feeding and movement patterns, depredation problems, and racial, age, and sex composition of sandhill cranes wintering in the area. The hunt would be patterned after the experimental season implemented last year in the Wilcox Basin area of Arizona. In addition to having special permits, hunters would be required to check in and out of the hunting area. A more complete proposal to support the request is being prepared. South Dakota proposed that sandhill crane hunting be permitted Statewide, with the season framework beginning on the Saturday nearest October 1 and closing on the Sunday nearest November 10. Texas informed the Service of its desire to expand the sandhill crane hunting zones presently established in the State. Wyoming submitted a proposal for a special sandhill crane and Canada goose hunting season in Lincoln County, in the southwestern part of the State. The proposal is designed to control crane and goose populations in chronic depredations areas, chiefly in the Bear River and Star Valleys. A three-year experimental lure crop depredations control program has terminated in these problem areas and is not being renewed.

Response. Various sandhill crane population management plans are nearing completion in the Central and Pacific Flyways. These plans should be completed before regulatory changes are considered. In addition, there is a need to address hunting and harvest levels for sandhill cranes in a more comprehensive way than appears to be the case now. This should be done with a view to providing guidelines to the overall harvest of cranes as well as the harvest of particular populations or populations segments that may need special consideration. Where different State harvest proposals are directed to the same sandhill crane population, it is important that the proposed regulations

be assessed in light of overall crane population objectives, estimated allowable harvests, and expected subspecific composition of birds to be subjected to additional harvest. The Service will consider these requests further as additional information becomes available. Wyoming's request concerns both sandhill cranes and Canada geese and would entail a major change in framework dates for hunting geese, so as to permit hunting in September. The Service proposes to defer consideration of such a change pending further information and the completion of a management plan for these geese.

17. Coot bag limit. (No change.) Within the regular duck season, States in the Atlantic, Mississippi, and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily in possession, singly or in the aggregate with gallinules.

18. Gallinules. (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1982, and January 20, 1983, of not more than 70 days. States may split gallinules seasons without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State or portion thereof in the Pacific Flyway may be the same as but not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

19. Rails. (Change.) The States included herein may select seasons between September 1, 1982, and January 20, 1983, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days, and any State may split its rail season into two segments without penalty.

Clapper and king rails.

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails; respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails.

In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

Louisiana requested that the Service allow it to split its rail seasons so that rails could be hunted during both the September teal season and the regular waterfowl season, both periods being within the rail season frameworks.

Response. The hunting season frameworks for other migratory game birds generally allow seasons to be split. There appears to be no reason why the same provision should not be available for rail seasons. Consequently, the above proposed frameworks provide that rail seasons in all States may be split into two segments. Little if any change in harvest would be expected to occur as a result of the change.

20. Common snipe. (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1982, and February 28, 1983, not to exceed 107 days, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Season between September 1, 1981, and February 28, 1982, not exceeding 93 days, may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three easterly Flyways may defer selections of snipe seasons at the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

21. *Woodcock.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1982, and February 28, 1983, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively. In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

22. *Band-tailed pigeons.* (No change.) *West Coast States* (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1982, and January 15, 1983. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Nevada may select for the counties of Carson City, Douglas, and Lyon a season and limits the same as those selected by California for Alpine County. Each hunter must have in possession a valid band-tailed pigeon hunting permit.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1982. The daily bag and possession limits may not exceed 5 and 10, respectively. Each hunter must have been issued and carry while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at

Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1982, and November 30, 1982, in the North Zone, and October 1, 1982, and November 30, 1982, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

23. *Mourning doves.*

(No change.) Concern has been expressed by some organizations and individuals about the hunting of mourning doves in September. Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. Field work in a cooperative Federal-State research program to obtain further information on this matter was completed in 1980 and a final report is in preparation. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

The Service proposes the following frameworks:

Unless otherwise noted, the shooting hours are one-half hour before sunrise to sunset.

Between September 1, 1982, and January 15, 1983, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily, or as an option, between one-half hour before sunrise to sunset daily.

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States.

3. Hunting seasons of not more than 70 half or full days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama—The South Zone is defined as that area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia—U.S. Highway 280 east to the Ocmulgee River, along the Ocmulgee

River to the Altamaha River south to the western boundary of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, and east along the northern boundary of Jenkins and Screven Counties to the South Carolina State line.

Louisiana—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi—U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1982.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Daily bag and possession limits not to exceed 12 and 24 doves, respectively, in all States. As an alternative, a season not exceeding 45 days, and limits of 15 and 20 doves, respectively, may be selected. In either, the season may run consecutively or be split into not more than three periods.

2. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24 (or 15 and 30 under the alternative), singly or in the aggregate of the two species.

3. In addition to the basic framework and the alternative, Texas may select as Option 1 hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 (or 45 under the alternative) days between September 1, 1982, and January 22, 1983.

C. The South Zone may have a season of not more than 60 (or 45 under the alternative) days between September 20, and January 22, 1983. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1982–January 22, 1983, period.

As Option 2, Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 (or 45 under the alternative) days between September 1, 1982, and January 25, 1983.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Daily bag and possession limits not to exceed 10 and 20, respectively.

2. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods (except in the Arizona option and portions of California and Nevada described below). In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Arizona may select for designated white-winged dove management units seasons of 70 full days with a daily bag limit of 12 does in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

For many years, different season lengths and bag limits have been in effect in the three mourning dove management units. In the 1981-82 season these ranged from 70 days and 12 birds in the Eastern Management Unit (EMU) to 60 days and 12 birds in the Central Management Unit (CMU) to 50 days and 10 birds in the Western Management Unit (WMU). Possession limits were generally twice the daily bag limit. Prior to the 1981-82 season, the bag limit in the CMU was 10 rather than 12 birds daily. Additionally, in the 1981-82 season CMU States could select a 45-day season with a limit of 15 birds daily as an alternative to the usual 60-day season. A historical review of the regulations fails to reveal an original basis for the differences between management units or a biological reason why they should be continued. Consequently, the Service is considering the desirability of establishing generally uniform season and bag limit options for all three management units. No specific proposal is made now pending receipt of additional information and comment

from State conservation agencies and other interested parties.

24. *White-winged doves.* (No change.) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1 and December 31, 1982, and daily bag limits as stipulated below.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for a mourning dove season of 70 full days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 (or 15 and 30) white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season, the length of which will be determined when information from State surveys is available, for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves; respectively. The season may be split within the overall time frame.

Texas may also select a white-winged dove season of not more than 60 (or 45 under the alternative) days coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 4 may be whitewings.

25. *Migratory bird hunting seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska

Department of Fish and Game initiated a study of stabilized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the *Federal Register* dated March 10, 1977 (42 FR 13317). As noted earlier, the Service proposes to allow Alaska to maintain stabilized regulations during 1982-83.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1982-83

Outside Dates: Between September 1, 1982, and January 26, 1983, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

Shooting Hours: One-half hour before sunrise to sunset daily.

Hunting Seasons:

Ducks, geese, and brant—107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes—An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

Brant—A daily bag limit of 4 and a possession limit of 8.

Common snipe—A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

26. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* (No change.)

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1982-83

Shooting hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1982, and January 15, 1983, as follows.

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas:

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed to give the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca," a chance to recover.

El Verde Closure Area—consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along

the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata wetmorei*), locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe

Outside Dates: Between December 1, 1982, and January 31, 1983, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe.

Daily Bag and Possession Limits:

Ducks—Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*), which are protected by the Commonwealth of Puerto Rico.

Coots—Not to exceed 6 daily and 12 in possession.

Common gallinules—Not to exceed 6 daily and 12 in possession, except that the season is closed on purple gallinules (*Porphyryla martinica*).

Common snipe—Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1982-83

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: The Virgin Island may select hunting seasons between September 1, 1982, and January 15, 1983, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Ducks

Outside Dates: Between December 1, 1982, and January 31, 1983, the Virgin

Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*).

Local Names for Certain Birds.

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

27. **Migratory game bird seasons for falcons.** (No change.)

Proposed Special Falconry Frameworks

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

Note.—In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

28. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of Part 20 of Title 50 CFR. Such a season must be

within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1982, and January 15, 1983, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations

relating to migratory game birds shall also apply.

