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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 687]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 23–29, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 23, 1982.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982, this regulation (and subsequent weekly regulations throughout the shipping season) is being issued with the understanding that the Valencia Orange Administrative Committee will initiate certain actions during 1982. These actions are necessary so that operations under the program will conform to the guidelines. The guidelines state that prorate programs, like the Valencia orange marketing order, should be used guardedly so as to avoid stifling individual incentive or overly restricting market supplies. In recognition of the Department's guidelines, the committee at a meeting on March 9, 1982, passed a resolution to have a subcommittee; consider appropriate changes in program provisions necessary to conform with the guidelines; evaluate separately the allocative and prorate features of the order; and develop committee tenure and periodic referenda requirements. The resolution also indicated that the committee will periodically report its progress on these issues to the Department.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1981–82 which was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on April 20, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

List of Subjects in 7 CFR Part 908: Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

1. Section 908.987 is added as follows:

§ 908.987 Valencia Orange Regulation 687.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 23, 1982, through April 29, 1982, are established as follows:

(a) District 1: 217,279 cartons;
(b) District 2: 128,006 cartons;
(c) District 3: unlimited cartons.

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

Dated: April 21, 1982.

D.S. Kuryloski,

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

[FR Doc. 82–11246 Filed 4–21–82; 11:58 am]

BILLING CODE 3410–02–M

7 CFR Part 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Change in Fiscal Period and Budget Increase

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the Idaho-Eastern Oregon Potato Committee's fiscal period to August 1 through July 31 of the following year. By making this change the committee's annual audit and total disposition figures will more nearly reflect the actual operation of the order during the season. It also amends the current budget to increase allowable expenses for the 1981–1982 fiscal period. An increase is necessary because the change in fiscal period adds two months to the current fiscal period.

EFFECTIVE DATE: May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final

Impact Analysis relating to this rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 945) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0069. This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

Notice was published in the February 22, 1982, **Federal Register** (47 FR 7676). It afforded interested persons an opportunity to file written comments through March 31, 1982. None was filed.

The committee has requested that the fiscal period be changed from June 1–May 31 to August 1–July 31 of each year. The current fiscal period of June 1–May 31 has been in effect for more than three decades. During that time better varieties and newer storage techniques and equipment have extended the shipping season for Idaho potatoes until today these potatoes are available all year. The first of the new crop potatoes are usually harvested in early August. The committee can begin operations on assessment income generated during that fiscal period, and not need to rely on a reserve from the previous year's funds for the first two months. The committee believes that the change in the fiscal period will make the fiscal year concurrent with the crop year. Because of this, the fiscal and statistical information generated during the year will more closely follow the actual shipping season. Both the financial audit performed at the end of the year and the total disposition figures would more nearly coincide.

Because the current fiscal period is extended for two months, it is necessary to increase the committee's budget in order to provide for the necessary expenses incurred during this period. The committee therefore recommends the budget be increased from $68,487 to $80,487, an increase of $12,000. The rate of assessment of $0.0026 per hundredweight remains unchanged.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the amendment will tend to effectuate the declared purpose of the act.

List of Subjects in 7 CFR Part 945

Marketing Agreements and Orders, Potatoes, Idaho, Oregon.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Sections 945.111 and 945.234 are revised to read as follows:

§ 945.111 Fiscal period.

The fiscal period that began June 1, 1981, shall end July 31, 1982. Each year thereafter "fiscal period" shall mean the period beginning August 1 and ending the following July 31.

§ 945.234 Expenses and assessment rate.

Expenses of $80,487 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight is established for the fiscal period ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

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

Dated: April 16, 1982. To become effective May 15, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–11059 Filed 4–21–82; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

[Docket No. 76–706 F]

9 CFR Parts 320, 322, and 325

Sale, Transportation and Marking of Meat and Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes provisions for several certificates currently required for the transportation of U.S. inspected and passed edible meat and meat food products and properly denatured and identified inedible meat and meat food products. It also establishes a new procedure for returning meat and meat food products which may have become adulterated or misbranded to an official establishment and deletes a provision currently requiring a permit for the transportation of these products. This rule reduces the paperwork requirements imposed on industry in the transportation of certain edible and inedible meat and meat food products.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule" since no new costs or additional requirements are being imposed on the affected industry or others. The rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). The rule is designed to reduce the paperwork required to be completed by industry with respect to the distribution of meat and meat food products and is expected to reduce the operating costs of members of the industry.

Background

It is in the public interest that meat and meat food products distributed to consumers are wholesome, not adulterated, and properly marked, labeled, and packaged. Section 10 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 610) prohibits the sale, transportation, offer for sale or transportation, or receipt for transportation, in commerce, of meat

and meat food products which are adulterated or misbranded at the time of such sale, transportation, or offer for sale or transportation or receipt for transportation. In order to prevent the distribution of meat and meat food products which are adulterated or misbranded within the meaning of the Act, the Department is required to inspect all meat and meat food products prepared at federally inspected establishments.

On July 31, 1981, the Food Safety and Inspection Service (FSIS) published a proposed rule in the **Federal Register** (46 FR 39159) to amend Part 322 and Part 325 of the Federal meat inspection regulations (9 CFR Parts 322 and 325) by deleting provisions for several certificates currently required for the transportation of U.S. inspected and passed edible meat and meat food products and properly denatured and identified inedible meat and meat food products. This action was intended to reduce FSIS imposed paperwork requirements on the industry without measurably affecting the Department's ability to assure the proper distribution of such meat and meat food products. In addition, FSIS proposed to amend other related sections of the Federal meat inspection regulations to clarify the wording and delete references to the certificate requirements.

As a result of the proposal, FSIS received six comments. The comments came from meat industry companies, an industry association, and one non-meat industry company. All of the commenters supported the proposed amendment. One commenter however, expressed a concern that if adopted, the amendments would render current company shipping documents unusable since these documents incorporate the deleted certification statements. The Administrator has determined that, although the certification statements are no longer required, industry members who have a supply of shipping douments which incorporate the deleted statements may continue to use such documents until the supply is depleted. Subsequent printing orders should request that the certification statements be removed from the shipping documents.

Each of the certificates being eliminated is discussed in the following paragraphs. The function of each certificate and the reasons for eliminating it are identified. The miscellaneous changes needed to clarify the regulations and to delete references to the certificates are also discussed below.

1. *Certificate for Transportation of U.S. Inspected, Passed, and Marked Product.*

Part 316 of the Federal meat inspection regulations (9 CFR Part 316) requires all U.S. inspected and passed meat and meat food products to be conspicuously marked at the time of inspection, prior to the products being offered for sale or transportation. Section 325.4 of the Federal meat inspection regulations (9 CFR 325.4) currently requires a certificate to accompany each shipment of U.S. inspected and passed product. The certificate states that the product offered for transportation in commerce is U.S. inspected and passed and so marked, and is not adulterated or misbranded. Since the products are already required to be federally inspected, passed, and properly marked prior to transportation, the Department has determined that this certificate is unnecessary and is deleting the certification requirement in § 325.4 of the Federal meat inspection regulations.

2. *Permit To Allow Product To Be Returned to an Official Establishment.*

Section 325.10 of the Federal meat inspection regulations (9 CFR 325.10) currently authorizes U.S. inspected and passed product, claimed by an interested party to have become adulterated or misbranded after it has been transported from an official establishment, to be returned to an official establishment for a determination by a USDA inspector whether the product has become adulterated or misbranded. In order to make this determination, the product must be transported to an official establishment where a USDA inspector is located.

Currently, the person desiring to handle the product for this purpose must notify the USDA area supervisor, in the area where the official establishment receiving the returned product is located, and obtain a written permit (Form MP 409–1) allowing the shipment. The product must be stored until a written permit has been obtained to accompany the product to the designated official establishment. This procedure delays the actual determination whether the product has become adulterated or misbranded and may also cause a hardship on the operator of the premises where the product is being held prior to transportation to an official establishment.

In order to expedite the transportation of the product to an official establishment where an official determination can be made whether the product has become adulterated or misbranded, the Department is deleting the requirement for this permit. In its place, the Department will require oral permission to be obtained from the FSIS, Meat and Poultry Inspection Program area supervisor of the area in which the official establishment is located. The area supervisor will maintain a record of the authorization and also notify the inspector at the official establishment to which the product will be transported.

Section 325.10 currently requires a certificate to be provided by the shipper to the carrier to accompany each shipment stating that the product has been U.S. inspected, passed, and properly marked, and is alleged to be adulterated or misbranded. This requirement was originally established as a means to allow the Department to control the movement of the product. However, the Department believes this certificate would not be needed under the procedure outlined above and that the new procedure would allow for adequate control over the movement of the product. Therefore, the Department is also deleting the requirement for this certificate.

3. *Certificate for Transporting Inedible Articles; Denaturing and Other Means of Identification.*

Section 325.11(b) of the Federal meat inspection regulations (9 CFR 325.11(b)) requires a certificate to accompany a shipment of inedible meat or meat food product certifying that the inedible product has been denatured or otherwise identified as specified in the Federal meat inspection regulations. In addition, § 322.5 of the regulations (9 CFR 322.5) requires the filing of a certificate by the exporter of certain inedible product stating that the product has been denatured or otherwise identified as specified in the regulations. The regulations currently require inedible meat or meat food products to be denatured or shipped with specific labeling on the shipping containers in order to identify the product as not intended for use as human food. Since the denaturing of the product or the specified labeling properly identifies the product as inedible, the Department believes the certification requirement is unnecessary. Therefore, the Department is deleting the certification procedure for these products.

Section 325.8 of the regulations (9 CFR 325.8) currently contains specific provisions concerning transactions in undenatured lungs or lung lobes. As a result, the general requirements contained in § 325.11 of the regulations (9 CFR 325.11) are not applicable to lungs or lung lobes. Therefore, § 325.11

of the regulations is amended to contain a reference to the specific requirements for lungs or lung lobes.

4. *Miscellaneous Changes.*

Changes are also being made to clarify the wording of §§ 325.1 and 325.10 of the Federal meat inspection regulations (9 CFR 325.1 and 325.10). The proposed changes are not substantive and are intended simply to clarify the regulations.

Changes in §§ 320.1, 322.5, 325.1, 325.11, and 325.15 of the Federal meat inspection regulations are being made to delete other references to the certificate requirements which are eliminated by these amendments.

5. *Information Collection Requirements:*

Information collection requirements contained in this regulation under Title 9, Code of Federal Regulations, § 320.1(b)(3) (9 CFR 320.1(b)(3)), have been approved by the Office of the Management and Budget under the Provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583–0015.

For the reasons set out in the preamble and in consideration of the comments received by FSIS on the July 31, 1981, proposed rule, all of which supported the proposed amendments, the Federal meat inspection regulations are amended as follows.

List of Subjects in 9 CFR Part 320

Meat inspection, Reporting and recordkeeping requirements.

List of Subjects in 9 CFR Part 322

Meat inspection.

List of Subjects in 9 CFR Part 325

Meat inspection, Official establishment, Certificates, Transportation.

Done at Washington, DC, on March 26, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

PART 320—RECORDS REGISTRATION AND REPORTS

1. The authority citation for Parts 320, 322 and 325 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438 (21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k).

2. Section 320.1(b)(3) (9 CFR 320.1 (b)(3)) is revised to read as follows:

§ 320.1 Records required to be keep.

* * * * *

(b) * * *

(3) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under § 325.11(b) or (e) of this subchapter, and a record of new consignees of inedible products diverted under § 325.11(e) of this subchapter.

* * * * *

PART 322—EXPORTS

§ 322.5 [Amended]

3. Section 322.5 (9 CFR 322.5) is amended by removing the phrase following the last comma and replacing that comma with a period.

PART 325—TRANSPORTATION

4. Section 325.1 (9 CFR 325.1) is amended by revising its heading and revising paragraph (b) to read as follows:

§ 325.1 Transactions in commerce prohibited without official inspection legend or certificate when required; exceptions; and vehicle sanitation requirements.

* * * * *

(b)(1) No carrier shall transport or receive for transportation in commerce (including transportation in the course of importation) and no person shall offer for transportation any carcass, part thereof, meat or meat food product until a certificate, if required for such transportation by this Part, is made and furnished to the carrier in one of the forms prescribed in this Part.

(2) Product offered for importation into the United States may be transported and offered and received for transportation if such product is conveyed, prior to inspection, to an authorized place of inspection, as provided in § 327.6 of this Part, in railroad cars, trucks, or any other means of conveyance, or in packages sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter.

* * * * *

§ 325.4 [Removed]

5. Part 325 (9 CFR 325) is amended by removing the heading and text of § 325.4 (9 CFR 325.4), but the section number is reserved, and the Table of Contents for Part 325 is amended to reflect this change.

6. Section 325.10 (9 CFR 325.10) is amended by revising its heading and paragraph (a) to read as follows:

§ 325.10 Handling of products which may have become adulterated or misbranded; authorization and other requirements.

(a) When it is claimed that any inspected and passed product, marked with an inspection legend, has become adulterated or misbranded after it has been transported from an official establishment, such product may be transported in commerce to an official establishment after oral permission is obtained from the area supervisor of the area in which that offical establishment is located. The transportation of the product may be to the official establishment from which it had been transported or to another official establishment designated by the person desiring to handle the product. The transportation shall be authorized only for the purpose of officially determining if the product has become adulterated or misbranded and making the appropriate disposition. The area supervisor shall make a record of the authorization and such other information which will effectively identify the shipment and shall provide a copy of the record to the inspector at the establishment receiving the product. The shipper shall be furnished a copy of the authorization record upon request.

7. Section 325.10 (9 CFR 325.10) is further amended by removing paragraph (b).

8. Section 325.10 (9 CFR 325.10) is further amended by redesignating paragraph (c) as paragraph (b).

9. Section 325.11 (9 CFR 325.11) is amended by removing paragraph (b).

10. Section 325.11 (9 CFR 325.11) is further amended by revising its heading and the text of paragraphs (c) and (e).

Paragraph (a) is amended by inserting a reference to § 325.8 of the regulations (9 CFR 325.8). Section 325.11 is further amended by relettering paragraphs (c) through (f) as (b) through (e) and revising the text of the section as appropriate to reflect the relettering. The revised heading and text of § 325.11 reads as follows:

§ 325.11 Inedible articles: denaturing and other means of identification; exceptions.

(a) Except as provided in § 325.8 and § 325.10, no carcass, part of a carcass, rendered grease, tallow, or other fat derived from the carcasses of livestock, or other meat food product, that has not been inspected and passed at an official establishment under the provisions of this subchapter and is not exempted from such inspection, and no carcass, part of a carcass, fat or other meat food product that is adulterated or misbranded, shall be offered for transportation in commerce by any person unless it is handled in accordance with paragraphs (b), (c), (d), or (e) of this section or is denatured or otherwise identified as prescribed in § 325.13, § 314.1, § 314.3, § 314.9, § 314.10, or § 314.11 of this subchapter.

(b) Inedible rendered animal fats from official or other establishments in the

United States having the physical characteristics of a meat food product fit for human food may be transported in commerce without denaturing, if the following conditions are met:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce, or imported, except by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Regional Director.

(2) Such inedible rendered animal fat may be so distributed only if consigned to a domestic manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, and provided, in the case of such fat consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Regional Director: *And provided further,* That such fat intended for export and stored at a terminal point prior to export will be subject to review by Program employees to assure that it is exported as inedible.

(3) When transported in commerce, or imported, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high; in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat shall be transported only in sealed shipping containers bearing unofficial seals applied by the shipper, which shall include the identification number assigned by said Director for the permit holder. The number shall appear on the bill of lading or other transportation documents for the shipment. The consignees in the United States must retain the seals in their records as prescribed in Part 320 of this subchapter.

(5) Any diversion or effort to divert inedible rendered fat contrary to the provisions of this paragraph (b) or other violation of the provisions of this section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Administrator.