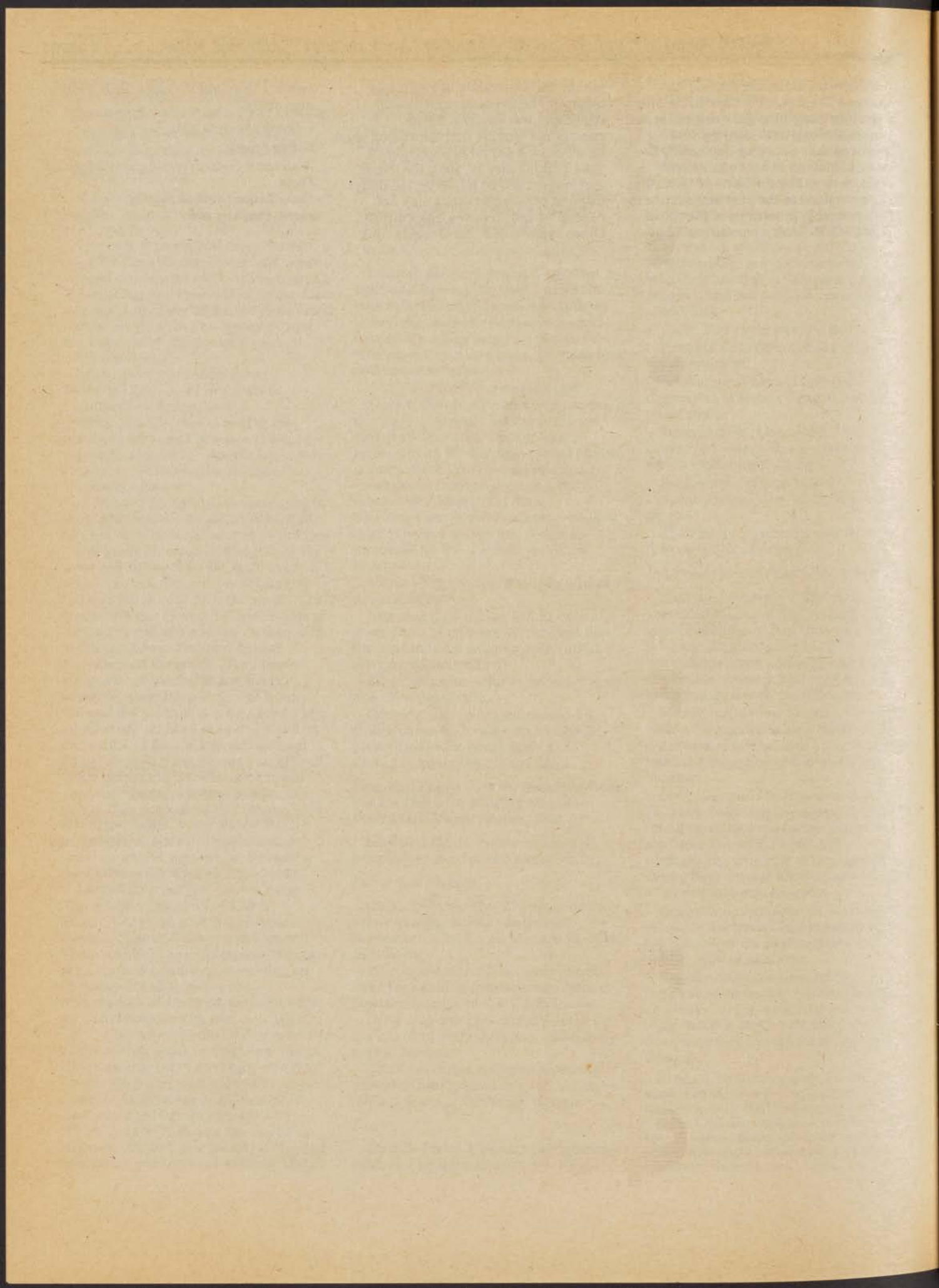
Dated: March 23, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-10588 Filed 4-16-82; 8:45 am]

BILLING CODE 4310-55-M



Federal Register

Monday
April 19, 1982

Part III

Department of Energy

**Bid and Proposal Cost and Independent
Research and Development Cost
Applicable to Commercial Organizations;
Establishment of Revised Cost Principles**

DEPARTMENT OF ENERGY

41 CFR Parts 9-15 and 9-50

Establishment of Revised Cost Principles for Bid and Proposal Cost and Independent Research and Development Cost; Procurement Regulations Amendments

AGENCY: Energy Department.

ACTION: Final rule.

SUMMARY: This rule revises the Department of Energy Procurement Regulations to establish revised cost principles for bid and proposal (B&P) cost and independent research and development (IR&D) cost applicable to commercial organizations. The basis for the change is to provide for more uniformity with the IR&D concepts introduced by the Cost Accounting Standards Board, the IR&D/B&P rules followed by the Department of Defense and the National Aeronautics and Space Administration, and DOE management of IR&D/B&P cost allocable to DOE contracts. This rule also provides that the cost principles set forth in Parts 15 of the Federal and Department of Energy Procurement Regulations (41 CFR 1-15 and 41 CFR 9-15) will be used by the Department's operating contractors in their subcontract awards.

EFFECTIVE DATE: April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. G. L. Allen, Policy and Procedures Division (MA-932.2), Procurement and Assistance Management Directorate (202) 252-8179. Elliot Winnick, Office of the General Counsel, AGC for Procurement and Financial Incentives (GC-44), (202) 252-1526.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Statutory and Regulatory Requirements
- III. Public Comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as "the Act") (Pub. L. 95-91, 91 Stat. 565, 41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE-PR) were promulgated with an effective date of June 30, 1979 (see 44 FR 34424).

II. Statutory and Regulatory Requirements*A. Review Under Executive Order 12291*

Inasmuch as this final rule relates to agency management of the procurement

function, the OMB clearance procedures set forth in the Executive Order 12291 (February 17, 1981) are not applicable.

B. Review Under the Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no initial regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Plan Act

DOE has determined that this rulemaking imposes no information collection and reporting requirements on organizations and individuals external to DOE that may be subject to this regulation in accordance with the Paperwork Reduction Plan Act (44 U.S.C. 3501 *et seq.*).

D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this final rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the DOE guidelines (10 CFR Part 1021) and therefore, does not require an environmental impact statement pursuant to NEPA.

III. Public Comments

A notice of proposed rulemaking was published in the *Federal Register* of January 5, 1981, 46 FR 955, inviting comments for a 30-day period ending February 4, 1981. Comments were received from eighteen sources, including businesses and industry associations. The following summarizes the comments, suggestions, and actions taken.

(1) *Comment:* Three commentators raised questions regarding the definitions contained in § 9-15.205-35(a). One commentator suggested that definitions of the cost of IR&D and B&P efforts be revised to be consistent with the definitions included in Cost Accounting Standards (CAS) 420, "Accounting for Research and Development Costs and Bid and Proposals Costs." Another commentator

suggested that the definitions used in the Department of Defense (DOD) Defense Acquisition Regulations (DAR) be adopted by DOE. The other commentator suggested that the definitions should be identical to those used by the DAR, the National Aeronautics and Space Administration (NASA), and CAS 420.

Response: The DOE definitions of IR&D and B&P are, by intent, essentially the same as the definitions used by DOD and NASA and are consistent with those definitions contained in CAS 420. The definitions set forth in CAS 420 differ in certain respects from the DOD and NASA for the reasons stated by the Cost Accounting Standard Board in promulgating CAS 420. The DOE definitions differ from the DOD, NASA and CAS 420 definitions only to the extent necessary to (i) assure compatibility with, and best serve, the requirements, goals, and legislative mandates of DOE programs and individual transactions and (ii) clarify certain apparent inconsistencies in the DOD, NASA, and CAS 420 definitions. One example of these apparent inconsistencies, as noted by two of the commentators, is that DOD (and NASA) and CAS 420 treat "systems and other concept formulation studies" differently. DOD and NASA include such studies in the definitions of both IR&D and B&P. CAS 420 includes such studies only in the definition of IR&D. The DOE has retained the phraseology "system and concept formulation studies" in its definition of B&P under "technical efforts," and has included, under its definition of "independent research and development," a discussion of the term "concept and demonstration development." DOE believes that these definitions are more suitable for its purposes than those contained in the DAR (and NASA procurement regulations) and CAS 420. In addition, the DOE rule, in recognition of the similarity between B&P effort regarding concept and system studies and the independent development of engineering and production engineering data, provides, in § 9-15.205-35(i), for interchangeability of IR&D with B&P under conditions set forth in that section.

(2) *Comment:* Four commentators questioned the use, in § 9-15.205-35(b)(1), of \$25,000 as the threshold amount for requiring specific identification and classification of the costs of administrative and technical effort incurred for IR&D and B&P by a business unit or segment. Three of these commentators suggested deletion of the threshold and one commentator

suggested raising the threshold to \$100,000.

Response: Included as a major objective of the Department's proposed revision of the IR&D and B&P cost principles was the adoption of the accounting and allocation criteria of the Cost Accounting Standards Board, which include the requirement for separate identification and classification of all IR&D and B&P and related expenses, under certain specified circumstances. None of the responses received took issue with this objective. DOE believes that it is necessary to balance the administrative effort and costs of complying with the requirement for separate identification and classification with the potential benefits resulting from such action. Consequently, the DOE proposed rule established a \$25,000 threshold below which this and other provisions of the IR&D and B&P cost principles need not be applied. DOE believes that the use of a specific threshold for this purpose is a desirable feature of the cost principle. However, upon further consideration of the administrative costs and effort inherent in the cost principle requirements, the Department concludes that a threshold of \$100,000, rather than \$25,000, is appropriate and reasonable. Section 9-15.205-35(b)(1) has been revised accordingly.

(3) *Comment:* One commentator suggested that the \$25,000 materiality criterion in § 9-15.205-35(c)(1) be deleted. The commentator noted that one of DOE's proposed objectives was to provide uniformity with CAS 420, which does not define materiality in terms of a specific dollar level. The commentator stated that each organization should define materiality in light of its own particular organization.

Response: The Department does not agree that specified dollar value is inconsistent with CAS 420, which provides, " * * * where the costs of individual IR&D and B&P efforts are not material in amount, these costs may be accumulated in one or more project(s) within each of these two types of effort." The Department believes that the \$25,000 criterion is an appropriate measure of materiality and that the inclusion of a specific dollar level for materiality in the cost principle will contribute to consistent and uniform application of the provision.

(4) *Comment:* One commentator recommended revision of § 9-15.205-35(c)(5) to permit G&A to be allocated to IR&D and B&P project costs.

Response: The provision that business unit G&A expenses should not be allocated to IR&D and B&P projects is consistent with the DAR and NASA

IR&D and B&P principles and with CAS 420. The rationale for this accounting treatment of G&A expense is set forth in the prefatory comments to CAS 420, which note that IR&D and B&P costs, because they are of general benefit to a segment or company and therefore similar in nature to G&A expenses, should not receive an allocation of G&A. The Department agrees with this rationale and the final rule retains the provision that allowable IR&D and B&P project costs shall not include allocations of G&A expenses.

(5) *Comment:* Four commentators suggested deletion of the § 9-15.205-35(f)(1)(ii) provision which requires a demonstration of potential benefit or relationship of IR&D project costs to the DOE program in order to be recoverable under DOE contracts.

Response: DOE and its major predecessor agencies have long limited IR&D costs to the allocable cost of IR&D projects benefiting the DOE program. Among other things, the DOE relationship/benefit criterion applied to IR&D is designed to recognize the substantial contract and assistance outlays made by DOE for direct sponsorship of R&D programs, while also following a policy that supports those independent research and development efforts necessary to maintain an industrial base of technical innovation and development superiority. It is believed the DOE rule of limiting IR&D cost to a level that supports or advances the mission of the Department achieves this objective and prevents unfair market advantage accruing to non-related efforts. The concept of benefit as applied by DOE will support and foster the conduct of research and development within the commercial marketplace to meet the energy requirements of tomorrow. This concept of limiting IR&D costs is, we believe, the basis of the rule carried forward into the DAR IR&D and B&P cost principles, which limit the recovery of both IR&D and B&P costs to amounts determined to have potential relationship to a military function or operation. The final rule therefore today retains the benefit/relationship test.

(6) *Comment:* Two commentators questioned the different treatment in § 9-15.205-35(f)(1) and (f)(2), regarding the establishment of allocable IR&D and B&P costs for recovery under cost reimbursement type contracts and for pricing fixed price type contracts, respectively.

Response: DOE does not believe there is an inconsistency in these provisions. The purpose of § 9-15.205-35(f)(2) is to provide guidance on pricing fixed price contracts under the basic reimbursable

policies set forth in § 9-15.205-35(f)(1). It is recognized, however, that the language in § 9-15.205-35(f)(2) could be misleading. Procedural guidance for fixed priced contracts, the intent of the language in the proposed rule, need not be addressed in the cost principles. This possible source of confusion has been eliminated in the final rule by deleting § 9-15.205-35(f)(2) which has now been incorporated in § 9-15.205-35(f)(1). Appropriate instructional guidance will be separately issued to implement both fixed price and cost type pricing arrangements.

(7) *Comment:* Several commentators questioned the need for the provisions in § 9-15.2205-35(f)(4) and (k), which require a contractor to certify in writing that there has been a benefit from IR&D project costs to the DOE program.

Response: Upon further consideration, DOE believes that the IR&D and B&P cost principle adequately sets forth the rules for the allowability of IR&D and B&P project costs under DOE contracts, and therefore the certification requirement has been deleted.

(8) *Comment:* Several commentators expressed the opinion that any advance agreement and negotiations with a contractor concerning IR&D and B&P costs, as required by § 9-15.205-35 (g) and (h), should be undertaken by only one cognizant (or lead) Government Agency. They recommended that the cost principles include such a requirement. Some of these commentators also suggested that common ceilings for IR&D and B&P should be established by the designated lead agency for use on all Government contracts.

Response: The policy and procedures for establishing a cognizant Government agency to conduct indirect expense rate negotiations and enter into advance agreements for other Government agencies are adequately covered in Federal Procurement Regulations and in corresponding provisions of the DOE Procurement Regulations. When, in accordance with these policies and procedures, a cognizant agency is established, that agency will negotiate indirect expense rates agreements applicable to participating agencies to the extent possible, taking into consideration any special rules, regulations, and circumstances applicable to each participating agency. Like the proposed rule, the final rule being published today sets forth the specific criteria for allowability of IR&D and B&P cost under DOE contracts. It is a specific DOE rule, and not a Government-wide regulation, to require establishment of an advance ceiling

when \$4 million of annual IR&D and B&P funds are to be reimbursed by the DOE. It is important that DOE establish the ceiling in order to determine benefits to the DOE program. Such ceilings would, however, be reflected in arriving at any forward pricing rates or after-the-fact final rates that may be established by a cognizant agency.

(9) *Comment:* Several commentators recommended that DOE delete the requirement in § 9-15.205-35(g) for the negotiation of an advance agreement for a fiscal year where a contractor meets the \$4 million threshold during the first six months of that fiscal year.

Response: DOE agrees that the proposed mid-year negotiation requirement is inconsistent with other agency requirements and may impose undue administrative efforts. Section 9-15.205-35(g) has been revised accordingly.

(10) *Comment:* Two commentators suggested that the 120 percent ceiling, included in § 9-15.205-35(h)(2) as a test of reasonableness under the IR&D and B&P formula application, be deleted.

Response: The recommended deletion would run counter to the purpose of the ceiling; that is, to assure that DOE participates in IR&D and B&P costs to a reasonable extent, taking into consideration both historical and current spending patterns for each contractor. DOE believes that it is appropriate to retain the 120 percent ceiling, as proposed. However, as suggested by several commentators, § 9-15.205-35(h) has been changed to be consistent with the formula DOD uses to establish the reasonableness of IR&D and B&P costs, when advance agreements are not required (i.e., the 120 percent ceiling is applied to the two-year average of a contractor's historical IR&D and B&P cost).

(11) *Comment:* Several commentators suggested that § 9-15.205-35(i) be modified to provide two-way interchangeability between the IR&D and B&P ceilings established in accordance with the cost principles. It was pointed out that the proposed DOE provision is not consistent with the DAR IR&D and B&P cost principles, which not only permit the allowance of IR&D costs in excess of the IR&D ceiling so long as the B&P ceiling is reduced by the same amount, but also allows B&P costs in excess of the B&P ceiling to be offset against the IR&D ceiling.

Response: DOE believes that IR&D and B&P have been defined in the IR&D and B&P cost principle in such a manner that each of these elements of costs is reasonably distinguishable. As a consequence, ceilings established for each element of cost can, and should,

stand on their own. The reason DOE provides for the cost of IR&D to be interchanged with B&P is, as set forth in the cost principles, due to the similarity of IR&D and B&P efforts regarding systems and concept formulation studies, which DOE believes are most appropriately classified as B&P effort. The DAR provisions on IR&D and B&P, in contrast, include systems and concept formulation studies under the definitions of both IR&D and B&P. There is another significant difference between the DOE and DAR cost principles which has a bearing on the interchangeability of IR&D and B&P as viewed by DOE and DOD. That is, when advance agreements on IR&D and B&P are required, DOE considers the cost of all B&P projects properly allocable to DOE contracts. The DOD restricts allowance of allocable B&P to the costs of B&P projects determined to have potential relationship to a military function or operation, essentially the same limitation they impose on the costs of IR&D effort. Within the context of DOE's total treatment of the costs of IR&D and B&P effort, a modification to the cost principles to permit two-way interchangeability between IR&D and B&P costs is not considered appropriate.

(12) *Other changes:* In addition to the above changes, the following material revisions were deemed appropriate after considering all comments: (i) Section 9-15.205-35(a), (6), (7), and (8) have been modified to the extent necessary to define the terms "business unit," "segment," and "home office" in the same manner as CAS 420.

(ii) Section 9-15.205-35(f)(1) has been modified to clarify the application of the criteria which establish the amount of IR&D costs recoverable under all DOE contracts with a business unit or segment.

(iii) Section 9-15.205-35(g)(2) has been modified in order to clearly provide that the \$500,000 threshold applies to the amount of IR&D and B&P expenses allocated to DOE contracts.

(iv) Section 9-15.205-35(j) has been modified in order to clarify the applicability of the appeals process with respect to IR&D and B&P cost determinations made by the Contracting Officer.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below:

Issued in Washington, D.C. on April 14, 1982.

List of Subjects in 41 CFR Parts 9-15 and 9-50

Accounting, Government procurement.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

41 CFR Chapter 9 is amended as follows:

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254)

Change 1

The text of § 9-15.205-3 is removed in its entirety and the following text is substituted:

§ 9-15.205-3 Bidding costs.

A contractor's bid and proposal costs are allowable in accordance with the provisions in § 9-15.205-35 of this Part 9-15.

Change 2

The title of § 9-15.205-35 is revised from "Research and development costs" to "Independent research and development (IR&D) and bid and proposal (B&P) costs," the text at this section is removed and the following text is substituted:

§ 9-15.205-35 Independent research and development (IR&D) and bid and proposal (B&P) costs.

(a) Definitions.

For the purpose of this § 9-15.205-35:

(1) The term "Independent research and development" (IR&D) means those research and development efforts which are not (i) sponsored by outside sources or (ii) required in performance of a contract, grant, or cooperative agreement.

(2) The term "Research" means:

(i) "Basic research" which is the systematic, intensive study directed toward greater knowledge and understanding of the subject studied; or

(ii) "Applied research" which is the systematic study directed specifically toward applying new knowledge to meet a potential or recognized need. As intended herein, attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques, and attempts to advance the state of the art are efforts of applied research.

(3) The term "Development" means the systematic application and use of scientific and technical knowledge directed toward the design,

development, test, and evaluation of useful materials, devices, systems, and operations for potential new products or services or improvement in an existing product or service to meet specific requirements. It includes technology development, concept and demonstration development, and full-scale development, as follows:

(i) "Technology development" is the systematic application of knowledge toward proof of technology, including development of nonspecific application prototypes and processes.

(ii) "Concept and demonstration development" is the systematic application of knowledge toward identification of solutions to meet specific requirements, including development of specific application prototypes and processes.

(iii) "Full-scale development" is the systematic application of knowledge toward production of useful materials, devices, systems, or methods, including design, development, and improvement of equipment and processes to meet specific requirements.