(c) Inedible rendered animal fat derived from condemned or other inedible materials at official or other establishments in the United States may be transported in commerce if mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, and if the outside container bears the word "inedible."

(d)(1) Except as provided in paragraphs (d) (2), (3), and (4) of this section, or in §§ 314.10 and 314.11 of this subchapter, no animal food prepared, in whole or in part, from materials derived from the carcasses of livestock in an official establishment or elsewhere, shall be transported in commerce, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being a human food; and

(iii) It has been denatured as prescribed in § 325.13(a)(2) so as to be readily distinguishable from an article of human food.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, an animal food that consists of less than 5 percent of parts or products of the carcasses of livestock and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the meat food industry need not be denatured in accordance with § 325.13(a)(2).

(3) Notwithstanding the provisions of paragraph (d)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semimoist animal food need not be denatured in accordance with § 325.13(a)(2) if the name of the article, as for example, "Dog and Cat Food" or "Animal Food," appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the articles must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of livestock. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(4) The requirements of this part do not apply to any animal food which does not consist of any parts or products of the carcasses of livestock, or to livestock or poultry feed which does not consist of any such articles other than processed livestock byproducts (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

(e) Except for inedible rendered animal fats and lungs or lung lobes, inedible products (including condemned products only if condemned for causes specified in § 314.11 of this subchapter) which were prepared at any official establishment, or at any State inspected establishment in any State not listed in § 331.2 of this subchapter, and which have the physical characteristics of a product fit for human food, may be transported from an official establishment or in commerce, without denaturing as required by this subchapter, if the following conditions are met:

(1) The shipper must have obtained a numbered permit for such activity from the appropriate Regional Director, as identified in § 301.2 of this subchapter. Such permit may be obtained upon written application to the appropriate Regional Director and his determination that the proposed transportation would be authorized under this paragraph (e). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be transported under this paragraph (e) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by § 320.1 of this subchapter.

(3) When transported from an official establishment or in commerce under this paragraph (e), the outside container of such inedible products shall be marked conspicuously with the words "Inedible—Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers, such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks used to transport such products not in other containers.

(4) Such inedible products shall be transported from an official establishment or in commerce under this paragraph (e) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number

assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Part 320 of this subchapter.

(5) Any diversion, or effort to divert, undenatured, inedible product contrary to the provisions of this paragraph (e) or other violation of the provisions of this section may result in the revocation of the permit for shipment of inedible products under this paragraph (e), at the discretion of the Administrator.

11. Section 325.15 is revised to read as follows:

§ 325.15 Evidence of proper certification required on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or otherwise in commerce, of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by § 325.5, 325.6, or 325.7, is on file with the initial carrier. No connecting carrier shall receive for transportation or transport in the course of importation or otherwise in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other papers accompanying the same includes the signed statement in the following form:

(Name of transportation company)
U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.
(signed) _____
Agent

(b) Signatures of agents to statements required under this section shall be written in full.

[FR Doc. 82-11057 Filed 4-21-82; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-70-AD; Amdt. 39-4364]

Airworthiness Directives: Boeing Model 707/720, 727, 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection, and repair if necessary, of the control cabin "E-F" window post on certain Boeing Model 707/720, 727, 737 series airplanes. The AD is prompted by reports of fatigue cracking of the steel doubler sandwiched between the window post outboard chord and the body skin. Failure to detect the cracking prior to reaching critical length could result in failure of the window post and rapid decompression of the aircraft.

DATE: Effective date May 21, 1982.

ADDRESSES: The alert service bulletins and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring the inspection and repair as necessary of the E-F window post on certain Boeing Model 707/720, 727, 737 series airplanes was published in the **Federal Register** on November 2, 1981 (46 FR 54381). The comment period for the proposal closed on December 1, 1981. The Airline Transport Association (ATA) requested that the comment period be extended due to the unavailability of one of the service bulletins referenced in the proposal. A notice was published in the **Federal Register** on December 14, 1981, (46 FR 60828) which extended the comment period to January 4, 1982.

The proposal was prompted by numerous reports of fatigue cracking in the steel doubler sandwiched between the "E-F" window post outboard chord and the body skin in the general area of the body skin splice on certain Boeing Model 707/720, 727, and 737 airplanes. The "E-F" post structure on these airplane models is identical.

In addition, The Boeing Company has conducted a structural reassessment of the B707/720, 727, and 737 airplanes as part of their program to develop a supplemental inspection document (SID) for these airplanes. In conducting this reassessment, Boeing used advanced analysis techniques which were not available during the original design and certification and used as guidelines the requirements of FAR 25.571 (25-45). The reassessment included structural details that have a history of cracking. The analysis has revealed that certain of these details should receive increased emphasis in the maintenance program of operators to maintain the structural integrity of the airplane. The E-F window post is one such detail.

Failure to detect window post structure cracking prior to reaching critical size could result in the structure being incapable of carrying the fail-safe load and subsequent failure of the window post. Failure of the window post could result in rapid decompression.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

The ATA commented on behalf of its member operators. The ATA states that the substitution of mostly theoretical calculations for service experience is not logical and that the manufacturer did not consider service experience during their reassessment of the structure. The ATA further stated that the E-F window post cracking is a typical airplane structural problem which has been successfully controlled for over ten years. The ATA cites the experience of one of their members who has been inspecting this area for ten years at approximately 9,000 landings. The ATA recommends that the proposed AD be withdrawn.

The FAA does not agree. During the structural reassessment, consideration was given to the service history of this structural detail. As a result, the thresholds for the initial inspections are heavily dependent upon the airplane's total number of landings at which cracks were reported. The repeat intervals are based, when possible, on an examination of cracked parts. When cracked parts are not available, as in the case of the E-F window post, the repeat interval is based on calculation of a crack growth rate. The foundation for these calculations is based partly on actual material tests and is not purely theoretical. The criteria for deciding which structural details with an adverse service history warrant AD action include whether or not the damage is obvious or apparent during routine maintenance. The E-F window post cracks are neither obvious nor apparent. At least one operator failed to detect cracking until it had progressed into both chords of the post structure. The purpose of this AD is to require inspections at frequent enough intervals

to ensure that cracking is detected in a timely fashion to maintain the damage tolerance of the structure. Even though an individual operator's service experience may not indicate justification for the inspection intervals required by the AD, the intervals were established to ensure all operators would detect cracking prior to reaching critical length. The rule does provide for alternate means of compliance if acceptable substantiation is submitted.

Several commenters requested increases in either the initial thresholds, the repeat intervals, or both. As stated above these times have been established to ensure detection of cracks prior to reaching critical lengths. The times are based on existing data concerning the crack growth rate. If acceptable substantiation is submitted, the times may be changed in accordance with paragraph F of the AD.

One commenter requested that a fatigue free threshold be established for airplanes modified prior to this threshold so as to exempt them from the requirement of the AD. The AD provides for this if it is verified that the airplane was crack free at the time of modification. (See Item 4 of the Tables.)

One commenter was opposed to what it understood was a requirement to install the larger, more expensive doublers per S/B 727–53–86, Rev. 2, or later revision. The AD does not require the installation of the larger doublers. The AD does require periodic inspections at intervals which are dependent upon the condition of the airplane. If the larger doublers are installed, the inspection interval is greater than if the earlier, less effective kits had been installed.

Several commenters requested that inspections conducted prior to the effective date of the AD be used to show compliance with the initial inspection required by the AD. The commenters are currently X-ray inspecting the E–F window post at intervals close to those required by the AD. The FAA concurs that this would not have an adverse effect on safety. Therefore, the AD as adopted, gives credit for inspections accomplished prior to the effective date of the AD.

The manufacturer commented that to be consistent with the 707 Supplemental Structural Inspection Document, the safety addendum to Service Bulletin 727–53–86, and the proposed safety addendum to Service Bulletin 737–53–1023, the inspection thresholds should be reduced. The FAA has determined that the proposed thresholds, although longer than those recommended by the manufacturer, will not compromise safety; therefore, the threshold times have not been changed.

The manufacturer further states that it is "in agreement with the type of inspections required by the NPRM but we feel that the visual inspection required for airplane condition number 3, on all models, should be expanded to include a visual inspection of the exposed portion of the E–F post while the pilot's sliding window is open. This can be accomplished with negligible additional effort on the part of the operators and will assure the integrity of a major portion of the window post."

FAA concurs with the manufacturer's recommendation that the visual inspection of the external doubler include visual inspection of the exposed portion of the E–F window post with the sliding window open. This change would have an insignificant impact on the inspection process since it merely involves opening the number 2 window and visually checking for cracks at the same time that the external doubler is inspected.

Approximately 1183 airplanes of U.S. Registry will be affected by the proposed AD. It is estimated that for the worst case the required inspections will take approximately 4 manhours and the average cost will be $35 per manhour. Based on these figures the total cost is estimated not to exceed $168,000 per inspection cycle.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes previously noted.

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:

Boeing: Applies to Boeing Model 707/720, 727, 737 series airplanes certificated in all categories, listed in Boeing Service Bulletins Nos. 2983, Rev. 4; 727–53–86, Rev. 6; and 737–53–1023, Rev. 6; or later FAA approved revisions.

Compliance is required as indicated.

To detect cracking and to prevent possible failure of the "E–F" window post, accomplish the following in accordance with Boeing Service Bulletin Nos. 2983, Rev. 4; 727–53–86, Rev. 6; 737–53–1023, Rev. 6; or later FAA approved revisions.

A. Unless already inspected within the last 1650 landings, inspect the affected areas for cracks in accordance with the following tables in accordance with Boeing Service Bulletins Nos. 2983, dated September 28, 1970; 727–53–86, dated September 28, 1970; 737–53–1023 dated September 28, 1970, or later FAA approved revisions.

MODEL 707/720 (APPLICABLE SERVICE BULLETIN 2983)

Airplane condition	Type of inspection required	Initial inspection not to exceed (Landings)	Repeat inspection interval not to exceed (Landings)
1. Service bulletin not accomplished	X-ray	1,650 after effective date of the AD or prior to accumulating 11,650 whichever occurs later.	3,300
2. Repair or modification per original issue of the service bulletin	X-ray	1,650 after effective date of the AD or prior to accumulating 10,000 after repair or modification whichever occurs later.	3,300
3. Repair or modification per revision 1 or later revision of the service bulletin *	Close visual of external doubler and the exposed portion of the E–F window post with the #2 sliding window open.	1,650 after effective date of AD or prior to accumulating 16,650 after repair whichever occurs later.	3,300
4. Modification per rev. 1, or later revision of the service bulletin (verified no cracks in structure by use of eddy current inspection described in paragraph II, accomplishment instructions of rev. 4 or later FAA approved revisions). *.	No further action required		

MODEL 727 (APPLICABLE BOEING SERVICE BULLETIN 727–53–86)

1. Service bulletin not accomplished	X-ray	1,650 after effective date of the AD or prior to accumulating 11,650 whichever occurs later.	3,300

MODEL 707/720 (APPLICABLE SERVICE BULLETIN 2983)—Continued

Airplane condition	Type of inspection required	Initial inspection not to exceed (Landings)	Repeat inspection interval not to exceed (Landings)
2. Repair or modification per original issue or revision 1 of the service bulletin	X-ray	1,650 after effective date of the AD or prior to accumulating 10,000 after repair or modification whichever occurs later.	3,300
3. Repair or modification per revision 2 or later revision of the service bulletin *	Close visual of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	1,650 after effective date of AD or prior to accumulating 16,650 after repair whichever occurs later.	3,300
4. Modification per rev. 2, or later revision of the service bulletin (verified no cracks in structure by use of eddy current inspection described in paragraph II, accomplishment instructions of rev. 6 or later FAA approved revisions). *	No further action required		
MODEL 737 (APPLICABLE BOEING SERVICE BULLETIN 737-53-1023)			
1. Service bulletin not accomplished	X-ray	2,750 after effective date of the AD or prior to accumulating 12,750 whichever occurs later.	5,500
2. Repair or modification per original issue revision 1 or revision 2 of the service bulletin.	X-ray	2,750 after effective date of the AD or prior to accumulating 10,000 after repair or modification whichever occurs later.	5,500
3. Repair or modification per revision 3 or later revision of the service bulletin *	Close visual of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	2,750 after effective date of AD or prior to accumulating 17,750 after repair whichever occurs later.	5,500
4. Modification per rev. 3, or later revision of the service bulletin (verified no cracks in structure by use of eddy current inspection described in paragraph II, accomplishment instructions of rev. 6 or later FAA approved revisions). *	No further action required		

* NOTE.—To distinguish between the modified airplane conditions described in items 3 and 4 of the tables in paragraph A, item 3 is applicable to airplanes which have not been eddy current inspected during the course of modification, and item 4 is applicable to airplanes which have been eddy current inspected during the course of modification.

B. Reinspect the affected areas for cracks at intervals not to exceed those listed in the tables of paragraph A.

C. Cracks are to be repaired prior to further pressured flight in accordance with "Accomplishment Instructions," of the following service bulletins. Inspections are to continue in accordance with Item 3 of the tables of paragraph A of this AD.

1. For Boeing Model 707/720 series airplanes: Boeing Service Bulletin No. 2983, Revision 4, or later FAA approved revisions.

2. For Boeing Model 727 series airplanes: Boeing Service Bulletin No. 727-53-86, Revision 6, or later FAA approved revisions.

3. For Boeing Model 737 series airplanes: Boeing Service Bulletin No. 737-53-1023, Revision 6, or later FAA approved revisions.

D. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time-in-service by the operator's fleet average time from takeoff to landing for the aircraft type.

E. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

F. 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 specification 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 Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective May 21, 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 document involves a regulation which is not considered to be major under Executive Order 12291 because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify that this rule will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under 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. 82-10544 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWA-14]

Proposed Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment renumbers certain alternate VOR federal airways in the central part of the U.S. This action eliminates the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airway descriptions from the National Airspace System.

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 February 11, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-10N, V-12S, and V-13W. There would be no change in the amount of designated controlled airspace as a result of this action. The alternate airway segments are renumbered to eliminate the use of

alternate airway assignments in accordance with ICAO agreement (47 FR 6285). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republised 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) renumbers V-10N, V-12S, and V-13W. There is no change in the amount of designated controlled airspace and the renumbering is to eliminate the use of alternate airway assignments. This action is in accordance with ICAO agreement to phase out alternate airway descriptions from the National Airspace System.

List of CFR Subjects in 14 CFR Part 71

Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (45 FR 85439, 85441, 46 FR 11951, 38345, and 47 FR 6249) is further amended effective 0901 GMT, July 8, 1982, as follows:

V-10 [Amended]

1. By deleting the words ", including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway" and ", including a N alternate via Int Emporia 050° and Topeka, KS, 099° radials" and ", including a N alternate via INT Napoleon 005° and Kansas City 060° radials"

V-502 [New]

2. By adding "V-502 From Dodge City, KS; INT Dodge City 060° and Hutchinson, KS, 296° radials; Hutchinson; Emporia, KS; INT Emporia 050° and Topeka, KS, 099° radials; Napoleon, MO; INT Napoleon 005° and Kansas City, MO, 060° radials; to Kirksville, MO."

V-12 [Amended]

3. By deleting the words ", including an S alternate from INT Jefferson City, MO, 308° and TIGER 276° radials via Jefferson City to INT of Jefferson City 042° and TIGER 104° radials".

V-504 [New]

4. By adding "V-504 From Napoleon, MO; INT Jefferson City, MO, 308° and TIGER, MO, 276° radials; Jefferson City; INT Jefferson City 042° and TIGER 104° radials; Foristell, MO."