(4) The term "Bid and proposal" (B&P) refers to those efforts, neither sponsored by a grant or cooperative agreement nor required in the performance of a contract, expended in preparing, submitting, and supporting any bids and proposals (whether or not solicited) for Government or non-Government business. It covers:

(i) Administrative efforts, including the nontechnical effort for the physical preparation of technical proposal documents, and the technical and nontechnical effort for the preparation and publication of the cost data and other administrative data necessary to support a business organization's bids and proposals.

(ii) Technical efforts incurred to specifically support a bid or proposal, including the costs of system and concept formulation studies and the development of engineering and production engineering data.

(5) The term "business organization" includes all segments (i.e., divisions, subsidiaries, affiliates, or business units) of a business entity under a common control.

(6) The term "business unit" means any segment of an organization, or an entire business organization which is not divided into segments.

(7) The term "segment" means one of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. (The term includes Government-

owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.)

(8) The term "home office" means an office responsible for directing or managing two or more, but not necessarily all, segments of an organization. It typically establishes policy for, and provides guidance to the segments in their operations. It usually performs management, supervisory, or administrative functions, and may also perform service functions in support of the operations of the various segments. An organization which has intermediate levels, such as groups, may have several home offices which report to a common home office. An intermediate organization may be both a segment and a home office.

(b) *Allowability.* (1) The cost of IR&D and B&P efforts shall be allowable and recoverable under DOE contracts in accordance with paragraph (f) of this section provided the costs are measured and accounted for as described in paragraph (c) of this section, are reasonable in amount as determined in paragraph (d) of this section, and are allocated in accordance with paragraph (e) of this section. However, these requirements shall not be applied (unless the contractor elects otherwise) when the combined total of the costs for IR&D and B&P is \$100,000, or less. Such costs shall be treated as indirect costs, allocated to all cost objectives of the business unit or segment incurring the costs, provided they are otherwise allowable in accordance with the general principles of FPR 1-15.2, as implemented and supplemented by the DOE regulations in this Subpart 9-15.2.

(2) Allowability of IR&D and B&P as defined and provided for herein is not applicable to contracts covering operation of Government-owned or leased facilities, and other cost-type contracts that require the use of DOE cost principles set forth in DOE PR 9-50.15.

(c) *Accounting for IR&D and B&P.* (1) The basic unit for the identification and accumulation of IR&D and B&P cost shall be the individual IR&D and B&P project. However, when the costs of individual IR&D and B&P efforts are not material in amount (less than \$25,000 per project) these costs may be accumulated in one or more projects within each of these two types of efforts.

(2) IR&D and B&P project costs shall be accumulated into IR&D and B&P cost pools. The IR&D and B&P cost pools for a business unit or segment shall consist of that segment's IR&D and B&P project costs benefiting only that segment, plus (i) the allocable home office IR&D and B&P costs, and (ii) those IR&D and B&P costs that may be allocated directly to it from another segment.

(3) B&P cost incurred in a given cost accounting period is not assignable or deferrable to any other cost accounting period for recovery under DOE contracts.

(4) IR&D cost incurred in a cost accounting period shall not be assigned to any other cost accounting period for recovery under DOE contracts except as may be permitted pursuant to provisions of existing laws, regulations, or other controlling factors.

(5) Each IR&D and B&P program or effort shall be treated as if it were a final cost objective. The IR&D and B&P project shall include all direct costs incident to its performance. IR&D and B&P and project costs shall also include an allocable portion of allowable indirect costs (i.e., overhead costs of productive activity and any other indirect costs) related to the project, allocated in accordance with generally accepted accounting principles or, where required, Government cost accounting principles and standards for allocation of indirect costs. Allowable IR&D and B&P project costs shall not include allocations of general and administrative expenses.

(d) *Reasonableness.* A determination of reasonableness shall be made as follows:

(1) Through negotiation of advance ceilings, when required as specified in paragraph (g) of this section establishing maximum dollar amounts of allowable (reasonable) cost for allocation to all work.

(2) By application of a formula, computed as described in paragraph (h) (1) and (2) of this section.

(3) Through negotiation under the exception set forth in paragraph (h)(3) of this section.

(e) *Allocation.* (1) IR&D and B&P costs properly accumulated in a segment's or business unit's IR&D and B&P cost pools shall be recoverable as a cost under DOE contracts only if they are allocated to DOE contracts with that segment or business unit, as if they were an indirect expense. Allocations must be made by the contractor on the same allocation base used in allocating to its Government contracts, the general and administrative (G&A) expense of that

business unit or segment in which the IR&D and B&P costs are incurred.

(2) Where the use of the G&A base for allocation of IR&D and B&P expense to final cost objectives does not provide an equitable allocation or distribution to a particular DOE contract or all of DOE's contracts, approval may be granted for use of a different base for DOE contracts, or for a special allocation to DOE final cost objectives commensurate with the benefits received unless otherwise prohibited by applicability of Cost Accounting Standards Regulations, or other authority. The amount of any particular special allocation pursuant to such an agreement shall be excluded from the IR&D and B&P cost pools to be allocated to other DOE final cost objectives; and the particular cost objective base data shall be excluded from the base used to allocate these pools.

(3) The cost of any work performed by one segment for another segment shall not be accounted for as IR&D and B&P cost of the performing segment unless the work is part of an IR&D and B&P project of the performing segment. The cost of such work shall be allocated directly to the benefiting segment or transferred to a home office for allocation to its segments. Direct allocation to the benefiting segment is allowed, provided that such allocation is not substantially different from the allocation that would be made were it first allocated to a home office and reallocated to the benefiting segment.

(4) IR&D and B&P project costs accumulated at a home office shall be directly allocated (for assignment to cost objectives) to any specific segment or business unit, where such costs are directly identified with that segment. The cost of all other IR&D and B&P projects accumulated at a home office shall be allocated among all segments by means of the same base used to allocate its other general and administrative office expenses. However, where a segment receives significantly more or less benefit from the IR&D and B&P projects than will be reflected by the allocation of their cost using this base, a special allocation may be agreed upon, commensurate with the benefits received. The amount of any such special allocation shall be excluded from the pools to be allocated to other segments, and the base data of any such segment shall be excluded from the base used to allocate these pools.

(5) Where the allocable IR&D and B&P costs are established by negotiation, the memorandum of agreement shall specify the allocation procedure and base for assignment of cost to DOE contracts.

(f) *Recovery of cost.* (1) The maximum total amount of annual IR&D costs recoverable under all DOE contracts with a business unit or segment shall not exceed (i) those contracts' allocable share of the business unit's (or segment's) total allocable IR&D amounts (as established in accordance with paragraphs (d) and (e) of this section), or (ii) the total cost of the business unit's (or segment's) annual IR&D activities determined to have potential benefit or relationship to the DOE program, whichever is less.

(2) The maximum total amount of B&P cost which is recoverable under DOE contracts with a business unit (or segment) shall be those contracts' share of the allocable B&P expense computed in accordance with paragraphs (d) and (e) of this section.

(3) The organization, business unit, or segment shall submit no later than 90 days after the close of the cost accounting period (or with any annual final overhead rate proposal) for which IR&D shall be claimed for reimbursement under DOE contracts, a written statement identifying those IR&D projects, and the cost incurred therefor, it believes to be of benefit to the DOE program. Notwithstanding the provisions of this paragraph (f), the DOE reserves the right to make the final decision as to benefit to the DOE program.

(4) No IR&D and B&P cost shall be recoverable under a DOE contract if negotiation of a required advance ceiling agreement is not initiated prior to the end of the fiscal year for which the agreement is required.

(5) For purposes of this paragraph (f), the term "DOE program" encompasses the DOE total mission and its objectives. However, IR&D costs that exceed the benefit threshold at one business unit or segment of a business organization cannot be used to offset IR&D costs that are less than the benefit threshold of another segment or business unit.

(g) *Advance agreements.* (1) Any business organization which, during its most recent completed fiscal year, receives from the DOE conjunctive IR&D and B&P payments under DOE prime contracts or subcontracts for which submission or certification of cost or pricing data was required) which are in excess of \$4 million, shall be required to initiate and negotiate with the DOE an advance agreement(s) that establishes a separate ceiling, i.e., one each, for the allocable IR&D and B&P costs, to be recovered under its DOE contracts for the following fiscal year.

(2) When a business organization meets the criteria for negotiation of advance ceilings, the ceilings may be

negotiated at the home office level and/or with those business units or segments which contract directly with the DOE and which in the preceding year allocated recoverable IR&D and B&P expenses of \$500,000 or more to DOE contracts and subcontracts for which submission and certification of cost or pricing data was required. When ceilings are negotiated for separate business units or segments, the ceiling limits of allocable IR&D and B&P costs for any activity, which in its previous fiscal year did not reach the \$500,000 threshold, may be determined in accordance with the formula approach.

(3) When negotiations of advance ceilings are required and negotiations were initiated but (i) no agreement of an acceptable ceiling can be reached, and/or (ii) negotiations have not established a ceiling prior to the end of the fiscal year for which compliance is required, negotiations shall be immediately terminated and the DOE negotiating activity shall establish allowable and allocable amounts. The amount of such of a determination shall not be less than an amount which, in the opinion of the DOE contracting activity, the organization or business unit should be entitled to receive under a negotiated ceiling and/or the DOE benefit threshold. Written notification of the determination of amount shall be furnished the contractor.

(4) Business organizations that meet the threshold in paragraph (q)(1) of this section shall submit their request for negotiations, together with supporting technical and financial documentation, in accordance with guidance furnished by the DOE contracting officer.

(h) *Formula application.* (1) Reasonable (allocable) IR&D and B&P costs for business organizations not required to negotiate advance agreements, except as specified in paragraph (h)(3) of this section, shall be determined on a historical or "after-the-fact" basis for a business unit, segment, or home office using the technique in paragraph (h)(2) of this section. The formula shall be applied separately to IR&D costs and to B&P costs.