V-13 [Amended]

5. By deleting the words ", including a W alternate from Des Moines to Mason City via Fort Dodge, IA, excluding the airspace between the main and this W alternate and excluding the airspace above 9,000 feet MSL between Des Moines and Fort Dodge" and "including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Gopher, MN, 188° radials; Gopher, excluding the airspace between the main and W alternate"

V-505 [New]

6. By adding "V-505 From Des Moines, IA, via Fort Dodge, IA, excluding the airspace at and above 11,000 feet MSL between 27 miles and 64 miles northwest of Des Moines VOR during the time that the Boone Military Operations Area is activated; Mason City, IA; INT Mason City 349° and Gopher, MN, 188° radials; Gopher; to Grantsburg, WI."

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

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

Issued in Washington D.C., on April 13, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-10663 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-41]

Designation of Transition Area; Blue Earth, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Blue Earth, MN, to accommodate a new instrument approach into Blue Earth Municipal Airport, which was established on the basis of a request from the Blue Earth Municipal Airport officials and the State of Minnesota to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained with controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 62469 of the **Federal Register** dated December 24, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish controlled airspace near Blue Earth, MN. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rulemaking.

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effectively July 8, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Blue Earth, MN

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Blue Earth Municipal Airport (latitude 43°35'52" N, longitude 94°05'33" W) at Blue Earth, MN, and 3 miles either side of the 156° bearing from the Blue Earth NDB extending from the 5-mile radius to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10664 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-45]

Designation of Transition Area; Urbana, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Urbana, Ohio, to accommodate a new instrument approach into Grimes Field Airport, Urbana, Ohio, established on the basis of a request from the Grimes Field Airport officials to provide that facility with instrument approach capability utilizing the Rosewood, Ohio, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 5231 of the **Federal Register** dated February 4, 1982, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish a 700-foot controlled airspace transition area near Urbana, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rulemaking.

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 8, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Urbana, Ohio

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grimes Field, Urbana, Ohio (latitude 40°07'30" N., longitude 83°45'00" W.).

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-10665 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-43]

Designation of Transition Area; Delavan, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Delavan, Wisconsin, to accommodate a new instrument approach into Lake Lawn Airport, Delavan, Wisconsin, which was established on the basis of a request from the Lake Lawn Airport officials to provide that facility with instrument approach capability based on an on-airport non-directional radio beacon (NDB).

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this prccedure may be established below the floor of the 700 foot controlled airspace. Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 62470 of the **Federal Register** dated December 24, 1981, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish controlled airspace near Delavan, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the notice of proposed rulemaking.

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 8, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Delavan, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Lake Lawn Airport, Delavan, Wisconsin (latitude 42°37'55" N., longitude 88°36'05" W.), excluding the Lake Geneva, WI, 700-foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10666 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The Army hereby amends its rules as they concern processing system notices subject to the Privacy Act of 1974.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-R), Hoffman Building 1, 2561 Eisenhower Avenue, Alexandria, VA 22331; telephone: 703/325-6163.

SUPPLEMENTAL INFORMATION: In 45 FR 78727, November 26, 1980, the Department of the Army proposed to amend Part 505 of Title 32, CFR as they pertain to the processing systems of records notices subject to the Privacy Act of 1974 (Title 5, U.S.C. 552a) in order to conform to requirements of the Office of Management and Budget and the Department of Defense.

List of Subjects in 32 CFR Part 505

Privacy.

PART 505—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

In that no comments were received concerning these proposed amendments, the rule is adopted and §505.5 of 32 CFR is revised to read as follows:

§ 505.5 System of records.

(a) *Section 1. General Provisions.*—(1) *Standards.* (i) This chapter prescribes general standards for, and restrictions in, the establishment and maintenance of systems of records. It requires the publication of notices in the **Federal Register** for all systems of records and of advance reports to the Congress and the Office of Management and Budget for those meeting the criteria in Section II. Section 505.6 detailed instructions for preparing system notices.

(ii) A "system of records," as defined in the Privacy Act, must meet all of the following criteria:

(A) It must consist of "records."

(B) It must be "under the control of" an agency.

(C) It must consist of records that are retrieved by reference to an individual name or some other personal identifier.

(iii) Some systems of records may be exempt from certain provisions of the Act; however, none are automatically exempt. Procedures for claiming exemptions are in § 505.7.

(2) *Retrieval practices.* Whether records are subject to the Act depends on how they are retrieved. To be subject to the Act, the records must be retrieved by use of an individual identifier; it is not enough that a capability or potential for retrieval exists or that retrieval is possible solely because of human memory.

(i) Existing file series shall not be rearranged so as to permit retrieval by name, social security number, or other individual identifier unless a system notice is published in the **Federal Register.**

(ii) Files may be rearranged, however, so as to prevent retrieval by personal identifier and, thus, remove them from the system notice requirements. This procedure shall not be used, however, to circumvent the requirements of the Act by such devices as designating a file by a general overall title (e.g., "reassignment actions") when, in fact, the documents are retrieved by individual identifiers.

(3) *Relevancé and necessity.* Only such personal information as is relevant and necessary to accomplish a purpose or mission required by Federal statute or Executive Order of the President shall be maintained in systems of records. The specific provision of law or Executive Order which provides authority for maintenance of information in each system of records must be identified. Statutory authority, or the regulatory authority derived therefrom, to establish and maintain a system of records does not convey unlimited authority to collect and maintain all information which may be useful or convenient, as opposed to that which is relevant and necessary.

(4) *Standards of accuracy.* Except for certain statistical records which are not used in making a determination about

an individual, most records could be used in making a determination about an individual's rights, benefits, or privileges, including employment. To ensure accuracy, information to be included in a system of records should be obtained directly from the individual concerned whenever practicable. All records in systems of records which are used in making any determinations about any individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in any determination.

(5) *First Amendment rights.* No record describing how an individual exercises rights guaranteed by the First Amendment will be maintained unless expressly authorized by Federal statute, by the individual about whom the record pertains, or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech, and the press, and the right of assembly and to petition.

(6) *System evaluation.* System managers will evaluate information contained in their systems of records for relevance and necessity during the development phase of a new system of records or when an amendment to an existing system is proposed. In addition, system managers will evaluate their existing systems prior to the Annual Report (see § 505.1(k)). This evaluation should consider:

(i) Relationship of each item of information to the statutory or regulatory purpose for which the system is maintained.

(ii) Specific adverse consequences of not collecting each category of information.

(iii) Possibility of meeting the information requirement through use of information not individually identifiable or through sampling techniques.

(iv) Length of time the information is needed and, where appropriate, techniques for purging parts of the record.

(v) Financial cost of maintaining the data compared to risk or adverse consequences of not maintaining it.

(vi) Necessity and relevance of the information to the mission. When certain information is no longer required, it should be excised, if feasible. This requirement does not authorize destruction of records which are required to be retained in accordance with disposal authorizations granted under the Federal Records Act of 1950, as amended.

(7) *Government contractors.* When the Army contracts for the operation, use, or maintenance of a system of records to accomplish a function of the Army, such system of records will be deemed to be maintained by the Army and is subject to this regulation and the Defense Acquisition Regulation. Contractors are obligated to comply with the requirements of the Privacy Act in the collection, use, maintenance, and dissemination of information contained in the system of records. The contractor will be required to establish and maintain procedures which ensure that the confidentiality of records is maintained at all times and that information is disclosed only as permitted by the Privacy Act and Army regulations in the 340–21 series. The disclosure of records between the Army and its contractors will not require the consent of the individual to whom the record pertains or the maintenance of a disclosure accounting record. In this regard, disclosure of personal information between the Army and the contractor is considered to be the same as between those officers and employees of the Army who have a need for the records in the performance of their duties.

(8) *Safeguarding personal information in systems of records.* Personal information which is not routinely required to be released under the Freedom of Information Act (see § 505.3(b)(2)) must be safeguarded to preclude unauthorized disclosure and dissemination or misuse. Unauthorized access will be controlled by appropriate administrative, technical, and physical safeguards compatible with the sensitivity of the information. As a minimum, records will be accorded the protection prescribed by AR 340–16. Classified records must be safeguarded as prescribed in AR 380–5. Safeguarding information in automated systems is subject to the risk assessment requirements of Chapter 10 and Appendix L, AR 380.380.

(b) *Section II. Reporting Requirements for New or Altered Systems.*—(1) *Narrative report.* The Privacy Act requires that an advance report of a new or altered system, meeting the requirements set forth in paragraph (b)(3) of this section, must be staffed with the Congress and the Office of Management and Budget. This will permit an evaluation of the probable and/or potential effect of such proposal on the privacy and other personal or property rights of individuals. It will also permit evaluation of the disclosure of information relating to such individuals and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(2) *Criteria.* A report is required under the following conditions:

(i) When a new system of records is proposed. A new system is one for which no system notice is currently published in the **Federal Register.**

(ii) When an alteration is proposed to an existing published system of records which meets the following criteria:

(A) Increases or changes the number or types of individuals on whom records are maintained. Changes involving the number—rather than the type—of individuals about whom records are maintained need only be reported when that change significantly alters the character or purpose of the system of records; e.g., normal increases attributed to normal population growth patterns need not be reported. On the other hand, when a system which covered only a portion of the workforce is expanded to cover all individuals, a report is required; e.g., a system which covered only a command portion of enlisted members is expanded to cover the entire enlisted force of the Department of the Army. The change would affect the "categories of individuals covered by the system" element of the system notice.

(B) Expands the types or categories of information maintained. For example, expansion of an employee payroll file to include data on education and training must be reported since the purpose of a payroll does not encompass education or training. This change would affect the "categories of records in the system" element of the system notice.

(C) Alters the manner in which the records are organized, indexed, or retrieved so as to change the nature or scope of the records. An example would be the combining of two or more existing systems, or splitting an existing system into two or more different systems such as might occur in a centralization/decentralization of organizational responsibilities; this would require a report.

(D) Alter the purpose(s) for which the information is used. For example: a proposal that military service records currently used for historical purposes, are to be used to make determinations on eligibility for disability benefits, would require a report. A proposal to change or establish a new "routine use" does not necessarily require a report if that use is compatible with the purposes for which the system is maintained; i.e., does not in effect create a new purpose.

(E) Changes the equipment configuration, software, and/or procedures so as to create the potential for either greater or easier access. Examples of such changes would be the

conversion of a manual system to an automated one or the addition of a telecommunications capability to a system which did not have one. Another example would be the direct linking into a system by remote terminals of a new category of offices, such as might occur if a field office which had previously accessed a file by calling the headquarters office were to acquire direct terminal access. Software releases, such as operating systems and system utilities that provide for easier access, would require a report if used by applications that process personal information.

(1) The addition of an on-line capability to a previously batch-oriented system would require a report.

(2) The addition of peripheral devices such as tape drives, disk drives, card readers, printers, and the like to an existing equipment configuration does not constitute an altered system under the Privacy Act so long as the existing security posture is preserved; i.e., no report is required.

(3) An equipment configuration that currently has an on-line capability is not subject to the reporting requirement if it satisfies the following criteria:

(i) The equipment configuration changes in such a way that its existing security posture is preserved, i.e., the addition of terminals in a closed shop environment.

(ii) The addition of terminals does not exceed the capability of the current operating system and the existing security posture is preserved.

(3) *Content.* (i) The narrative report will consist of (A) transmittal letter, (B) narrative statement, and (C) supporting documentation. It will bear the Reports Control Symbol DD (A&AR) 1379.

(ii) The transmittal letter should include information not appropriate to either the narrative statement or the system notice, i.e., request for waiver (see paragraph (b)(3)(iv)(D) of this section), and be addressed to HQDA (DAAG–AMR–R).

(iii) The narrative statement primarily accomplishes staffing with the Congress, and the Office of Management and Budget. It must include the following items:

(A) System Identification and Name: (e.g., A0708.02DAPC Official Military Personnel File);

(B) Responsible Official: (Name, title, and address of official to whom inquiries/comments may be directed);

(C) Purpose(s) of the System: (for new system only), or Nature of the Change(s) Proposed: (for altered system);

(D) Authority for the System: (Cite the specific provision of Federal statute or Executive Order which authorizes or provides a legal basis for maintenance of the information);

(E) Number or estimate of individuals on whom records will be maintained;

(F) Information on First Amendment Activities: (must include basis for maintaining, from Federal statute);

(G) Measures to Assure Information Accuracy: (Describe procedures to insure accuracy, relevancy, timeliness, and completeness of the information if the system is to be used to make determinations about the rights, benefits, or entitlements of individuals);

(H) Other Measures to Assure System Security: (Describe administrative, technical, and physical safeguards to protect confidentiality of information against unauthorized access and threat. Automated systems require risk assessment pursuant to AR 380–380 and compliance with the privacy safeguards of Appendix L thereto); and

(I) Relations to State/Local Government Activities: (either source or recipient).

(iv) Supporting documentation: Attach the following inclosures:

(A) The proposed new (or altered) system notice prepared in accordance with § 505.6(i).

(B) An advance copy of proposed exemption rules if the System Manager plans to claim exemptions permitted by the Privacy Act for the new or altered system. (This action requires approval of the Secretary of the Army.)

(C) When either computer systems, word processing, or microform systems are used in processing a system of records under the Privacy Act, a brief description must be provided addressing (*1*) the process, (*2*) physical and technical safeguards, (*3*) information storage, and (*4*) data retrievability. At a minimum:

(i) State whether the automation is done in a batch or on-line equipment.

(ii) Describe in general terms the physical safeguards of the computer site and state if a site risk analysis was performed.

(iii) If an on-line system is being described, state whether dial-up or hard wired terminal support the system. Describe the controls used in accessing the system via the terminals, e.g., controlled area, key locks on hard wired terminals, password protection for dial-up terminals, etc.

(iv) State the location where the primary computer media is stored. Generally, computer media is stored at a Data Processing Installation which, in most instances, is not the System Location.

(v) Describe the technical procedures used to protect on-line data from unauthorized disclosures. In cases where Data Base Management Systems and/or retrieval languages are part of a computer system, describe the control procedures for insuring that the information accessed is in conformity with the published system notice, e.g., an ad-hoc query retrieving a record by SSN when SSN was not specified as a retrieval field in the published system notice.

(D) Request for waiver of the 60 day advance notice requirement may be submitted when:

(*1*) A delay of 60 days in establishing the system would not be in the public interest, with detailed justification (*i*) showing how the public interest would be adversely affected if the waiver were not granted (i.e., effect on the public of delaying implementation of the system), and (*ii*) explaining why an earlier notice was not provided; or

(*2*) The system of records was in existence prior to September 27, 1975; failure to provide the required notice was due to administrative oversight; and suspending operation of the system would adversely affect the public interest.

Note.—When such waiver is approved, it has the net effect of waiving only the 30 days required by the Congress and Office of Management and Budget for review; it does not obviate the requirement to publish in the **Federal Register** for 30 days' public comment.

(v) *Constraints.* Report on a proposed new or altered system of records must be submitted no later than the following dates, whichever is earlier:

(A) Ninety days before any issuance of data collection forms and/or instructions;

(B) Ninety days before entering any personal information into the new or altered system.

(C) Ninety days before any public issuance of a Request for Proposal or an Invitation to Bid for computer and/or communication system. (NOTE: Requests for delegation of procurement authority may be submitted to General Services Administration in accordance with Public Law 89–306 and regulations issued pursuant to that law prior to expiration of the 90 day limitation, but will include language stipulating that the System Manager has reviewed requirements of the Privacy Act for filing a report on a new system and concluded that the report is (is not) applicable to such procurement.)

(vi) *Procedure.* (A) Report of a proposed new or altered system of records must be submitted to The Adjutant General, ATTN: DAAG–AMR–R, at least 90 days before the system is to become operational to permit internal review and coordination, staffing at

DOD, and a minimum of 30 days' review by the Congress and Office of Management and Budget.

(B) Following the aforementioned 30 days' review, notice for the new/altered system will be published in the Federal Register for 30 days' public comment. Any approved exemption rule which applies to the system will be published concurrently, but in a separate section of the Federal Register, first for 30 days' review and comment, and secondly, as a final rule. An exemption may not be invoked until it has been published as a final rule.

(C) New/altered system notices which have been published in the Federal Register will be included in subsequent revisions to the AR 340–21 series.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 19, 1982.

[FR Doc. 82-11004 Filed 4-21-82; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2094-4]

Approval and Promulgation of Revisions to the Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Texas State Implementation Plan (SIP) which were submitted by the Governor on July 20, 1981. Specifically the State revised the ozone (O_3), total suspended particulate (TSP), and carbon monoxide (CO) control strategies, the General Rules, and Regulations IV and V of the Texas Air Control Board (TACB) Regulations. This notice approves these revisions to the SIP and amends 40 Code of Federal Regulations (CFR) 52.2270.

EFFECTIVE DATE: This rulemaking is effective on June 21, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Donna M. Ascenzi of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270;

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723;

EPA, Public Information Reference Unit, 401 M Street SW., Room 2922, Washington, D.C. 20460; and

The Office of the Federal Register, 1100 L Street NW., Rm. 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, State Implementation Plan Section, Air & Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On July 20, 1981 the Governor of Texas, after adequate notice and public hearing, submitted revisions to the Texas SIP. Specifically, the State revised the control strategies for O_3, TSP, and CO, the General Rules, and Regulations IV and V.

The revision to the O_3, TSP, and CO control strategies consisted of the addition of a statement which specifies that emission offsets provided by other sources or the community will be made enforceable by TACB Order and submitted to EPA for inclusion in the Texas SIP. This revision was submitted in response to the provision of Appendix S, Section V of 40 CFR Part 51 which specifies that such emission offsets are not enforceable unless the source providing the offsets is subject to a new SIP requirement to ensure that the reduction occurs.

The revisions to the General Rules consisted of, among other things, the addition of a definition for vapor mounted seals and a minor editorial change to Subchapter 101.22 entitled "Effective Date."

The State revised Regulation IV, entitled "Control of Air Pollution from Motor Vehicles," to provide an exemption for members of the Department of Defense who are transferred to and from overseas destinations to operate their privately owned vehicles without certain control equipment for 30 days prior to shipment and 30 days after return from overseas.

The State extensively revised Regulation V entitled, "Control of Air Pollution from Volative Organic Compounds." The majority of these revisions are non-substantive in nature and serve to clarify the intent of the regulation. Several subchapters were realigned, words which had been inadvertently deleted in previous revisions were replaced, and minor editorial changes were made. The most significant revision consisted of the deletion of Ector County from the requirements of several subchapters. Ector County was redesignated as an area attaining the ozone standard by EPA on June 29, 1981 (46 FR 33269). Since none of the reductions to be achieved from the specified control measures were needed to achieve attainment status, the State deleted Ector County from the requirements specified in these subchapters.

EPA has reviewed the State's submittal and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 and TACB offices listed above.

Based on the Agency's review, EPA has determined that the revisions meet the requirements of Section 110(a)(3)(A) of the Clean Air Act and is hereby approving these revisions to the Texas SIP.

The public should be advised that this action will be effective June 21, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110(a) and 172 of the Clear Air Act, 42 U.S.C. 7410(a) and 7520.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead.

[1] EPA Review of Texas SIP Revisions to the O_3, TSP, and CO Control Strategies, General Rules, and Regulations IV and V, February 1982.

Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: April 9, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

In § 52.2270 by adding a new paragraph (c)(31) which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(31) Revisions to the ozone, total suspended particulate, and carbon monoxide control strategies, General Rules (i.e., definition for vapor mounted seal and § 101.22), Regulation IV (i.e., addition of § 114.2(b)), and Regulation V (i.e., deletion of §§ 115.46 and 115.71, §§ 115.101–106, § 115.144, § 115.153, title of §§ 115.161–163 and § 115.162, §§ 115.171–176, §§ 115.191–194, § 115.252, § 115.262, § 115.401, § 115.411, and title of §§ 115.421–424) were adopted by the Texas Air Control Board on March 20, 1981, and submitted by the Governor on July 20, 1981.

[FR Doc. 82–11072 Filed 4–21–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 60 and 61

[A–6–FRL–2103–6]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Delegation of Authority to the State of Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA, Region 6, has delegated the authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants to the Oklahoma State Department of Health (OSDH). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 are delegated to the OSDH. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

EFFECTIVE DATE: March 25, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767–1594 or (FTS) 729–1594.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, address above; (214) 767–1594 or FTS 729–1594.

SUPPLEMENTARY INFORMATION: On December 18, 1980, the State of Oklahoma submitted to EPA, Region 6, a request for delegation of authority to the OSDH for the implementation and enforcement of the NSPS and NESHAP programs. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the OSDH were found to provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAP programs.

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

Effective immediately, all information pursuant to 40 CFR 60 and 40 CFR 61 by sources locating in the State of Oklahoma should be submitted to the State agency at the following address: Oklahoma State Department of Health, Air Quality Service, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

This delegation is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: April 7, 1982.

Dick Whittington,

Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 60.4 is amended by revising paragraph (b)(LL) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(LL) State of Oklahoma, Oklahoma State Department of Health, Air Quality Service, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 61.04 is amended by revising paragraph (b)(LL) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(LL) State of Oklahoma, Oklahoma State Department of Health, Air Quality Service, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

* * * * *

[FR Doc. 82–10509 Filed 4–21–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[A–6–FRL–2094–2]

State of Texas; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the Texas Air Control Board (TACB) request to change the existing nonattainment designations for total suspended particulate (TSP) for the Dallas 1, Dallas 2 and Tarrant 1 areas to attainment. This action is a result of EPA's review of the air quality data collected which showed no violations of the National Ambient Air Quality Standard (NAAQS) for particulate matter.

EFFECTIVE DATE: This action is effective on June 21, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESS: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Branch (address below). Copies of the materials submitted by Texas may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270; and

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Chief Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency,

Region VI, Dallas, TX 75210 (214) 767–1518.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, at 43 FR 9037, the Administrator promulgated attainment status designations for the State of Texas for total suspended particulate (TSP) and other pollutants. The designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412 in response to comments received, the Administrator revised and amended certain of the original designations. Limited areas in Dallas and Tarrant Counties were designated as nonattainment areas for TSP in the March 3, 1978, rulemaking. These designations remained unchanged in the September 11, 1978, rulemaking. The State of Texas, in accordance with the provisions of Section 107(d)(5) of the Clean Air Act, has amended the original designations of Dallas 1, Dallas 2 and Tarrant 1 areas from nonattainment to attainment for particulate matter. On February 8, 1982, in TACB Resolution R82–1 these three redesignation requests were submitted to EPA.

Redesignation of Dallas 1, Dallas 2 and Tarrant 1 Areas

In Air Quality Control Region (AQCR) 215, 2 limited areas in Dallas County are designated as nonattainment for the primary particulate standard and 1 limited area in Tarrant County is designated as nonattainment for the secondary particulate standard (43 FR 9037; March 3, 1978). The change in area designations from nonattainment to attainment is based upon the most recent air quality data collected during the years 1979, 1980 and 1981. EPA's review [1] of the air quality data collected showed no violations of the National Ambient Air Quality Standard (NAAQS) for particulate matter. There was one exceedance of the particulate secondary standard in 1980 for each of the three areas: however, one exceedance of 150 $\mu g/m^3$ per year can occur without violating the federal secondary particulate standard 40 CFR 50.7. The 1980 and 1981 data collected for Tarrant 1 recorded three exceedances which occurred on dust storm days. Verification between EPA and TACB indicated that the exceedances occurred on valid dust storm days. (Data, dates, locations are discussed in Evaluation Report). Based upon EPA's review of the TSP data showing no violations of the NAAQS, EPA is redesignating Dallas 1, Dallas 2 and Tarrant 1 areas from nonattainment to attainment.

The public should be advised that this action will be effective June 21, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.344—*Texas*, the attainment status designation table for total suspended particulate (TSP) is amended by revising the designations for 2 limited areas in Dallas County from "does not meet primary standards" to "better than national standards," and 1 limited area in Tarrant County from "does not meet secondary standards" to "better than national standards." The revised portion of the Texas—TSP Table for § 81.344 reads as set forth below:

§ 81.344 Texas.

TEXAS—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
• • • • • • •				
AQCR 215:				
3 limited areas in Dallas County (Dallas 1, 2, and 3)				X.
1 limited area in Tarrant County (Tarrant 1)				X.
3 limited areas in Tarrant County (Tarrant 2, 3, and 4)			X.	
Remainder of AQCR				X.
• • • • • • •				

(Sec. 107(d), Clean Air Act, as amended, 42 U.S.C. 7407(d))

Dated: April 9, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–11071 Filed 4–21–82; 8:45 am]

BILLING CODE 6560–50–M

[1] EPA Evaluation Report, Dallas 1, Dallas 2 and Tarrant 1 redesignations dated March 1982. This report is available for public inspection at the Region VI office of EPA in Dallas, Texas.

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40 CFR Part 256

[SW–5–FRL–2104–5]

Approval of Indiana Solid Waste Management Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA), the State of Indiana has received Federal financial assistance for development of a State solid waste management plan. The State of Indiana has submitted to the U.S. Environmental Protection Agency (EPA or the Agency) its adopted State solid waste management plan. Today, EPA is announcing its approval of the Indiana Solid Waste Management Plan. Approval of the Indiana plan indicates that the plan meets the requirements set forth in the RCRA, which provides for the identification of State, local and regional responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

The purpose of this notice is to inform the public that the Agency is approving the Indiana Solid Waste Management Plan.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Judith Stone, Waste Management Branch (5HW–TUB), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–4179.

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 1979, (44 FR 45066), EPA published Guidelines for the Development and Implementation of State Solid Waste Management Plans. These guidelines were required by Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA). The guidelines establish the requirements for State Plans and recommend methods and procedures to meet those requirements. On September 23, 1981, (46 FR 47048) EPA published amendments to the Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for Classification of Solid Waste Disposal Facilities and Practices, 40 CFR Parts 256 and 257. In part, these amendments allow EPA to give partial approval for that portion of the adopted State Plan that covers State issuance of compliance timetables while the State is developing the other parts of the State Plan. Under Section 4007 of RCRA, EPA shall approve State Plans which meet the requirements of paragraphs (1), (2), (3) and (5) of Section 4003 and which contain provisions for revision. These requirements were summarized in the notice of availability and request for public comment on the Indiana State Plan published on November 4, 1981. Approval of the State Plan indicates that the State Plan meets the requirements set forth in RCRA, which provides for the identification of State, local and regional responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

On April 30, 1981, the State of Indiana submitted its adopted State Plan to EPA. In response to EPA's comments on the plan, Indiana submitted letters of clarification on September 28, 1981, and March 9, 1982.

On November 4, 1981, EPA published a notice of availability and request for public comments on the Indiana State Plan (46 FR 50810). Comments were due by December 4, 1981. EPA received no comments during the public comment period.

II. Finding

Section 4007 of RCRA contains the statutory policy for approval of State Plans. The authority to approve State Plans under Section 4007 of RCRA has been delegated to the Regional Administrator. I have reviewed the State Plan submitted by the State of Indiana. I find that the Indiana State Plan meets the requirements of RCRA for approval. Under authority of Section 4007 of RCRA, I approve the Indiana State Plan.

The Indiana State Plan provides for compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private alternatives for solid waste management to comply with the RCRA prohibition of open dumping. As of the date of publication of this notice, entities engaged in open dumping may, pursuant to the Indiana State Plan, approach the State for further information on compliance schedules and necessary demonstrations. This approval should be of special interest because of two provisions of RCRA. First, RCRA requires that effective with the date of approval, State Plans prohibit the establishment of open dumps in the State. Second, only States with approved State Plans can establish compliance schedules for purposes of RCRA for entities engaged in open dumping. Parties that receive compliance schedules satisfying Section 4005 from EPA approved States and that are in compliance with these schedules are not in violation of the open dumping prohibition in section 4005. Such compliance schedules cannot extend beyond September 13, 1984.

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

I certify under 5 U.S.C. 605(b) that the approval of the Indiana Solid Waste Management Plan will not have a significant economic impact on a substantial number of small entities. This approval will reduce burdens on small entities by establishing a mechanism to insulate them from citizen suits to enforce the open dumping prohibition. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 256

Grant programs—environmental protection, Waste treatment and disposal.

(Sec. 4007(a), Pub. L. 94-580, 90 Stat. 2817, (42 U.S.C. 6947))

Dated: April 12, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-11182 Filed 4-21-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6229

[M-15476]

Montana; Powersite Restoration No. 679; Revocation of Powersite Reserves Nos. 11, 172, and 420

Correction

In FR Doc. 82-7664 appearing on page 12172 in the issue of Monday, March 22, 1982, make the following correction:

In the first column of page 12172, under **Powersite Reserve No. 115**, T. 9 S., R. 28 E., in Sec. 26, "NW¼SE¼" should have read "SW¼SE¼".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6279]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C

Street Southwest, Donohoe Building, Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—LIST OF COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE UNDER THE NATIONAL FLOOD INSURANCE PROGRAM

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
New Jersey: Hunterdon	Franklin, township of	340507B	Mar. 22, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended; Mar. 22, 1982, reinstated.	July 26, 1974 and July 9, 1976.
Texas: San Jacinto	Unincorporated areas	380553A	Mar. 23, 1982, emergency	Dec. 20, 1977.
Missouri: Ste. Genevieve	Unincorporated areas	290833A	do	Sept. 8, 1981.
New York: Schoharie	Conesville, town of	361606—New	Mar. 29, 1982, emergency	
North Carolina: Sampson	Unincorporated areas	370220	do	Dec. 20, 1974 and Sept. 22, 1978.
Oklahoma:				
Coal	do	400510—New	do	
Love	Marietta, city of	400400	do	Oct. 29, 1976.
Tennessee: Jefferson	Unincorporated areas	470097B	do	Sept. 2, 1977 and July 14, 1978.
Florida: Polk	Haines City, city of	120266B	May 28, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended; Mar. 29, 1982, reinstated.	June 7, 1974 and Sept. 5, 1975.
Nebraska: Adams	Unincorporated areas	310411A	Mar. 24, 1982, emergency	Oct. 18, 1977.
Arkansas: Union	Felsenthal, town of	050574—New	Mar. 30, 1982, emergency	
Tennessee: McNairy	Adamsville, city of	470292	do	May 28, 1976.
Texas:				
Jasper	Browndell, city of	481542A	do	June 19, 1979.
Lubbock	Lake Ransom Canyon, village of	481577—New	do	
Harris	Mission Bend Municipal Utility District No. 1.	481578—New	do	
Ward	Monahans, city of	480644	do	June 11, 1976.
Michigan:				
Ottawa	Hudsonville, city of	260493	Mar. 31, 1982, emergency	Sept. 5, 1975.
Delta	Masonville, township of	260687B	do	Jan. 20, 1978 and Mar. 1, 1979.
Texas: Rusk and Panola	Tatum, city of	480995	do	July 11, 1975.
West Virginia: Marshall	Cameron, city of	540287—New	do	

NOTE.—The following communities are eligible to participate in the Emergency Flood Insurance Program under Pembina County's, North Dakota eligibility. Effective Date: March 31, 1982. Community Number 380079. Emergency Entry Date: May 1, 1974. The communities are: Township of Lincoln, Township of Bathgate, and the Township of Hamilton.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: April 7, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-10896 Filed 4-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6272]

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0220.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 65.4).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

§ 65.4 [Amended]

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Illinois: Madison	Village of Pontoon Beach	"Granite City Press Record" Jan. 28, 1982 and Feb. 4, 1982.	Paul Bennett, President, Village Board, Village of Pontoon Beach, 3910 Highway 111, Granite City, IL.	Feb. 5, 1982	170477B
Indiana: Lake	City of Crown Point	"Lake County Star," Feb. 2, 1982 and Feb. 11, 1982.	Hon. Richard Collins, City of Crown Point, 101 North East Street, Crown Point, IN 60006.	Feb. 12, 1982	180128C
Montana: Butte-Silver Bow	Unincorporated	"The Montana Standard," Feb. 23, 1982 and Feb. 24, 1982.	Hon. Don Peoples, Chief Executive, Butte-Silver Bow, Butte-Silver Bow Courthouse, Butte, MT 59701.	Feb. 23, 1982	300077D
Oregon: Grant	City of John Day	"The Blue Mountain Eagle," Feb. 25, 1982 and Mar. 4, 1982.	Hon. Ralph G. Hunter, Mayor, City of John Day, 240 South Canyon Boulevard, John Day, OR 97845.	Feb. 23, 1982	410077C
Jackson	City of Medford	"Medford Mail Tribune," Feb. 23, 1982 and Feb. 24, 1982.	Hon. Al Densmore, Mayor, City of Medford, 411 West Eighth Street, Medford, OR 97501.	Feb. 23, 1982	410096C
Vermont: Rutland	Town of Brandon	"Dateline Brandon," Feb. 12, 1982 and Feb. 19, 1982.	Ms. Patricia Scott, Town Manager, Town Office Building, Center Street, Brandon, VT 05733.	Feb. 19, 1982	500090D

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-10897 Filed 4-21-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6271]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The entry reads as follows:

§ 65.7 List of Communities With Minimal Flood Hazard Areas.