(2) Current year IR&D and B&P cost shall be considered reasonable, if each amount is not in excess of the product of the organization's, business unit's, or segment's actual total sales (or other base acceptable to the DOE) for the year and the respective "historical ratio" as determined in accordance with paragraph (h)(2)(i) of this section; provided, however, that such product shall not exceed 120 percent or be less than 80 percent of the average as determined in accordance with

paragraph (h)(2)(ii) of this section. Amounts greater than these limitations are unallowable (i.e., the amount of the B&P "product" that exceeds 120 percent of the "average" is unallowable; or, if the product is less than 80 percent of average, only costs up to 80 percent of average are allowable).

(i) The "historical ratio" is the average of the two highest ratios of IR&D (or B&P) costs to sales for each of the preceding three years.

(ii) The "average" is the average of the two highest annual cost amounts for IR&D (or B&P) as incurred for each of the preceding three years.

(3) At the discretion of the contracting officer, the reasonableness (allocability) of IR&D and B&P costs may be negotiated when the contractor can demonstrate that the formula would produce an inequitable cost recovery. Such negotiations may be "after-the-fact" or prior to incurrence of the cost.

(4) Where no DOE advance negotiation is required to establish reasonableness, but an advance ceiling requirement for allowability of IR&D exists due to other Government agency regulations, and such an agreement has been executed by that activity for the current year, the agreement may be recognized as meeting the reasonableness criterion of paragraph (d)(2) of this section and application of the formula need not be made.

(i) *IR&D and B&P Interchangeability.* Due to the similarity of IR&D and B&P costs regarding concept and system studies and the development of engineering and production engineering data, the allowable IR&D for allocation and recovery may exceed the required ceiling, provided the B&P ceiling provision is reduced by the same amount. Notwithstanding this provision, the recoverable IR&D amounts are still

governed by paragraph (f) of this section. B&P shall not exceed the required ceiling.

(j) *Appeals.* DOE contracting officer determinations of allocable and allowable IR&D and B&P costs, when efforts for advance agreements are unsuccessful, are subject to appeals. Such appeals shall be directed to the Senior Procurement Official, Headquarters, Department of Energy, within 30 days of receipt of the written determination.

PART 9-50—OPERATING AND ON SITE SERVICE CONTRACTS

Change 3

A new third sentence is added to paragraph (c) of § 9-50.302-3. As amended, the paragraph will read in its entirety as follows:

§ 9-50.302-3 Policies.

(c) Price or cost analysis shall be performed in accordance with the requirements of FPR 1-3.807 and 9-3.807 and FPR 1-3.809 and 9-3.809. Profit and fee objectives shall be consistent with guidance in § 9-3.808. Allowable cost shall be determined in accordance with the cost principles of Part 9-15 appropriate for the type of organization to which the subcontract is awarded.

Change 4

Paragraph (a) of § 9-50.1500 is amended by removing the second sentence. The revised text will read as follows:

§ 9-50.1500 Scope and applicability of subpart.

The contract cost principles and procedures for operating and on-site service contracts are contained herein.

(a) This subpart sets forth the general policy and principles for the determination of allowable costs which are applicable to the negotiation and administration of cost-type contracts.

Change 5

Section 9-50.1505 is amended by removing the words "in connection with cost-type contracts and with cost-type subcontracts." The revised text will read:

§ 9-50.1505 General policy.

The general policy of DOE is as follows:

Change 6

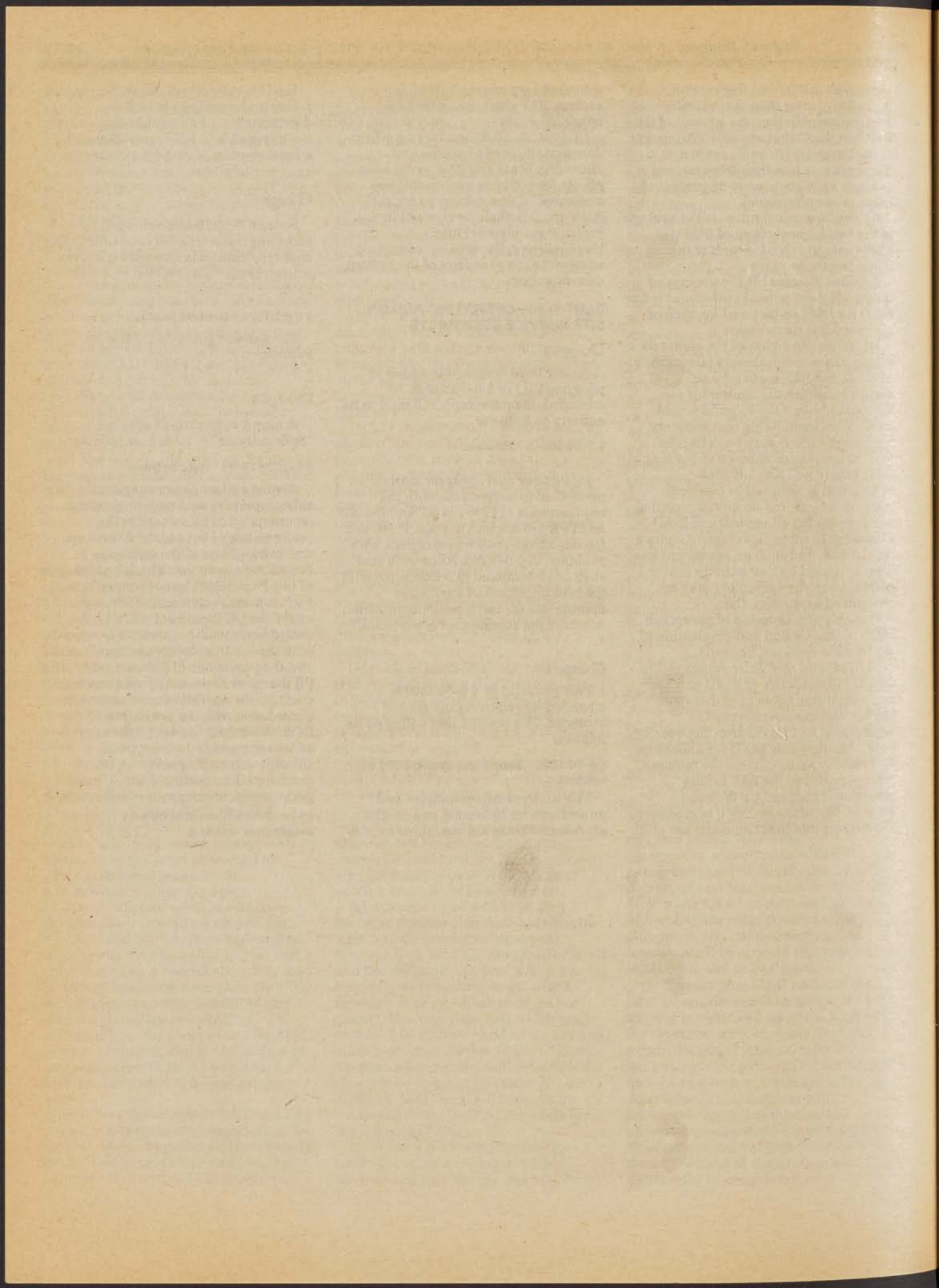
A new § 9-50.1510-21 entitled "Subcontracts" is added, as follows:

§ 9-50.1510-21 Subcontracts.

Award and management policies for subcontracts placed under operating contracts when necessary to the performance of the required services and work efforts of the operating contractor are set forth in Subpart 9-50.3 of this Part 9-50. The cost of performing such subcontracts shall be allowable under the DOE contract when (i) the award/approval is otherwise in accord with the contract terms and conditions and the provisions of Subpart 9-50.3 and (ii) the reimbursement of subcontractor costs by the operating contractor is in accordance with the provisions of the DOE cost principles set forth in Part 9-15, as appropriate to the type of subcontractor being selected, i.e., commercial, educational, state/local government, or nonprofit organization.

[FR Doc. 82-10620 Filed 4-16-82; 8:45 am]

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federal register

Monday
April 19, 1982

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and
Deferrals as of April 1, 1982

OFFICE OF MANAGEMENT AND BUDGET**Cumulative Report on Rescissions and Deferrals as of April 1, 1982**

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of April 1, 1982 of twenty-six rescission proposals and 240 deferrals contained in the first ten messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981, January 22, February 8, and 19, and March 18, 1982.

Rescissions (Table A and Attachment A)

Twenty-four rescission proposals totaling \$10,888.8 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of April 1, 1982, while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of April 1, 1982, \$3,362.1 million in 1982 budget authority was being deferred from obligation and another \$5.4 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information from Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative

report are printed in the Federal Registers of:

- Vol. 46, No. 194, FR p. 49793, Wednesday, October 7, 1981
- Vol. 46, No. 206, FR p. 52289, Monday, October 26, 1981
- Vol. 46, No. 210, FR p. 54259, Friday, October 30, 1981
- Vol. 46, No. 212, FR p. 54691, Tuesday, November 3, 1981
- Vol. 46, No. 218, FR p. 55905, Thursday, November 12, 1981
- Vol. 46, No. 223, FR p. 57019, Thursday, November 19, 1981
- Vol. 47, No. 18, FR p. 4021, Wednesday, January 27, 1982
- Vol. 47, No. 28, FR p. 6193, Wednesday, February 10, 1982
- Vol. 47, No. 37, FR p. 8145, Wednesday, February 24, 1982
- Vol. 47, No. 57, FR p. 12751, Wednesday, March 24, 1982

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1982 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	\$ 10,977.0
Accepted by the Congress.....	-0-
Rejected by the Congress.....	-88.2

Pending before the Congress.....	\$ 10,888.8 a.