State	County	Community	Date of conversion to regular program
Arkansas	Johnson	City of Coal Hill	May 4, 1982.
Louisiana	Grant	Town of Montgomery.	May 4, 1982.
Oklahoma	Creek	City of Bristow	May 4, 1982.
Texas	Johnson	City of Alvarado	May 4, 1982.
Texas	Llano	City of Llano	May 4, 1982.
Texas	Collin	Town of Prosper	May 4, 1982.
Texas	Carson	Town of Panhandle	May 11, 1982.
Texas	Denton	City of Shady Shores.	May 11, 1982.
Arkansas	Calhoun	City of Hampton	May 18, 1982.
Texas	Henderson	City of Murchison	May 18, 1982.
Texas	San Jacinto.	City of Shepherd	May 18, 1982.
Georgia	Dawson	City of Dawsonville	May 21, 1982.
Georgia	Jones	City of Gray	May 21, 1982.
New York	Chautauqua.	Town of Villenova	May 21, 1982.
Pennsylvania.	Carbon	Borough of Lansford.	May 21, 1982.
Louisiana	Grant	Town of Pollock	May 25, 1982.
Georgia	Franklin	City of Franklin Springs.	May 28, 1982.
New York	Wyoming	Village of Castile	May 28, 1982.
Pennsylvania.	Monroe	Borough of Mount Pocono.	May 28, 1982.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: March 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-10898 Filed 4-21-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 66

[CGD 82-019]

Marine Inspection Zones

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document updates the table in 46 CFR Part 66 which lists the marine inspection zones and their corresponding ports of documentation. Albany and Guam will be deleted from the list of marine inspection zones. The port of documentation under the Albany zone will be listed under the New York marine inspection zone, while the Guam port of documentation will be listed under the Honolulu marine inspection zone. These zone modifications are organizational changes only and do not substantively change existing requirements or responsibilities of either the public or the Coast Guard. These changes are being implemented to realize cost savings through a more efficient utilization of available resources.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: LT Wayne Hamilton, Office of Merchant Marine Safety (G-MP-2/24) U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426-1483.

List of Subjects in 46 CFR Part 66

Vessels, Documentation.

This rule is effective in less than 30 days because it is an administrative change.

PART 46—GENERAL PROVISIONS

§66.05-1 [Amended]

In consideration of the foregoing, § 66.05-1 of Title 46 of the Code of Federal Regulations is amended by removing the words Albany and Guam from the column entitled "Marine Inspection Zones."

(Sec. 2, 92 Stat. 1477; Ch. 221, sec. 2, 23 Stat. 118, as amended; R.S. 4405, as amended; R.S. 4462, as amended; sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 1231; 46 U.S.C. 2, 375, 416; 49 U.S.C. 1655(b))

L. N. Hein,

Captain, Coast Guard, Deputy Chief, Office of Merchant Marine Safety.

April 13, 1982.

[FR Doc. 82-10954 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-780; RM-3922]

TV Broadcast Station in Lawrence, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 38 to Lawrence, Kansas, as its first commercial television assignment, in response to a petition filed by Telegraphics, Inc.

DATE: Effective June 22, 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

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lawrence, Kansas); report and order (Proceeding Terminated).

Adopted: April 13, 1982.

Released: April 21, 1982.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 46 FR 58714, published December 3, 1981, which invited comments on a proposal to assign UHF television Channel 38 to Lawrence, Kansas, in response to a petition filed by Telegraphics, Inc. (petitioner). Supporting comments were filed by the petitioner. Mid-America Broadcasting of Topeka ("Mid-America")[1] filed an opposition to the proposal, to which petitioner responded.[2]

2. Lawrence (population 52,738),[3] seat of Douglas County (population 67,640), is located in the northeastern part of Kansas, approximately 60 kilometers (37 miles) southwest of Kansas City. It has no local television service.

3. As stated in the Notice and emphasized by the petitioner in its comments, Lawrence is the center of a thriving agricultural and industrial economy. Petitioner referred to letters from citizens of the community stating the need and support for a local television station. Petitioner also reaffirmed its intention to apply for authority to construct and operate a television facility on Channel 38, if assigned.

4. Mid-America in opposition to the proposal argues that the assignment would not be in the public interest. It claims that Lawrence is adequately served by signals from Kansas City and Topeka[4] and Mid-America suggests that the channel should be reserved for communities which are genuinely underserved. It also questions whether Lawrence is capable of supporting a commercial station. Mid-America notes that the assignment could be used for a noncommercial educational operation which would appear to have a greater potential viability in a university town (University of Kansas). Finally, Mid-America contends that a low power station would be the most appropriate way to provide service to Lawrence.

5. Petitioner replies that the opposition's conclusion that Lawrence is adequately served by Topeka and Kansas City stations is premised on priorities one and three, set forth in Commission's *Sixth Report and Order* (Amendment to § 3.606 of the Rules), 41 F.C.C. 148, 167 (1952). However, priority two of that *Report and Order* gives special consideration to at least one television station in each community. Petitioner contends that the proposal for a first transmission service at Lawrence clearly falls within the second priority and substantial data has been submitted to justify the request citing *Leesburg, Florida*, 11 R.R. 2d 1513 (1967) and *Oxnard, California*, 20 R.R. 2d 1570 (1970). Petitioner adds that there has been no demand for a noncommercial assignment. The University of Kansas has not expressed an interest in this proceeding. Petitioner contends that a low power station does not present a timely opportunity to achieve a first television service at Lawrence.

6. After consideration of the proposal and the comments in this proceeding, we have concluded that the requested assignment would be in the public interest. Although Lawrence is provided service from larger (nearby) cities, these stations are obligated to their community of license and cannot be expected to serve Lawrence to the same extent as a local station. As for the need for a noncommercial station in that community, we would not reserve a channel for that purpose without an interest therefor. We note that the channel could be applied for as a noncommercial educational station without a reservation. The idea of a low power station does appear to be premature. The Commission has resolved the major issues in the low power proceeding (BC Docket 78-253, adopted March 4, 1982), but it did not lift the freeze imposed on filing low power applications for cities of this size. We do not feel that this request for a full broadcast service should be delayed for the future possibility of a low power station. It appears that the opposition's comments are really concerned with the competitive impact of another station in the market. This issue is not generally resolved in this context but is appropriately addressed at the application stage. We generally hold that economic issues are not an obstacle in making an assignment. Based on the first local television service to be provided to Lawrence and the petitioner's willingness to operate a television station in that community, we find the proposal justified. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

7. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 and 0.204(b), it is ordered, That effective June 22, 1982, the Television Table of Assignments

[1] Mid-America is the permittee of Channel 49, Topeka, Kansas.

[2] Mid-America filed its opposition during the reply comment period. The pleading presents matters which more properly should have been raised in initial comments. However, since the petitioner has responded to Mid-America's comments and we now have a complete set of pleadings, we believe it to be in the public interest to consider these pleadings. It appears that no prejudice would result from the acceptance of these comments.

[3] Population figures are taken from the 1980 U.S. Census, Advance Report.

[4] We are told by Mid-America that Lawrence receives eight TV signals and three cable services. In addition, Mid-America's new TV station (Channel 49) is scheduled to commence operations in the near future.

(§ 73.606(b) of the Rules) is amended with respect to the community listed below:

City	Channel No.
Lawrence, Kansas	38

8. It is further ordered that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-11049 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-594; RM-3896]

FM Broadcast Station in Bozeman, Mont.; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This item corrects an erroneous listing for an amendment to the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) at Bozeman, Montana.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bozeman, Montana); Erratum.

Released: April 5, 1982.

By the Chief, Policy and Rules Division.

On January 28, 1982, the *Report and Order* in this proceeding was adopted assigning Channel 236 to Bozeman, Montana. In paragraph 6, we erroneously listed the amendment to the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as a proposal. The listing is hereby corrected to read:

City	Channel No.
Bozeman, Mont	229, 236

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-11012 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-702; RM-3920]

FM Broadcast Station in Wishek, N. Dak.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 262 to Wishek, North Dakota, in response to a petition filed by Wishek Broadcasting, Inc.

DATE: Effective June 22, 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 broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Wishek, North Dakota); *Report and order* (Proceeding Terminated).

Adopted: April 13, 1982.

Released: April 21, 1982.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a notice of proposed rule making, 46 FR 50569, published October 14, 1981, which seeks the assignment of Class C Channel 262 to Wishek, North Dakota, as that community's first FM assignment. The Notice was issued in response to a petition filed by Wishek Broadcasting, Inc. ("petitioner"). Supporting comments were filed by the petitioner reaffirming its intention to apply for the channel, if assigned. Comments in opposition to the proposal were filed by Great West Broadcasting, Inc. (permittee of FM Station KGWB, Jamestown, North Dakota) to which petitioner responded.

2. Wishek (population 1,345) [1], in McIntosh County (population 4,800), is located approximately 112 kilometers (70 miles) southeast of Bismarck, North Dakota. It has one AM station under construction (permit issued).

3. In comments to the proposal, petitioner incorporated by reference the information in the Notice demonstrating the need for a Class C assignment to Wishek. As stated in the Notice the proposed station would provide a first nighttime aural service to 1,830 square kilometers (715 square miles) for 3,700 persons and a second nighttime aural service to 2,920 square kilometers (1,141 square miles) for 5,681 persons. It also stated that as a result of the assignment, twenty-two communities with a population greater than 1,000 would be precluded from assignment on Channels 260, 261A, 262, 263, 264 and 265A. However, at least three alternate channels are available to each of the precluded communities.

4. Great West Broadcasting, in opposition to the proposal, argues that Wishek's size and population cannot justify a Class C assignment. The petitioner's only justification for the proposal (which would preclude twenty-two communities without current service) is said to be the service that could be provided to underserved areas, which would not be possible with a Class A channel. It adds that petitioner's engineering study omitted one pertinent existing station, resulting in substantially reduced service figures. It also claims that the primary service contour between its station, KGWB (Jamestown, North Dakota) and the proposed station at Wishek would overlap, thereby causing competition for listeners and advertisers. Great West states that in view of the reduced first and second services to the area, and the impact on future assignments, it urges the Commission to assign a Class A channel to Wishek, which, it asserts, is more appropriate for a community of Wishek's size.

5. Petitioner, in reply, admits that the opposition's claim of nighttime service to a somewhat smaller number of persons is correct. Nevertheless, the proposal allegedly would provide a first nighttime service to 2,917 persons and a second nighttime service to 5,452 persons, which could not be rendered by a Class A station. Therefore, it urges the Commission to adopt the proposal as submitted.

6. We have given careful consideration to the proposal and comments, and have concluded that Channel 262 should be assigned to Wishek. Although a community the size of Wishek is not normally assigned a Class C channel, we are convinced from

[1] Population figures are taken from the 1980 U.S. Census. Advance Reports.

the information submitted by the petitioner, that the proposal would provide substantial first and second services to the outlying area. Additionally, there has been no expression of interest in operating a Class A facility at Wishek. Since alternate channels are available to the precluded areas, we believe the preclusion impact is insignificant. The issues raised by the opposition have been adequately answered by the petitioner. However, to the extent that they are based on matters of a competitive nature, the arguments should be raised at the application stage. Thus, in view of the insignificant preclusion impact (by virtue of the availability of alternate channels) and the provision of service to large unserved and underserved areas, we find the proposal justified.

7. Canadian concurrence in the assignment of Channel 262 at Wishek, North Dakota, has been obtained.

8. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective June 22, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to Wishek, North Dakota, as follows:

City	Channel No.
Wishek, N. Dak	262

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

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-11013 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-593; RM-3872, RM-4002]

FM Broadcast Station in Spearfish, S. Dak.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channels 266 and 297 to Spearfish, South Dakota, in response to proposals submitted by Spearfish Communications Company and United Radio Group, Inc. The assignments would provide Spearfish with its first and second commercial FM assignments.

DATE: Effective June 22, 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 broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Spearfish, South Dakota); Report and order (Proceeding Terminated).

Adopted: April 12, 1982.

Released: April 21, 1982.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a Notice of Proposed Rule Making, 46 FR 44010, published September 2, 1981, issued in response to a petition filed by Spearfish Communications Company ("petitioner"), seeking the assignment of FM Channel 296A to Spearfish, South Dakota, as that community's first commercial FM assignment. Petitioner submitted comments reaffirming its intention to file for the channel, if assigned. Opposing comments, filed by Associated Investors, Inc. ("Associated"), and a counterproposal,[1] filed by United Radio Group, Inc. ("United") elicited a reply by the petitioner.

2. Spearfish (population 5,251),[2] in Lawrence County (population 18,339), is located near the South Dakota-Wyoming border, approximately 280 kilometers (175 miles) west of Pierre, South Dakota. It is currently served by noncommercial educational FM Station KBHU (Channel 206).

3. In its comments, Associated, applicant for FM Channel 236 in Deadwood, South Dakota (approximately 10 miles southeast), states that it intends to serve not only its proposed community of license, but also the surrounding areas in Lawrence County. Further, it claims that the population of Spearfish would not seem to justify, at this time, the addition of a Class A channel when it is likely that its proposed Class C facility will commence operations shortly. Additionally, it claims that there has been no substantial demonstration that the needs and interests of Spearfish are not being served by existing broadcast stations in the area, and by Associated's proposed station.

4. In its counterproposal, United seeks the assignment of a Class C channel to Spearfish. In light of the petitioner's proposal, United offers two optional proposals for assignments to Spearfish, as follows: Option I—assign Channels 296A and 266; Option II—assign Channels 266 and 297. United submits that due to the degree of economic activity in the area, the fact that a Class C facility could provide service to a wider coverage area than a Class A, and the extent of competing media in the area, indicates that the Class C proposals would better serve the Spearfish area. Based on an engineering study, United claims that assignment of Channel 266 would provide a first FM service to 1,066 persons in an area of 3,492 square kilometers (1,374 square miles), and a second FM service to 1,973 persons in an area comprising 2,865 square kilometers (1,128 square miles). Additionally, it advises that alternate channels are available to those communities which would sustain preclusion as a result of the proposed assignment.

5. United asserts that the question of economic viability of the Spearfish proposal vis-a-vis area competitors dictates the assignment of one or more Class C assignments in order to compete effectively. To this extent, it points out that Associated's application for a Class C operation in Deadwood is imminent, while in nearby Sturgis, Station KRCS (FM) (Channel 226) operates as a Class C facility. It also states that there are three Class C operations in existence in Rapid City (Station KKHJ, Channel 230; KVSR, Channel 250; and KGGG-FM, Channel 262).