TABLE B

STATUS OF 1982 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President.....	\$ 7,884.3
Routine Executive releases (-\$4.310.5 million) and ad- justments (\$43.1 million) through April 1, 1982.	-4,267.4
Overturned by the Congress.....	-249.5

Currently before the Congress.....	\$ 3,367.5 b.

a. This amount includes \$20.5 million in FY 1983 funds (R82-3).

b. This amount includes \$5.4 million in outlays for a Department of the Treasury deferral (D82-23A).

* Detail does not add to total due to rounding.

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982

AS OF 04/02/82 09:50

AS OF APRIL 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
International Development Assistance							
Functional development assistance program							
BA	R82- 4		8,129	2 8 82			
Sahel development program							
BA	R82- 5		2,500	2 8 82			

FUNDS APPROPRIATED TO THE PRESIDENT							
TOTAL BA			10,629				

DEPARTMENT OF AGRICULTURE							
Extension Service							
Extension service							
BA	R82- 6		2,000	2 8 82			

DEPARTMENT OF AGRICULTURE							
TOTAL BA			2,000				

DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Coastal zone management							
BA	R82- 7		12,000	2 8 82			
Coastal energy impact fund							
BA	R82- 8		7,000	2 8 82			

DEPARTMENT OF COMMERCE							
TOTAL BA			19,000				

DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force							
BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force							
BA	R82- 2	22,500		10 23 81		22,500	12 14 81

DEPARTMENT OF DEFENSE - MILITARY							
TOTAL BA			88,200			88,200	

DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged							
BA	R82- 9		411,933	2 8 82			
Special programs and populations							
BA	R82-10		65,600	2 8 82			
Indian education							
BA	R82-11		6,255	2 8 82			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982						AS OF 04/02/82 09:50	
AS OF APRIL 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCIDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Special Education and Rehab. Services							
Education for the handicapped BA	R82-12		258,572	2 8 82			
Rehabilitation services and handicapped research BA	R82-13		91,171	2 8 82			
Office of Vocational and Adult Education							
Vocational and adult education BA	R82-14		105,741	2 8 82			
Office of Postsecondary Education							
Student financial assistance BA	R82-15		141,500	2 8 82			
Higher and continuing education BA	R82-16		42,739	2 8 82			
Office of Educational Research and Improvement							
Libraries BA	R82-17		22,110	2 8 82			
Departmental management							
Educ. res. & train. overseas (spec. for. curr.) BA	R82-18		80	2 8 82			
Office of Bilingual Educ. & Minority Lang. Affairs							
Bilingual education BA	R82-19		11,504	2 8 82			
DEPARTMENT OF EDUCATION TOTAL BA			1,157,205				
DEPARTMENT OF ENERGY							
Energy Programs							
Energy conservation BA	R82-20		20,000	2 8 82			
DEPARTMENT OF ENERGY TOTAL BA			20,000				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs BA	R82-21		9,399,789	2 8 82			
Solar Energy and Energy Conservation Bank							
Assistance for solar and conserv. improvements BA	R82-22		21,850	2 8 82			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			9,421,639				
DEPARTMENT OF LABOR							
Mine Safety and Health Administration							
Salaries and expenses BA	R82-23		4,095	2 8 82			
BA	R82-23A		-2,000	2 19 82		2,000	2 16 82

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982

AS OF 04/02/82 09:50

AS OF APRIL 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCIENDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF LABOR							
TOTAL BA			2,095			2,000	
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Highway-related safety grants							
BA	R82-24		9,623	2 8 82			
DEPARTMENT OF TRANSPORTATION							
TOTAL BA			9,623				
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R82- 3		20,500a	11 6 81			
National Foundation on the Arts and Humanities							
Institute of Museum Services: Program operations							
BA	R82-25		10,877	2 8 82			
Postal Service							
Payment to the Postal Service Fund							
BA	R82-26		215,230	3 18 82			
OTHER INDEPENDENT AGENCIES							
TOTAL BA			246,607				
TOTAL BA		88,200	10,888,798			90,200	

a. This is a proposal to rescind FY 1983 funds.

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 04/05/82 09:27

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 4-1-82
EXECUTIVE OFFICE OF THE PRESIDENT								
White House Office								
Salaries and Expenses								
BA	D82- 27	366		10 20 81	-366			
Special Assistance to the President								
Salaries and Expenses								
BA	D82- 28	28		10 20 81	-28			
Council of Economic Advisers								
Salaries and Expenses								
BA	D82- 86	32		10 23 81	-32			
Council on Envir. Quality & Office of Envir. Qual.								
Salaries and Expenses								
BA	D82- 29	9		10 20 81	-9			
Office of Policy Development								
Salaries and Expenses								
BA	D82- 30	45		10 20 81	-45			
National Security Council								
Salaries and Expenses								
BA	D82- 31	62		10 20 81	-62			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982						AS OF 04/05/82 09:27		
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB / AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-82
Office of Administration								
Salaries and expenses	BA D82- 32	139		10 20 81	-139			
OMB, Office of Fed. Procurement Policy								
Salaries and expenses	BA D82- 33	24		10 20 81	-24			
Office of Science and Technology Policy								
Salaries and expenses	BA D82- 34	30		10 20 81	-30			
Office of the U.S. Trade Representative								
Salaries and expenses	BA D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT								
TOTAL BA		813					-813	
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D82- 1	15,000		10 1 81				
	BA D82- 1A			a 1 22 82				
	BA D82- 1B			a 2 8 82				15,000
Disaster Relief								
Disaster relief	BA D82-158	7,000		10 29 81	-7,000			
	BA D82-159	138,000		10 29 81	-138,000			
International Security Assistance								
Foreign military credit sales	BA D82-222	680,000		2 8 82	-480,000			200,000
Economic support fund	BA D82-219	1,756,980		1 22 82	-1,384,775			372,205
Military assistance	BA D82-223	129,512		2 8 82	-68,000			61,512
FUNDS APPROPRIATED TO THE PRESIDENT								
TOTAL BA		2,726,492			-2,077,775			648,717
DEPARTMENT OF AGRICULTURE								
Office of the Secretary								
Office of the Secretary	BA D82-160	29		10 29 81	-29			
Agricultural Research Service								
Agricultural research service	BA D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service								
Cooperative state research service	BA D82-162	2,790		10 29 81	-2,790			
Extension Service								
Extension service	BA D82-163	1,990		10 29 81	-1,990			
National Agricultural Library								
National agricultural library	BA D82-164	93		10 29 81	-93			
Statistical Reporting Service								
Statistical reporting service	BA D82-165	198		10 29 81	-198			
Agricultural Cooperative Service								
Agricultural cooperative service	BA D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development								
Scientific activities overseas	BA D82-167	700		10 29 81	-700			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 04/05/82 09:27

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 4-1-82
Rural Electrification Administration								
Rural electr. and telephone revolving fund	BA D82-169	49,368b		10 29 81	-49,368			
Foreign Assistance Programs								
Expenses, P.L. 480	BA D82- 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs	BA D82- 88	28		10 23 81	-28			
Agricultural conservation	BA D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program	BA D82-168	1,400		10 29 81	-1,400			
Farmers Home Administration								
Salaries and expenses	BA D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor	BA D82-173	1,750		10 29 81	-1,750			
	BA D82-224	10,728		2 8 82				10,728
Mutual and self-help housing	BA D82-174	490		10 29 81	-490			
Rural water and waste disposal	BA D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants	BA D82-172	490		10 29 81	-490			
Agricultural credit insurance fund	BA D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund	BA D82-176	21,000		10 29 81	-21,000			
Soil Conservation Service								
Watershed and flood prevention operations	BA D82- 89	8,926		10 23 81	-8,926			
Animal and Plant Health Inspection Service								
Animal and plant health inspection service	BA D82- 90	4,125		10 23 81	-4,125			
Buildings and facilities	BA D82-177	236		10 29 81	-236			
Agricultural Marketing Service								
Payments to States and possessions	BA D82-178	210		10 29 81	-210			
Food and Nutrition Service								
Food program administration	BA D82-209	487		11 6 81	-487			
Child nutrition programs	BA D82-210	472		11 6 81	-472			
Special supplemental food programs (WIC)	BA D82-211	13,831		11 6 81	-13,831			
Forest Service								
State and private forestry	BA D82- 92	776		10 23 81	-776			
	BA D82-179	657		10 29 81	-657			
Agricultural research	BA D82- 91	1,348		10 23 81	-1,348			
National forest system	BA D82- 93	12,516		10 23 81	-12,516			
	BA D82-180	1,059		10 29 81	-1,059			
Construction and land acquisition	BA D82- 94	6,693		10 23 81	-6,693			
Timber salvage sales	BA D82- 2	6,723		10 1 81				
	BA D82- 2A		561	1 22 82				7,284
Rangeland improvements	BA D82- 96	109		10 23 81	-109			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 04/05/82 09:27