6. United's counterproposal contained a comprehensive community profile which is persuasive of the need for local service to Spearfish, South Dakota. Therein, United asserts that whether one or two Class C channels is allocated to Spearfish, it intends to file for such a facility, and to promptly build its station.

7. In its reply comments, petitioner disputes Associated's allegation that the population of Spearfish is insufficient to warrant the assignment of another channel, and the suggestion that the needs and interests of its community are being met by existing area stations. Petitioner notes that other areas, such as Ogallala, Nebraska (population 5,638), for instance, is a prime example of a

[1] Public Notice of the counterproposal was given November 18, 1981, Report No. 1319.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

lightly populated area that is currently assigned two FM channels, and that unlike Associated's application for Deadwood (population 1,974) which is currently served by one AM station (KDSJ), Spearfish is devoid of any local aural service. Further, it notes that only a station licensed to a particular locale can effectively serve its needs and interests.

8. In response to United's counterproposal, petitioner notes its skepticism that the economy of the northern Black Hills area, which includes Lawrence County, can support two channel assignments as proposed, since four commercial stations are presently in operation there. It states its belief that the public cannot be sufficiently served without an adequate source of revenue for all stations in the area, not withstanding the fact that competition is healthy and the public is entitled to a diversity of broadcast expressions. Further, it claims that, in addition to the Deadwood application for Channel 236, an application is pending for Channel 240A in Belle Fourche (Butte County), South Dakota, which is approximately 15 miles north of Spearfish. Petitioner states that if these applications are approved, their signal would extend to Spearfish, and thus would inevitably compete for revenue from that market. Petitioner states that based on a market study, using total resale figures supplied by the South Dakota Department of Revenue, and certain data once issued as guidelines by the Radio Advertising Bureau in determining potential yearly income for broadcast operations, it believes that the market could not support two Class C stations.

9. Petitioner notes that Spearfish presently has FM service provided by noncommercial Station KBHU (Channel 206), and that the instant proposal, if granted, would provide Spearfish its two permissible assignments according to the Commission's population guidelines. Although petitioner acknowledges that a Class C station would be able to compete more effectively with other area broadcast stations, it also states its belief that a Class A would sufficiently serve the needs of the public, and could receive the support necessary to survive.[3] However, it concludes that if it is the Commission's determination that a Class C operation would more effectively serve the needs of Spearfish and vicinity, then it will apply for Channel 297.

10. Although petitioner asserts that Spearfish presently has reached its limit of FM assignments for a community of its size, we advise that only commercial FM channels, not noncommercial, are considered under the Commission's population guidelines. Therefore, the requests herein for two commercial assignments to Spearfish do not exceed these guidelines.

11. Insofar as existing service to Spearfish is concerned, it should be noted that in establishing and implementing the FM Table of Assignments, the Commission has consistently given high priority to providing each community with an FM assignment, especially if the community lacks local commercial aural service. Therefore, even though area stations do, or will, provide coverage and offer programming directed to Spearfish, that is not a basis for denying the requests herein for the local broadcast outlets. Assignment of the channels would provide Spearfish with local stations to present diversified programs designed to meet its special needs, interests and issues. Any station owing a primary obligation to another locality could not be expected to provide the equivalent of such local service. See, *Clinton, Louisiana*, 45 RR 2d 1587–88 (1979).

12. In consideration of United's proposals, we acknowledge that Option I, which would assign Channels 266 and 296A, would provide some wide coverage area service to potentially unserved and underserved areas. However, this service would be achieved at the expense of a less desirable competitive balance which we seek to achieve in our policy against intermixture of channels in the same community. However, Option II, which would assign two Class C channels (266 and 297), offers the desired economic balance and prevents any undesired intermixture, and satisfies one of our most important priorities, *i.e.*, provision of FM service to as much of the United States as possible.[4]

13. Based on United's showing that the Class C channel would provide a first and second service to substantial areas and populations, we conclude that the public interest would be served more effectively by adoption of Option II.

14. Although the size of Spearfish usually warrants a Class A assignment, there is a basis here for departure from our policy of making such assignments to smaller communities and of making Class C assignments to metropolitan areas and larger cities. Where the small community is in a sparsely settled area located far from any metropolitan region or population centers, and where, as here, assignment of the higher class channel would provide service to considerable unserved or underserved areas, we find it appropriate to assign the Class C channels.

15. In response to petitioner's belief that the Spearfish market may be unable to support two channel assignments, it is noted that such economic considerations are deferred to the application stage, rather than the assignment level. See *FCC* v. *Sanders Bros. Radio Stations*, 309 U.S. 470 (1940); *Carroll Broadcasting Co.* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958); Melbourne and Satellite Beach, Florida, 47 FCC 2d 717, 721 (1974); Beaverton, Michigan, 44 RR 2d 55 (1978). It should be noted also that the public stands to gain from the addition of two new services. The possibility that one of the two stations may not prosper does not convince us that only one new station should be approved at this time. Rather, the public can realize significant gains. As noted before, a first and second FM service to large areas could be provided.

16. We note that the preclusive effect on neighboring communities is negligible since alternate channels are available thereto. Also, no interest was submitted herein for an FM channel in any of the precluded communities. Therefore, we believe that the public interest would be served by the assignment of Channels 266 and 297 to Spearfish, South Dakota, as that community's first and second commercial FM assignments. Both of these assignments may be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

17. Accordingly, it is ordered, that effective June 22, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as follows:

City	Channel No.
Spearfish, S. Dak.	266, 297

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

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

[3] Petitioner expressed its desire to apply for Channel 296A, while United opted for Channel 297. However, both of these channels could not be assigned in any event since the required mileage separation between a Class A and a first adjacent Class C is 105 miles.

[4] See *Roanoke Rapids, North Carolina*, 9 FCC 2d 672 (1967).

20. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–11014 Filed 4–21–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–614; RM–3905]

FM Broadcast Station in Charleston, W. Va.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 265A to Charleston, West Virginia, in response to a petition filed by Communicast, Inc. The assignment will provide Charleston with a fifth local commercial FM service.

DATE: Effective June 22, 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 broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Charleston, West Virginia); Report and order (Proceeding Terminated).

Adopted: April 12, 1982.

Released: April 21, 1982.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 46 FR 45166, published September 10, 1981, proposing the assignment of FM Channel 265A to Charleston, West Virginia, as that community's fifth commercial FM assignment, in response to a petition filed by Communicast, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No opposition to the proposal was received.

2. Charleston (population 71,505),[1] the capital of West Virginia, is located in Kanawha County (population 229,515), in the west-central portion of the State. It is served locally by five full-time AM Stations (WCAW, WCHS, WKAZ, WTIP, WXIT), four commercial FM Stations (WVAF, Channel 260; WBES, Channel 241; WQBE, Channel 248; WTIO, Channel 274), and noncommerical educational Stations WVPN and WHPW. Channel 265A may be assigned to Charleston consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. Petitioner submitted information with respect to Charleston which is persuasive as to its need for the proposed assignment.[2]

4. In our *Notice*, we indicated that the assignment of Channel 265A to Charleston would result in intermixing a Class A channel in a community dominated by Class B stations. Petitioner indicated that an effort was made to obtain a Class B channel for assignment to Charleston, but none was available. According to Commission policy, intermixture is permitted where no other Class B channel is available for assignment, and where, as here, the petitioner is willing to apply for the Class A channel in spite of any unfavorable competitive situation which may result. *See, Yakima, Washington*, 42 F.C.C. 2d 548, 550 (1973); *Key West, Florida*, 45 F.C.C. 2d 142, 145 (1974).

5. As a result of the proposed assignment of Channel 265A to Charleston, preclusion would occur only on the co-channel to the communities of South Charleston (population 16,333), Rand (population 2,600) and Montgomery (population 2,525). Petitioner states that South Charleston has an AM station (WSCW), and if any interest is expressed, the subject channel could be applied for at that community under the 10-mile rule, § 73.203(b) of the Commission's Rules. Rand (without any local aural broadcast service), could likewise apply for the channel pursuant to the provisions of § 73.203(b). Montgomery already has a channel assignment (Channel 296A) which is unoccupied. Should an interest in either Rand or South Charleston appear, Channel 296A could be deleted from Montgomery and reassigned to Rand. Also, Channel 297 could be assigned to South Charleston if the Montgomery channel were deleted.

6. The request for a fifth assignment to Charleston exceeds the Commission's population guidelines which limits a city of its size to an allotment of two FM channels. However, as the Commission has stated on numerous occasions, the population guidelines are not applied inflexibly. The trend in recent years has been to analyze a proposed assignment on the basis of its preclusive impact and not on simplistic numerical limits. Our determination in paragraph 5, *supra*, was that the preclusive impact did not foreclose opportunities for service at the affected communities. Therefore, the population guidelines are not an obstacle to the proposed assignments. See, Poplar Bluff, Missouri, 45 FR 21636 (1980), St. Simons Island, Georgia, 45 FR 25806 (1980), and Naples, Florida, 46 FR 25461 (1980).

7. In view of the expressed interest in the proposed channel allocation, the demonstration of need for additional service, and the fact that the preclusion impact does not appear to be significant, we believe that the public interest would be served by a grant of the requested assignment.

8. Canadian concurrence in the assignment has been obtained.

9. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 and § 0.204(b) of the Commission's rules, it is ordered, that effective June 22, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Charleston, W. Va	241, 248, 260, 265A, and 274.

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

11. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–11015 Filed 4–21–82; 8:45 am]

BILLING CODE 6712–01–M

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[1] Population figures are derived from the 1970 U.S. Census since the 1980 figures are currently unavailable.

[2] Petitioner indicates that it is minority controlled, and wishes to primarily serve the minority segment of the community. It states that the minority segment comprises over 12,000 persons. However, it also states that its proposal is intended to serve the overall community with an additional diverse FM broadcast service.

47 CFR Part 87

[PR Docket No. 81-464; FCC 82-154]

Use of Automatic Aviation Weather Reporting Systems at Certain Airports

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the rules to provide for the operation of automatic aviation weather observation systems at certain airports. This action was informally requested by the FAA after non-Government entities (i.e., airport and aircraft operators) showed an interest in the installation of these air navigation aids at airports where the Government can not provide for such a service. The intended effects are enhanced accuracy and timeliness of pertinent weather information available to pilots.

EFFECTIVE DATE: May 17, 1982.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 87

Communications equipment, Radio, General aviation, Aeronautical stations.

In the matter of amendment of Part 87 of the rules to provide for the use of automatic aviation weather reporting systems at certain airports.

Report and Order—Proceeding Terminated

Adopted: April 1, 1982.

Released: April 9, 1982.

By the Commission.

1. In this Report and Order we are providing for the use of non-Government automatic weather observation systems at airports with neither a full-time air traffic control tower nor a full-time flight service station.

Background

2. Currently the Federal Aviation Administration (FAA) provides an automatic terminal information service (ATIS) at many of the larger and busier airports throughout the country. Generally, this service consists of continuous transmissions of essential but routine aeronautical information such as the weather, wind, visibility, altimeter setting, runway in use and other pertinent information. ATIS relieves air traffic controllers from the necessity of making repetitive transmissions of routine information to individual aircraft on frequencies used to control air traffic.

3. At many smaller airports the FAA does not provide air traffic control service or local air terminal information. This lack of local area information may be a significant handicap at airports which have an instrument approach capability. For example, without a local altimeter setting the minimum height above the ground to which an aircraft may descend in low visibility conditions is increased in proportion to the distance from the airport the altimeter setting is measured.[1]

4. In response to this problem newly developed automatic weather reporting systems have been approved by the FAA for use at airports with no control tower and airports with only a part-time control tower.[2] These automatic systems will provide some of the same information that is now provided by ATIS; however, the purpose of these systems is not the same; i.e., ATIS is a laborsaving device for the controller, and the automatic weather reporting system is to provide needed information to a pilot. The FAA intends to purchase and/or install such systems at a number of airports throughout the nation. The use of automatic reporting systems will enhance the accuracy and timeliness of the information available to pilots and also save FAA considerable resources since manual observation and reporting facilities are not required.

5. The FAA has also noted a great deal of interest on the part of non-Government entities (i.e., airport and aircraft operators) in installing these new air navigation aids at airports where the Government is unable to provide this service. Since there is presently no provision in the Commission's rules for automatic weather observation devices, the FAA informally requested that the rules be amended to authorize this type of service.

6. In support of its request, the FAA indicated that it would make available and coordinate assignments on air traffic control frequencies in the 118-136 MHz band[3] for non-Government applicants seeking to operate automatic weather observation stations. This procedure will alleviate two of the overriding concerns in the authorization of any new service, namely the availability of suitable spectrum and potential for interference with existing services.

7. Regarding mode of operation, these automatic systems will continuously broadcast local weather information. Conventional transmitters which are type accepted by the Commission for use under Part 87 (Aviation Services) of the rules will be employed.

Notice of Proposed Rule Making

8. Because the Commission believed that automatic weather observation systems represent an improvement in the navigation aids available to the flying public at relatively small and/or remote airports, a Notice of Proposed Rule Making (NPRM) was issued proposing to amend the rules to authorize such service.[4] Essentially, the Commission proposed to add a new Subpart R to Part 87 (Aviation Services) of the rules, which would (1) describe the scope of service of automatic weather observation stations, (2) state the conditions for eligibility to operate such a station, and (3) specify that frequency assignments will be determined only after coordination with the FAA.

9. It was noted that implicit in FAA's request was the fact that only one automatic weather observation station is needed or desired at any given airport. More than one station would merely duplicate service and waste scarce spectrum. Therefore, the proposed rules limited the eligibility to operate such a station to the owner or operator of an airport or a person designated by the owner or operator. Comments regarding this limitation were specifically requested.

Comments

10. The FAA and the Aircraft Owners and Pilots Association (AOPA) filed the only comments received in this proceeding. Both commenters supported the proposal. However, three changes to the proposed rules were suggested by the FAA.

11. First, the FAA indicated that the term for these newly developed systems has been changed from "automatic weather reporting systems" to "automatic weather *observation* systems". It suggests that the proposed rules reflect this change in terminology.

12. Second, the FAA asked that the eligibility requirement described in proposed § 87.623(b) be changed. That rule notes that a station authorization will only be granted to the airport owner

[1] See U.S. Standard for Terminal Instrument Approach Procedures (TERPS) incorporated by reference 14 CFR 97.20.

[2] See FAA Advisory Circular 91-54, February 26, 1979.

[3] In some cases radionavigation frequencies may also be utilized.

[4] *Notice of Proposed Rule Making*, PR Docket No. 81-464, released July 28, 1981, FCC 81-325, 46 FR 39630.

or operator or to a person who has entered into a written agreement with the owner or operator. The FAA suggests that the rule state that a station authorization only be granted to an applicant who enters into an agreement with the appropriate FAA regional office.

13. Third, the FAA pointed out that just as automatic weather observation stations would not be needed at airfields with a control tower, they would not be necessary at airfields with full-time FAA flight service stations.[5] Therefore, it requested that the rules indicate that automatic weather observation stations provide service at airports with neither a full-time control tower *nor* a full-time flight service station.

Discussion

14. As requested, we have incorporated the first and third of the changes suggested by the FAA into these new rules. The term "automatic weather *observation* station" is used in lieu of "automatic weather *reporting* station". Also, § 87.621 (scope of service) has been amended to reflect that such stations may be authorized at airports that have neither a full-time control tower *nor a full-time flight service station.*

15. However, we have not revised § 87.623(b) as suggested. We feel this rule should be retained in its present form. Section 87.623(b) provides that authority to operate an automatic weather observation station will be granted only to the owner or operator of an airport or a person designated in writing by the owner/operator. As indicated above, this rule was proposed because more than one station at an airport would merely duplicate service to no one's benefit and, thus, waste scarce spectrum. Such a rule was implicit in the FAA's request that this rulemaking proceeding be initiated. Therefore, we believe this rule must remain as proposed. Further, the issue addressed in the subject FAA comment is accommodated in § 87.625(a). This rule requires that the appropriate FAA Regional Office be notified prior to the submission of an application and, further, indicates that the application will be coordinated with FAA prior to grant. This is the same procedure used in the processing of applications for non-Government control tower and radionavigation stations.

Action

16. We conclude that non-Government automatic weather observation stations will represent an improvement in the navigation aids available to the flying public at relatively small and/or remote airports. Therefore, we are adding a new Subpart R to Part 87 of the rules as proposed in the NPRM, with the minor changes indicated above, to provide for the operation of non-Government automatic weather observation stations.

17. Use of the automatic weather observation systems at certain airports will be strictly voluntary. The only affirmative duties imposed upon an applicant are: (1) For FAA–FCC frequency coordination purposes, the applicant must notify a Regional FAA Office prior to submission of an application, and include in the application the particular office and date notified; and (2) to determine eligibility, an applicant not an owner or operator of a landing area must submit a written agreement with the owner or operator for exclusive rights to operate and maintain the proposed system. The first duty merely requires a letter to the FAA and a paragraph in the application; the second duty requires submission of what ought to be a concise exclusivity agreement. In most cases, these rules will provide only a basis for marginal improvement of flight safety and efficiency. Thus we have determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

18. For further information of this proceeding, contact Robert H. McNamara at (202) 632–7175.

19. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303 (b), (c) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (b), (c) and (r), the Commission's rules are amended as set forth in the attached Appendix, effective May 17, 1982.

20. It is further ordered, That this proceeding IS TERMINATED.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87— AVIATION SERVICES

1. In § 87.5 a new definition is added between the definitions of "Authorized power" and "Aviation instructional station" to read as follows:

§ 87.5 Definition of terms.

* * * * *

Automatic weather observation station. A land station located at landing areas with neither a full-time air traffic control tower nor a full-time flight service station, used to automatically transmit weather information to aircraft.

* * * * *

2. In Part 87 a new Subpart R is added to read as follows:

Subpart R—Automatic Weather Observation Stations

Sec.
87.621 Scope of service.
87.623 Eligibility.
87.625 Application for frequency assignment.

* * * * *

Subpart R—Automatic Weather Observation Stations

§ 87.621 Scope of service.

Automatic weather observation stations shall provide up-to-date weather information to include the time of the latest weather sequence, altimeter setting, wind speed and direction, dewpoint, temperature, visibility and other pertinent data needed at landing areas where there is neither a full-time air traffic control tower, nor a full-time FAA flight service station.

§ 87.623 Eligibility.

(a) Only one automatic weather observation station may be authorized at a landing area.

(b) Authorization for an automated weather observation station will be granted only to the owner or operator of a landing area or to a person who has entered into a written agreement with the owner or operator for exclusive rights to operate and maintain the station.

(c) Where applicable a copy of the agreement between the applicant and owner or operator of the landing area shall be submitted with an application.

[5] Flight service stations are FAA air traffic service facilities which, among other things, broadcast aviation weather information and take weather observations.

§ 87.625 Application for frequency assignment.

(a) In applying for frequency assignment for an automated weather observation station, the applicant need not specify the proposed weather operating frequency. The frequency is determined by the Commission after coordination with other agencies of the Government. In order to facilitate frequency coordination, the appropriate Regional Office of the Federal Aviation Administration must be notified prior to submission of an application. Each application shall be accompanied by a statement showing the name of the FAA Regional Office and date notified.

(b) Normally, assignments to automatic weather observation stations will be made from the frequencies set forth in § 87.183(i) or § 87.501.

[FR Doc. 82-11018 Filed 4-21-82; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 78
Thursday, April 22, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Creditable Advertising and Almond Butter

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given of a proposal to change the creditable advertising and almond butter provisions of the administrative rules and regulations established under the Federal marketing order for California almonds. The change would: (1) Extend the time allotted to handlers of California almonds for submitting final claims and appropriate documentation in order to obtain credit for their advertising expenditures, and (2) revise the definition of "almond butter" as it applies to the disposition of reserve almonds.

DATE: Comments must be received by May 10, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 26 handlers.

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. The change would relax restrictions on handlers, and handlers should have the opportunity to utilize that increased flexibility as soon as possible.

This proposal would revise §§ 981.441 paragraph (g) and 981.466 of Subpart—Administrative Rules and Regulations (7 CFR 981.401—981.474; 46 FR 51602; 54921). This subpart is issued under the marketing agreement and Order No. 981 (7 CFR Part 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on a unanimous recommendation of the Almond Board of California, hereinafter referred to as the "Board" or "ABC", which works with USDA in administering the order.

Section 981.441(g) currently requires handlers to file claims and appropriate supporting documentation with the Board in order to obtain credit against their assessment obligations for advertising expenditures. Except as provided in § 981.441(b), each advertisement must be published, broadcast, or displayed during the crop year for which credit is requested, and claims must be filed no later than July 15 of the succeeding crop year. Each claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance by that date.

It is proposed to revise § 981.441(g) to allow handlers additional time to submit the appropriate documentation required to substantiate their advertising claims. The Board believes that the current July 15 deadline is unrealistic as handlers are often not able to obtain the necessary documentation by that time. The Board believes that changing the deadline for submitting proof of performance to October 15 would rectify this problem.

Under the proposed revision, handlers would be required to file preliminary claims on ABC Form 31 no later than July 15, stating that documentation would be submitted as expeditiously as possible, but no later than October 15. Handlers would have until October 15 to file final claims on ABC Form 31 with the appropriate proof of performance.

Section 981.466 stipulates the specifications for almond butter as used in §981.66(c) as an outlet for the disposition of reserve almonds. Section 981.466 currently defines "almond butter" as a "comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than 1/16 inch in any dimension".

It is proposed to revise this definition in two ways. First, the word "roasted" would be deleted to allow for a "natural" almond butter made from unroasted almonds. Secondly, the words "practically no particles larger than 1/16 inch" would be changed to "very few particles larger than 1/16 inch". This would allow for a "chunky style" almond butter.

The Board believes that these changes would give handlers more flexibility to develop new uses and markets for almond butter and, thereby, help handlers to dispose of reserve almonds.

List of Subjects in 7 CFR Part 981

Marketing Agreements and Orders, Almonds, and California.

Therefore, it is proposed to revise §§ 981.441(g) and 981.466 of Subpart—Administrative Rules and Regulations as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. As revised, § 981.441(g) should read as follows:

§ 981.441 Crediting for paid advertising.

* * * * *

(g) A handler must file a claim with the Board to obtain credit for an advertising expenditure. Except as provided in § 981.441(b), no credit shall be granted unless a preliminary claim is filed before July 15 of the succeeding crop year and a final claim is filed before October 15 of the succeeding crop year. Each preliminary claim must be filed on an ABC Form 31 (claim for advertising credit), stating that documentation will be submitted as expeditiously as possible, but no later than October 15. If this preliminary claim is not filed on or before July 15, there will be no consideration of the

claim under any circumstances. Each final claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance as follows:

* * * * *

2. As revised, §981.466 should read as follows:

§ 981.466 Almond butter.

Almond butter as used in § 981.66(c) is hereby defined as a comminuted food product prepared by grinding shelled almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension.

Dated: April 16, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-11058 Filed 4-21-82; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Tenant Grievance and Appeals Procedures

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration proposes to revise its tenant grievance and appeals procedure regulations. The intended effect is to remove from the grievance process all eviction actions which are governed by State law and to substitute a District Director review for the hearing officer or hearing panel review in the grievance process. These changes resulted from objections by FmHA personnel and owners and managers of FmHA projects that the existing grievance procedure required by this regulation is burdensome and difficult to administer. By making these changes, the time required for the grievance process should be reduced from 65 to 35 days and the number of appeals should be reduced to 30 percent..

DATES: Comments must be received on or before June 21, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-9725. All written comments made pursuant to this notice will be available for public inspection at the above address during regular work hours.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Daniel, Multiple Housing Servicing Officer, Multiple Housing Management and Servicing Division, Farmers Home Administration, U.S. Department of Agriculture, Room 5321-S, Washington, DC 20250, telephone (202) 382-1611..

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be non-major. The proposed rule contains revisions to the present rule that will have an insignificant effect on the economy. Costs or prices to consumers, individual businesses and industries, Federal, State or Local Government agencies, or to geographic regions of the country are not expected to increase. The proposed rule is expected to have little or no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprise to compete with Foreign-based enterprise in domestic or export markets.

The Farmers Home Administration has chosen to partially revise its present regulation. The alternatives to issuance of the proposed regulations which were considered, included not changing existing regulations and allowing each FmHA State Office to establish procedures consistent with local practices. These alternatives were rejected because they did not promote efficiency in Agency operations, nor assure long term compliance with the objectives for which the FmHA assistance was provided. Moreover, they could lead to a proliferation of regulations and requirements inconsistent between States and regions, causing confusion to the public, especially to those borrowers with operations in more than one jurisdiction. On this basis the Agency has determined that the chosen alternative maximizes the net benefit to society at lowest cost.

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

Request is being made for clearance of the recordkeeping and reporting requirements according to OMB Circular A-40.

The CFDA No. for the Rural Rental Housing loan program affected by this document is 10.415; for the Farm Labor Housing loan and grant program it is 10.405.

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

The FmHA proposes to revise Subpart L of Part 1944, Chapter XVIII, Title 7, Code of Regulations. The proposed major changes are as follows:

1. In § 1944.551(b), evictions are removed from the grievance process and are to be handled according to State and local law and Exhibit B to Subpart C of Part 1930.

2. In § 1944.551(c), projects using HUD Section 8 program will use HUD's grievance and appeals procedures.

3. In § 1944.554(a)(6), failure to maintain the premises according to State and local laws is added as a reason for grievance.

4. In § 1944.555(c), a meeting to resolve the grievance is now required between the borrower or borrower's designee and the tenant or applicant. If the grievance cannot be resolved, the borrower will prepare and send to the tenant a summary of the borrower's position and the results of the meeting. The tenant may present this summary and any additional information to the District Director for review and a binding decision.

5. Provision for a hearing by an unpaid hearing officer or panel is eliminated. Experience by borrowers has shown that qualified people to serve in this capacity are not readily available in rural areas. Paying for this service from operations funds would place an undue burden on the other tenants in the form of increased rents.

List of Subjects in 7 CFR Part 1944

Administrative practice and procedure, Aged, Farm labor housing, Grant programs—Housing and community development, Handicapped, Loan programs—Housing and community development, Low and moderate income housing—Rental, Migrant labor, Mortgages, Nonprofit organizations, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Rural housing, Subsidies.

As proposed, Chapter XVIII of Title 7, Code of Federal Regulations, is amended by revising Subpart L of Part 1944 to read as follows:

PART 1944—HOUSING

Subpart L—Farmers Home Administration Tenant Grievance and Appeals Procedure

Sec.
1944.551 Purpose and scope.
1944.552 Objective.
1944.553 Definitions.
1944.554 Reasons for grievance and appeal.
1944.555 Settlement of grievances and appeals.
1944.556 Examination of records.
1944.557 Escrow deposit.
1944.558 Failure to request a District Director review.
1944.559 Responsibilities of the FmHA District Director.
1944.560–1944.600 [Reserved]
Exhibit A—Summary of the grievance.

Subpart L—Farmers Home Administration Tenant Grievance and Appeals Procedure

§ 1944.551 Purpose and scope.

This Subpart sets forth uniform requirements for grievance and appeals procedures in all existing and future Rural Rental Housing (RRH) and Labor Housing (LH) projects financed by the Farmers Home Administration (FmHA) under sections 514, 515, and 516 of the Housing Act of 1949. Borrowers will promptly implement these requirements. This Subpart is in addition to a tenant's rights and duties under a lease. This Subpart does not apply to:

(a) Rent increases authorized by FmHA according to the requirements of Exhibit C of Subpart C of Part 1930 where tenants are given an opportunity to provide comments to FmHA on a borrower's Notice of Proposed Rent Increase.

(b) Notifications of termination of lease (evictions) which are to be handled according to paragraph XIII B of Exhibit B of Subpart C of Part 1930 and according to State law.

(c) Projects operated by housing Authorities or other types of borrowers utilizing the HUD section 8 program who are bound by their HUD Section 8 agreement to follow HUD's tenant grievance and appeals requirements.

(d) Projects in which an association of tenants has been duly formed and the association and the borrower have agreed to an alternate method of settling grievances.

(e) Discrimination complaints, which will be handled according to § 1930.142 of Subpart C of Part 1930.

(f) Changes in rules required by FmHA in which proper notice and opportunity have been given according to the provisions of the lease.

§ 1944.552 Objective.

The objective of this Subpart is to ensure the fair treatment of tenants while providing for an equitable manner by which a borrower can operate, maintain, and safeguard rental projects. The right to appeal under this Subpart also extends to a person who seeks admission as a tenant and to a tenant who seeks rental assistance. This Subpart is not intended to replace, restrict, or impede the process by which landlords and tenants can resolve differences informally by open and frank interplay or exchange; nor is it intended to preclude the tenant's right to inform FmHA officials of alleged problems. It is to provide a process by which a dispute not otherwise settled may be resolved.

§ 1944.553 Definitions.

(a) *Applicant.* For the purpose of this Subpart, applicant means a person who has applied for admission to occupancy in a RRH or LH project and has been rejected. This includes a person who has been denied an application for admission, except when applications are not being processed due to a long waiting list of applicants. In these cases, an applicant inquiry will be handled according to paragraph V C 1 of Exhibit B to Subpart C of Part 1930.

(b) *Tenant.* A tenant is an eligible lessee occupant of an RRH or LH project who has executed a lease agreement.

(c) *Borrower.* The borrower (landlord) is the owner or the owner's authorized representative of an RRH or LH project.

(d) *Grievance.* A grievance is a dispute which a tenant may have with respect to a borrower's action or failure to act according to the lease and/or FmHA regulations which results or may result in denial, significant reduction, or termination of benefits (other than eviction).

(e) *Lease.* A lease is the written agreement between the borrower and tenant which is approved by FmHA.

§ 1944.554 Reasons for grievance and appeal.

(a) Grievance and appeal procedures provide a means whereby a tenant in an FmHA financed rental project is afforded an opportunity to meet with a borrower if the tenant has a grievance relating to a borrower's action or failure to act according to the lease and/or FmHA regulations which results in a denial, significant reduction, termination of benefits, or when a tenant contests a borrower's notice of proposed adverse action as provided in § 1944.555(b) of this Subpart. Reasons include but are not limited to the following:

(1) Borrower's failure to maintain the premises in a manner that provides decent, safe, and sanitary housing.

(2) Violation of lease covenants and rules.

(3) Modification of lease.

(4) Rule changes.

(5) Rent increase not authorized by FmHA according to Exhibit C of Subpart C of Part 1930.

(6) Failure to maintain the premises according to State and local laws, statutes, or ordinances.

(b) Grievance and appeal provide an appeal right for a person whose application for admission to occupancy in a RRH or LH project has been rejected, as well as for a person who has been denied an application for admission, except in those cases where applications are not being processed due to an extensive waiting list as provided for in paragraph V C 1 of Exhibit B to Subpart C of Part 1930. This appeal right does not apply to those persons who are clearly not eligible for occupancy under FmHA regulations.

(c) Grievance and appeal provide an appeal right for a tenant whose written request for rental assistance has been rejected. This appeal right does not apply to those tenants who are clearly not eligible for rental assistance under FmHA regulations.

(d) This Subpart shall not apply to disputes between tenants not involving the borrower.