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB / AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 4-1-82
Acquisition of lands to complete land exchanges	BA D82- 95	6		10 23 81	-6			
Expenses, brush disposal	BA D82- 3	49,349		10 1 81			-948	48,401
DEPARTMENT OF AGRICULTURE TOTAL BA		245,247	561		-178,447		-948	66,413
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions	BA D82- 4	507		10 1 81	-32			475
Bureau of the Census								
Periodic censuses and programs	BA D82-225	1,015		2 8 82				1,015
Economic and Statistical Analysis								
Salaries and expenses	BA D82- 97	420		10 23 81	-420			
Economic Development Administration								
Economic development assistance programs	BA D82- 98	38,855		10 23 81	-38,855			
Minority Business Development Agency								
Minority business development	BA D82- 99	857		10 23 81	-857			
	BA D82-226	5,000		2 8 82				5,000
United States Travel Service								
Salaries and expenses	BA D82-181	287		10 29 81	-287			
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	BA D82-100	12,891		10 23 81	-12,891			
Construction	BA D82- 5	2,000		10 1 81				
	BA D82- 5A			a 1 22 82				2,000
National Telecom. and Information Admin.								
Salaries and expenses	BA D82-101	277		10 23 81	-277			
DEPARTMENT OF COMMERCE TOTAL BA		62,109			-53,619			8,490
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy	BA D82-227	1,275,000		2 8 82				1,275,000
Military Construction								
Military construction, all services	BA D82- 6	38,837		10 1 81				
	BA D82- 6A		14,101	1 22 82				
	BA D82- 6B		714,785	2 8 82	-418,782		39,510	388,451
Family Housing, Defense								
Family housing, Defense	BA D82- 7	1,992		10 1 81	-1,992			
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		1,315,829	728,886		-420,774		39,510	1,663,451
DEPARTMENT OF DEFENSE-CIVIL								
Cemeterial Expenses, Army								
Salaries and expenses	BA D82- 37	85		10 20 81	-85			

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESS- SIONALLY REQUIRED RELEASES	CUMULATIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 4-1-82
Corps of Engineers								
General Investigations	BA D82- 38	2,068		10 20 81	-2,068			
Construction, general	BA D82- 39	14,284		10 20 81	-14,284			
General expenses	BA D82- 40	370		10 20 81	-370			
Special recreation use fees	BA D82- 41	59		10 20 81	-59			
Soldiers and Airmen s Home								
Operation and maintenance	BA D82- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services	BA D82- 8	597		10 1 81	-8		8	
	BA D82- 8A		433	1 22 82				1,030
DEPARTMENT OF DEFENSE-CIVIL								
TOTAL BA		17,526	433		-16,937		8	1,030
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy R&D	BA D82-105	14,769		10 23 81	-14,769			
	BA D82-236	44,883		3 18 82				44,883
Fossil energy construction	BA D82- 9	135,000		10 1 81	-135,000			
Gen. science & research-plant & capital	BA D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses	BA D82-103	49,393		10 23 81	-49,393			
	BA D82-228	4,000		2 8 82				4,000
	BA D82-228A			3 18 82				
Energy supply R&D-plant and capital equip.	BA D82-104	11,949		10 23 81	-11,949			
Energy conservation	BA D82-106	14,007		10 23 81	-14,007			
Strategic Petroleum Reserve	BA D82- 10	8,000		10 1 81				
	BA D82- 10A		52,860	2 8 82	-8,000			52,860
Energy information administration	BA D82-107	2,042		10 23 81	-2,042			
Economic regulation	BA D82-108	2,436		10 23 81	-2,436			
Federal Energy Regulatory Commission	BA D82-109	490		10 23 81	-490			
Geothermal resources development fund	BA D82-110	18		10 23 81	-18			
	BA 0000							
DEPARTMENT OF ENERGY								
TOTAL BA		288,669	52,860		-104,786	-135,000		101,743
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health Services	BA D82- 11	1,508		10 1 81				1,508
Indian health services	BA D82-212	10,950		11 6 81	-10,950			
Centers for Disease Control								
Preventive Health Services	BA D82-213	791		11 6 81	-791			

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Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital		11,500						
BA D82- 12				10 1 81				
BA D82- 12A				a 1 22 82				11,500
Office of Assistant Secretary for Health								
Health services management		1,142						
BA D82-214				11 6 81	-1,142			
Special foreign currency program		7,000						
BA D82- 13				10 1 81				
BA D82- 13A				a 1 22 82				7,000
Health Care Financing Administration								
Program management		420						
BA D82-215				11 6 81	-420			
Social Security Administration								
Refugee assistance		10,000						
BA D82- 43				10 20 81	-10,000			
Cuban and Haitian entrants, reception & process.		4,900						
BA D82- 44				10 20 81	-4,900			
BA D82- 44A				a 1 22 82				
Cuban and Haitian entrants, domestic asst.		37,000						
BA D82- 45				10 20 81				
BA D82- 45A			11,398	1 22 82	-48,398			
Limitation on administrative expenses		9,600						
BA D82-237				3 18 82				9,600
Human Development Services								
Work incentives		10,523						
BA D82-216				11 6 81	-10,523			
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
TOTAL BA		105,334	11,398		-87,124			29,608
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs		79,218						
BA D82-182				10 29 81	-79,218			
Payments for operation of low income housing		102,452						
BA D82-183				10 29 81	-102,452			
Housing for the elderly or handicapped		14,294						
BA D82-111				10 23 81	-14,294			
Solar Energy and Energy Conserv. Bank								
Assist. for solar and conserv. improvements		3,500						
BA D82-184				10 29 81	-3,500			
Community Planning and Development								
Community development support assistance		61,589						
BA D82-112				10 23 81	-61,589			
Urban development action grants		8,412						
BA D82-113				10 23 81	-8,412			
Rehabilitation loan fund		26,959						
BA D82-185				10 29 81	-26,959			
Neighborhoods, Vol. Assoc. & Consumer Prot.								
Housing counseling assistance		207						
BA D82- 46				10 20 81	-207			
Policy Development and Research								
Research and technology		420						
BA D82- 47				10 20 81	-420			
Fair Housing and Equal Opportunity								
Fair housing assistance		96						
BA D82- 48				10 20 81	-96			
Management and Administration								
Salaries and expenses		3,590						
BA D82-186				10 29 81	-3,590			

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
TOTAL BA		300,737			-300,737			
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance	BA D82-49	121		10 20 81	-121			
Range improvements	BA D82-114	237		10 23 81	-237			
Bureau of Reclamation								
Loan program	BA D82-115	792		10 23 81	-792			
Construction program	BA D82-116	4,603		10 23 81	-4,603			
General investigations	BA D82-117	944		10 23 81	-944			
Operations and maintenance	BA D82-118	64		10 23 81	-64			
General administrative expenses	BA D82-119	353		10 23 81	-353			
Office of Water Research & Technology								
Salaries and expenses	BA D82-120	600		10 23 81	-600			
U.S. Fish and Wildlife Service								
Resource management	BA D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA D82-50	392		10 20 81	-392			
National Park Service								
Urban park and recreation grants	BA D82-125	1,400		10 23 81	-1,400			
	BA D82-238	858		3 18 82				858
Operation of the National Park Service	BA D82-122	5,216		10 23 81	-5,216			
John F. Kennedy Center for the Performing Arts	BA D82-124	40		10 23 81	-40			
Construction	BA D82-123	5,207		10 23 81	-5,207			
Land and water conservation fund	BA D82-126	16,256		10 23 81	-16,256			
	BA D82-14	30,000		10 1 81				
	BA D82-14A			2 8 82				30,000
	BA D82-239	2,821		3 18 82				2,821
Historic preservation fund	BA D82-218	108		11 13 81	-108			
	BA D82-240	781		3 18 82				781
Geological Survey								
Surveys, investigations and research	BA D82-51	9,019		10 20 81	-9,019			
Exploration of National Petroleum Res. in Alaska	BA D82-52	80		10 20 81	-80			
Payments from proceeds, sale of water	BA D82-15	45		10 1 81				45
Office of Surface Mining Reclam. and Enforcement								
Regulation and technology	BA D82-53	1,245		10 20 81	-1,245			
Bureau of Mines								
Drainage of anthracite mines	BA D82-16	991		10 1 81				
	BA D82-16A			2- 8 82				991
Mines and minerals	BA D82-54	2,600		10 20 81	-2,600			
Bureau of Indian Affairs								
Operation of Indian programs	BA D82-127	16,607		10 23 81	-16,607			

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AGENCY/BUREAU/ACCOUNT								
Construction	BA D82-128	148		10 23 81	-148			
Road construction	BA D82-129	279		10 23 81	-279			
Office of Territorial Affairs								
Administration of territories	BA D82-55	2,439		10 20 81	-2,439			
Trust territory of the Pacific Islands	BA D82-56	2,068		10 20 81	-2,068			
Office of the Solicitor and Office of the Secy								
Departmental management	BA D82-130	414		10 23 81	-414			
Youth conservation corps	BA D82-131	2,494		10 23 81	-2,494			
DEPARTMENT OF THE INTERIOR	TOTAL BA	115,037			-79,541			35,496
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses	BA D82-187	250		10 29 81	-250			
	BA D82-188	196		10 29 81	-196			
United States Parole Commission								
Salaries and expenses	BA D82-189	60		10 29 81	-60			
Legal Activities								
Salaries and expenses, Antitrust Division	BA D82-190	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Settl.	BA D82-191	12		10 29 81	-12			
Federal Prison System								
Buildings and facilities	BA D82-192	1,922		10 29 81	-1,922			
	BA D82-17	2,700		10 1 81				2,700
	BA D82-17A			2 8 82				
Office of Justice Assist., Res., and Statistics								
Law enforcement assistance	BA D82-193	10,729		10 29 81	-10,729			
DEPARTMENT OF JUSTICE	TOTAL BA	15,950			-13,250			2,700
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance	BA D82-194	407,670		10 29 81	-407,670			
	BA D82-229	88,543		2 8 82				88,543
	BA D82-18	49,881		10 1 81	-49,881			
Occupational Safety and Health Admin.								
Salaries and expenses	BA D82-195	8,500		10 29 81	-8,500			
DEPARTMENT OF LABOR	TOTAL BA	554,594			-466,051			88,543
DEPARTMENT OF STATE								
Administration of Foreign Affairs								
Emergencies in dipl. and consular service	BA D82-58	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA D82-57	514		10 20 81	-514			