§ 1944.555 Settlement of grievances and appeals.

(a) *General.* Borrowers and applicants or tenants are encouraged to attempt to settle disputes through informal meetings without resorting to the appeal process described in this Subpart.

(b) *Notice to applicant or tenant.* In the case of a borrower's proposed adverse action including denial or admission to occupancy, the borrower must notify the applicant or tenant in writing. In the case of a tenant, the notice must be by certified mail or as permitted by State law. The notice must give specific reasons for the proposed action. The notice must also advise the applicant or tenant of his/her right to respond to the notice within 10 calendar days after receipt, according to paragraph (c) of this section and of the right to a review of the action by FmHA according to paragraph (d) of this section. In projects where there is a concentration of non-English speaking individuals, the notice must also be in the predominant non-English concentration language if necessary for the tenant's understanding.

(c) *Presentation of grievances or responses to notice of proposed adverse actions.* If the adverse action cannot be resolved otherwise, the applicant or tenant shall within 10 calendar days after occurrence of the grievance or receipt of a notice of proposed adverse action, personally present to the borrower or borrower's designee, either orally or in writing, any grievance or response. The borrower shall, if requested, meet with the tenant within five (5) working days of the request in an attempt to resolve the grievance. The meeting shall be informal and the borrower will be responsible for keeping any appropriate notes relative to the meeting. If the grievance is not resolved to the tenant's satisfaction, the borrower shall prepare a summary of the problem, the borrower's position, the tenant's/applicant's position, and the results of the meeting according to Exhibit A of this Subpart within 10 calendar days after the informal meeting. Two copies shall be given to the tenant and one retained in the borrower's files. The tenant may then request a review of the problem by the FmHA District Director within five (5) working days from receipt of the summary. The tenant may provide additional information to support his or her position along with the Request for Review. All pertinent information must be presented by both the borrower and the tenant/applicant to the District Director in writing and must include the borrower's summary of the grievance completed according to Exhibit A to this Subpart.

(d) *Responsibilities of the District Director upon receipt of a grievance from a tenant or applicant submitted according to this Subpart.* The District Director shall review all the written information and make a final ruling within 10 working days of receipt that binds both parties. The District Director's decision will be based on the requirements of this Subpart and other applicable FmHA regulations and the provisions of the lease. If the District Director finds substantial deviation from the procedure for obtaining a FmHA review, he or she may nevertheless make a final decision if sufficient facts are available. The District Director may also require that both parties proceed in strict compliance with this subpart before reviewing the case. It is not anticipated that the District Director will meet with either the borrower or tenant but may make inquiries of either party to obtain adequate information. If any additional information requested by the District Director is not provided within five (5) calendar days, the District Director will make the final decision based upon the information received. The final decision will be in writing and issued within 10 working days, unless additional information has been requested; then the final decision will be issued within 10 working days from receipt of the additional information.

§ 1944.556 Examination of records.

When the borrower has provided the tenant or applicant with a notice of proposed adverse action, the tenant will have the opportunity, at a reasonable time before the meeting and, at the expense of the tenant, to examine and/or copy all documents, records, and regulations of the borrower which the borrower intends to use at the meeting unless otherwise prohibited by law.

§ 1944.557 Escrow deposit.

(a) Provided the tenant's rental payments are otherwise current, an escrow deposit of rental payments may be used by the tenant in the following grievance situations:

(1) *Unauthorized rent increase.* In a grievance involving a rent increase not authorized by FmHA the increase portion of the rental payment may be deposited in escrow. The tenant shall continue to pay the owner that portion of the rental payment previously approved by FmHA.

(2) *Failure to maintain property.* The total amount of the rental payment may be deposited in escrow in the case of a grievance involving failure of the borrower to maintain the property in a decent, safe, and sanitary manner.

(b) When an escrow deposit is used, the tenant shall deposit into escrow the amount required when the rent is due, until the complaint is resolved through informal discussion or by review of FmHA. The tenant shall deposit the rent in a Federally insured financial institution or with a bonded independent agent. Failure to make timely escrow payments will result in a termination of the tenant grievance and appeals procedure and all sums immediately will become due and payable under the lease.

§ 1944.558 Failure to request a District Director review.

If the tenant or applicant does not request a District Director review within the time provided by § 1944.555(c), the borrower's disposition of the grievance or appeal becomes final.

§ 1944.559 Responsibilities of the FmHA District Director.

(a) The District Director will assure that a copy of this Subpart is sent to each borrower with a requirement that the regulations be permanently posted in a conspicuous place for the information of tenants, such as the rental offices, laundry area, activities room, or other places where it will be noticed by tenants. The District Director will also require that the borrower maintain copies of this Subpart at all times for inspection by the tenants and FmHA upon request. The District Director will assure that where there is a concentration of non-English speaking individuals, the regulation is made available to the tenants in both English and the predominant non-English concentration language.

(b) The District Director will assist borrowers and tenants with interpretation of this Subpart.

(c) The District Director will encourage the borrower and tenant or applicant to resolve grievances and appeals through informal discussion. However, upon receipt of a complaint from a tenant which includes a summary of the grievance as required by § 1944.555(c) of this subpart, the District Director will immediately review the case to ascertain that the tenant or applicant has received due consideration and that matters could not be resolved through informal discussion.

§ 11944.560–1944.600 [Reserved]

Exhibit A

Summary of the Grievance

Name and address of borrower:

Name and address of project:

Name and address of complainant:

Specific nature of complaint:

Borrower's position:

Tenants/applicant's position:

Date of meeting between parties:

Participation in meeting:

Decision and specific reasons therefore:

(Borrower)

(Date)

Tenant's acknowledgement: I hereby acknowledge receipt of a copy of this summary and have been advised of my rights to use the attached procedure, FmHA Instruction 1944–L, to obtain an FmHA Review if I so choose.

(Tenant)

(Date)

(42 U.S.C. 1480, 7 CFR 2.23, 7 CFR 2.70)

Dated: October 20, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-11052 Filed 4-21-82; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AGL-7]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed Federal Action is to designate an additional amount of controlled airspace determined necessary to encompass an NDB Runway 9 instrument procedure for Steed Field Airport, Portland, Indiana. The additional airspace is within 3 miles each side of the 280° bearing from the airport extending from the 6-mile radius to 8.5 miles west of the airport.

The intended effect of this action would be to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The development of the proposed procedure requires that the FAA alter the designed airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 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.

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, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on 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 Part 71) to alter the transition area airspace near Portland, Indiana. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.81 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.81 (46 FR 540), the following transition area is amended to read:

Portland, Indiana

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Steed Field Airport (latitude 40°26'59" N., longitude 84°59'11" W.); and within 2 miles each side of the 100° bearing from Steed Field Airport, extending from the 6-mile radius to 8 miles east of the airport; and within 3 miles each side of the 280° bearing from the Steed Field Airport, exending from the 6-mile radius to 8.5 miles west of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this (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 in so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10595 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-9]

Proposed Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed Federal action is to alter the K. I. Sawyer, Michigan, control zone and transition area. The intended effect would be redescribe the control zone by making reference to the geographical center of the airport in lieu of extended runway centerlines and to redescribe the K. I. Sawyer transition area by including designation of airspace extending upward from 1200 feet above the surface that was previously designated in the Marquette, Michigan, transition area description.

DATES: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-9, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The circumstances that initiated this action resulted from an omission of information from the **Federal Register**. The Marquette, Michigan, transition area description was inadvertently omitted. In reviewing that description prior to resubmission, it was concluded that both the Marquette, Michigan, and K. I. Sawyer, Michigan, airspace designations could be redefined to better relate the necessary airspace to the individual airports. This action will make minor alterations to the K. I. Sawyer control zone designation and will include airspace extending upward from 1200 feet above the surface that was previously designated under Marquette, Michigan. Separate simultaneous docket action (Docket 82-AGL-8) has been initiated to redefine and simplify the Marquette, Michigan, airspace designations.

Aeronautical maps and charts will reflect the defined areas, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-9, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 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.

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, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on 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 Part 71) to alter the transition area airspace near K. I. Sawyer, Michigan, and is considering an amendment to Subpart F of Part 71 to alter the control zone near K. I. Sawyer, Michigan. Subparts G and F were published in the **Federal Register** on January 2, 1981 (46 FR 540 and 46 FR 455.)

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540), the following transition area is amended to read:

K. I. Sawyer, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the K. I. Sawyer AFB (Latitude 46°21'13" N., 87°23'40" W.), excluding the portion overlying Marquette transition area; and that airspace extending upward from 1200 feet above the surface within a 40-mile radius of the K. I. Sawyer AFB, excluding the portions overlying the Escanaba, Michigan and Iron Mountain, Michigan, transition area.

In § 71.171 (46 FR 455), the following control zone is amended to read:

K. I. Sawyer, Michigan

Within a 5-mile radius of the K. I. Sawyer AFB (Latitude 46°21'13" N., 87°23'40" W.); and within 1.5 miles each side of the 008° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 6.5 miles north of the airport; and within 1.5 miles each side of the 188° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 6 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(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 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10695 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-47]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed Federal Action is to designate an additional amount of controlled airspace determined necessary to encompass an NDB Runway 22 instrument procedure for Casey Municipal Airport, Casey, Illinois. The additional airspace is within 3 miles each side of the 050° bearing from the airport extending from the 5-mile radius to 8 miles northeast.

The intended effect of this action would be to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-47, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-47, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 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 bfore and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this 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, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on 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 Part 71) to alter the transition area airspace near Casey, Illinois. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Casey, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (latitude 39°18'07" N., longitude 88°00'13"W.); within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest or the airport; and within 3 miles each side of the 050° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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 is certified that this (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 comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10696 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-5]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed Federal action is to designate controlled airspace near Beach City, Ohio, to accommodate a new instrument approach into Beach City Airport, established on the basis of a request from the Beach City Airport officials to provide that facility with instrument approach capability utilizing the Briggs, Ohio VORTAC.

The intended effect of this action would be to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-5, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitute for this procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-5, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 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.

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, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on 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 Part 71) to establish a 700 foot controlled airspace transition area near Beach City, Ohio. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Acccordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Beach City, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Beach City Airport (latitude 40°38'47.5" N., longitude 81°33'20.3" W.), excluding that portion which overliles the Akron, Ohio, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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, is certified that this—(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 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82–10694 Filed 4–21–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–AGL–44]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal Action is to propose to withdraw the rule as published on Page 56165 of the **Federal Register** dated November 16, 1981, which revoked the Janesville, Wisconsin, transition area, and to replace that rule with a rule which reinstates in part the previously designated Janesville, Wisconsin, transition area.

The intended effect of this proposed action would be to reinstate the transition area designated for Rock County Airport, Janesville, Wisconsin, and for Beloit, Wisconsin Airport while at the same time revoking the transition area associated with Wagon Wheel Airport, Rockton, Illinois.

In addition, this proposed action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 81–AGL–44, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The intent of Airspace Docket 81–AGL–16 was to revoke only the transition area associated with Wagon Wheel Airport and to maintain the transition area designated for Rockton County Airport and Beloit Airport. As published, the rule revoked all of the transition area. Therefore, this rule is necessary to reinstate that transition area required for both Rockton County Airport and Beloit Airport.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–AGL–44, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 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.

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, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on 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 Part 71) to alter the transition area airspace near Janesville, Wisconsin. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the Janesville, Wisconsin transition area as published

on page 56165 of the Federal Register dated November 16, 1981, is revoked.

In § 71.181 (46 FR 540) the following transition area is reinstated and amended to read:

Janesville, Wisconsin

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wisconsin (latitude 42°37'12" N., longitude 89°02'28" W.), and within a 6-mile radius of the Beloit, Wisconsin, Airport (latitude 42°29'51" N., longitude 88°58'05" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this (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 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 82-10861 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Reg. 12-35]

Privacy Act of 1974; Air Force Privacy Act Program

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: A new specific exemption rule is proposed to be added to the existing Department of the Air Force exemption rules for systems of records subject to the Privacy Act of 1974 to accommodate record system: F20505 AFIS A, entitled: Sensitive Compartmented Information Personnel Security Records. An exemption is needed to preclude compromise of investigative material in the system of records which requires protection.

DATES: Comments must be received on or before May 22, 1982.

ADDRESSES: Comments should be sent to HQ USAF/DAAD, Pentagon, Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, telephone: 202/694-3431.

SUPPLEMENTARY INFORMATION: Parts of this system of records which contains investigatory material will be exempted from certain portions of the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. L. 93-579, 44 Stat. 1896 *et seq.*) under the provisions of 5 U.S.C. 552a (k)(2) and (k)(5). The specific portions of the Act for which exemption is claimed and the reasons for claiming these are set forth in the rule.

List of Subjects in 32 CFR Part 806b

Privacy.

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

Accordingly, this proposed amendment, if adopted, will change § 806.22 of Title 32, CFR to read as follows:

§ 806b.22 General and specific exemptions claimed.

* * * * *

(b) Specific Exemptions:

* * * * *

(21) Sensitive Compartmented Information Personnel Security Records (F20505 AFIS A).

(i) Exemption. This system from 5 U.S.C. 552a(a)(3); (d); (e)(4) (G), (H), and (I); and (f) but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) Authority. 5 U.S.C. 552a (k)(2) and (k)(5).

(iii) Reasons. To protect the identity of sources to whom proper promises of confidentiality have been made during Investigations. Without these promises, sources will often be unwilling to provide information essential in adjudicating access in a fair and impartial manner.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 19, 1982.

[FR Doc. 82-11003 Filed 4-21-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 168

[CGD 77-018]

Marine Safety Investigations

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposed rule published in the Federal Register on January 25, 1979 (44 FR 5368) which sought to implement the investigatory powers outlined in Section 8 of the Ports and Waterways Safety Act by requiring reports of specified waterfront incidents, accidents, and acts and establishing procedures for investigating them. After reviewing the comments and reevaluating the proposal the Coast Guard has determined that further study is required to determine the most appropriate means of implementing these investigatory powers.

EFFECTIVE DATE: This withdrawal is effective on April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gary L. Gregory, Port and Environmental Safety Division (G-WPE-3), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202) 426-1934.

SUPPLEMENTARY INFORMATION: On January 25, 1979 the Coast Guard published proposed regulations in the Federal Register (44 FR 5368) that would implement the authority under the Ports and Waterways Safety Act, (PWSA) (Pub. L. 95-474, 92 Stat. 1476, 33 U.S.C. 1221) to investigate any incidents, accidents, or acts involving the loss or destruction of, or damage to, any structure subject to the PWSA or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States. No public hearing was held concerning this proposed rule because there was no request for one by an interested person raising a genuine issue and desiring to comment at a public hearing. Thirty-eight comments were received, primarily from port authorities and the oil industry.

Of the comments, fourteen called for withdrawal of all or major portions of the proposed rule. Approximately one third of the commenters felt that the proposed definition of shore area was overly broad, that its 1,000-yard limit extended too far inland, or that it was unclear. Many commenters felt that under Section 8 of the PWSA the Department of Transportation was given authority only to investigate incidents involving structures immediately adjacent to navigable waters.

These comments regarding the authority to conduct investigations and the scope of the Coast Guard's area of jurisdiction have caused the Coast Guard to reevaluate its position

regarding this proposal. As a result it has been decided to withdraw the notice of proposed rulemaking.

Withdrawal

The proposed rules were considered "nonsignificant" under the Department of Transportation Order No. 2100.5 entitled Policies and Procedures for Simplification, Analysis, and Review of Regulations. They would not have constituted a major rulemaking under E.O. 12291.

There are no known adverse consequences associated with terminating the proposal.

For the reasons stated above, the notice of proposed rulemaking, docket number 77-018, published in the **Federal Register** on January 25, 1979 (44 FR 5368), is hereby withdrawn.

W. E. Caldwell,

Rear Admiral, Coast Guard, Chief, Office of Marine Environment and