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International Commissions								
Salaries and expenses	BA D82- 59	80		10 20 81	-80			
Construction	BA D82- 60	20		10 20 81	-20			
American sections, internat. commissions	BA D82- 61	25		10 20 81	-25			
Other								
Emergency refugee and migration assistance fund	BA D82- 19	35,043		10 1 81				
	BA D82- 19A		100	1 22 82				35,143
U.S. bilateral science and technology agreements	BA D82-230	1,000		2 8 82				1,000
DEPARTMENT OF STATE								
TOTAL BA		36,766	100		-723			36,143
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Civil supersonic aircraft development termination	BA D82- 20	3,446		10 1 81	-3,400			46
Facilities & equip. (Airport & airway trust fund)	BA D82- 21	185,783		10 1 81				
	BA D82- 21A		164,730	1 22 82				350,513
Federal Railroad Administration								
Grants to National Railroad Passenger Corp.	BA D82-217	93,400		11 6 81	-12,740	-80,660		
Maritime Administration								
Ship construction	BA D82-231	10,000		2 8 82				10,000
Research and Special Programs Administration								
Research and special programs	BA D82-220	1,050		1 22 82				1,050
DEPARTMENT OF TRANSPORTATION								
TOTAL BA		293,679	164,730		-16,140	-80,660		361,609
DEPARTMENT OF THE TREASURY								
Office of the Secretary								
International affairs	BA D82-196	109		10 29 81	-109			
Office of Revenue Sharing								
Salaries and expenses	BA D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA D82- 22	109,738		10 1 81	-4,122		676	106,292
	O D82- 23	6,287		10 1 81				
	O D82- 23A		14,635	3 18 82	-19,477		3,937	5,382
Federal Law Enforcement Training Center								
Construction	BA D82- 24	4,200		10 1 81				4,200
Salaries and expenses	BA D82-198	240		10 29 81	-240			
Bureau of Government Financial Operations								
New York City loan guarantee program	BA D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program	BA D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms								
Salaries and expenses	BA D82-201	1,039		10 29 81	-1,039			

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Bureau of the Mint								
Expansion and Improvements	BA D82-132	70c		10 23 81				-70
Internal Revenue Service								
Payment where energy credit exceeds liab. for tax	BA D82-202	8		10 29 81				-8
DEPARTMENT OF THE TREASURY								
TOTAL BA		115,469					606	110,492
TOTAL O		6,287	14,635			-5,583	3,937	5,382
ENVIRONMENTAL PROTECTION AGENCY								
Research and development								
	BA D82-133	1,889		10 23 81				-1,889
Abatement, control and compliance								
	BA D82-134	8,062		10 23 81				-8,062
Buildings and facilities								
	BA D82-135	69		10 23 81				-69
Hazardous substance response trust fund								
	BA D82-136	3,360		10 23 81				-3,360
	BA 0000							
ENVIRONMENTAL PROTECTION AGENCY								
TOTAL BA		13,380						-13,380
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Construction of facilities								
	BA D82-137	2,800		10 23 81				-2,800
	BA 0000							
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
TOTAL BA		2,800						-2,800
VETERANS ADMINISTRATION								
Medical and prosthetic research								
	BA D82-138	2,583		10 23 81				-2,583
Medical admin. and misc. operating expenses								
	BA D82-139	921		10 23 81				-921
Construction, major projects								
	BA D82-140	91,300		10 23 81				57,500
	BA D82-141	7,877		10 23 81			-33,800	
Construction, minor projects								
	BA D82-142	907		10 23 81				-907
	BA 0000							
TOTAL BA		103,588				-12,288	-33,800	57,500

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OTHER INDEPENDENT AGENCIES								
ACTION								
Operating expenses, domestic programs	BA D82- 62	2,896		10 20 81	-2,896			
Administrative Conference of the U. S.								
Salaries and expenses	BA D82-143	16		10 23 81	-16			
Advisory Committee on Federal Pay								
Salaries and expenses	BA D82-144	4		10 23 81	-4			
Arms Control and Disarmament Agency								
Arms control and disarmament agency	BA D82- 63	282		10 20 81	-282			
Board for International Broadcasting								
Salaries and expenses	BA D82- 64	252		10 20 81	-252			
Comm. for the Purchase From the Blind								
Salaries and expenses	BA D82- 65	10		10 20 81	-10			
District of Columbia								
Loans for capital outlay	BA D82-232	38,832		2 8 82				38,832
Equal Employment Opportunity Commission								
Salaries and expenses	BA D82-145	3,000		10 23 81	-3,000			
Federal Emergency Management Agency								
State and local assistance	BA D82-205	1,814		10 29 81	-1,814			
National flood insurance fund								
	BA D82-203	7,140		10 29 81	-7,140			
	BA D82-204	358,860		10 29 81	-358,860			
General Services Administration								
Consumer information center	BA D82- 68	26		10 20 81	-26			
Nat. Archives & Records Service-operating	BA D82- 66	140		10 20 81	-140			
Federal Property Resources Service-operating	BA D82- 67	748		10 20 81	-748			
Automated Data & Telecom Service-operating	BA D82-206	120		10 29 81	-120			
Advisory Commission on Intergovt. Relations								
Salaries and expenses	BA D82- 69	10		10 20 81	-10			
Delaware River Basin Commission								
Salaries and expenses	BA D82- 70	2		10 20 81	-2			
Contribution to the Del. River Basin Comm.	BA D82- 71	4		10 20 81	-4			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin	BA D82- 72	1		10 20 81	-1			
Susquehanna River Basin Commission								
Salaries and expenses	BA D82- 73	1		10 20 81	-1			
Contrib. to the Susquehanna River Basin Comm.	BA D82- 74	1		10 20 81	-1			

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International Communication Agency								
Salaries & expenses	BA D82- 75	4,680		10 20 81	-4,680			
Center for cul. and tech. exch. bet. east & west	BA D82- 76	125		10 20 81	-125			
Interstate Commerce Commission								
Salaries and expenses	BA D82-146	648		10 23 81	-648			
Japan-U.S. Friendship Commission								
Japan-U.S. Friendship Commission trust fund	BA D82- 77	34		10 20 81	-34			
Marine Mammal Commission								
Salaries and expenses	BA D82- 78	11		10 20 81	-11			
National Capital Planning Commission								
Salaries and expenses	BA D82-207	19		10 29 81	-19			
National Foundation on the Arts & Humanities								
Nat. endowment for the arts: sal. & expenses	BA D82-147	11,208		10 23 81	-11,208			
Nat. endowment for the human.: sal. and expenses	BA D82-208	5,892		10 29 81	-5,892			
Nat. endowment for the human.: matching grants	BA D82-148	2,628		10 23 81	-2,628			
National Mediation Board								
Salaries and expenses	BA D82- 79	58		10 20 81	-58			
National Science Foundation								
Research and related activities	BA D82- 80	19,924		10 20 81	-19,924			
Scientific activities overseas	BA D82- 81	59		10 20 81	-59			
Science and engineering educ. activities	BA D82- 82	2,623		10 20 81	-2,623			
Neighborhood Reinvestment Corporation								
Payment to Neighborhood Reinvest. Corp.	BA D82- 83	181		10 20 81	-181			
Pennsylvania Avenue Development Corporation								
Salaries and expenses	BA D82-149	15		10 23 81	-15			
Public development	BA D82-150	239		10 23 81	-239			
Land acquisition and development fund	BA D82-151	42		10 23 81	-42			
	BA D82- 25	30,896		10 1 81	-10,000			
	BA D82- 25A			a 2 8 82				20,896
Selective Service System								
Salaries and expenses	BA D82- 84	192		10 20 81	-192			
Small Business Administration								
Salaries and expenses	BA D82-152	3,137		10 23 81	-3,137			
Business loan and investment fund	BA D82-233	2,500		2 8 82				2,500
Surety bond guarantees revolving fund	BA D82-154	373		10 23 81	-373			
	BA D82-234	3,000		2 8 82				3,000
Lease guarantees revolving fund	BA D82-153	67		10 23 81	-67			
Smithsonian Institution								
Museum programs and related research	BA D82-155	231		10 23 81	-231			

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AGENCY/BUREAU/ACCOUNT								
Restoration and renovation of buildings	BA D82-156	145		10 23 81	-145			
Motor Carrier Rate-making Study Commission								
Salaries and Expenses	BA D82-26	150		10 1 81				150
Pres. Com. for the Study of Ethical Probs. in Med.								
Salaries and expenses	BA D82-221	262		1 22 82				262
Tennessee Valley Authority								
Tennessee Valley Authority fund	BA D82-157	2,321		10 23 81	-2,321			
United States Railway Association								
Payments for purchase of Conrail securities	BA D82-235	84,500		2 8 82				84,500
Water Resources Council								
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OTHER INDEPENDENT AGENCIES								
TOTAL BA		590,361			-440,221			150,140
TOTAL BA		6,904,380	958,968		-4,290,989	-249,460	39,176	3,362,075
TOTAL D		6,287	14,635		-18,477		3,937	5,382

a. This report was transmitted solely to reflect technical adjustments to the previous report.

b. Off-budget.

c. This deferral was reported in error. Funds for this budget account were not withheld.

[FR Doc. 82-10612 Filed 4-16-82; 8:45 am]

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Federal Register

Vol. 47, No. 75

Monday, April 19, 1982

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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.

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 April 15, 1982

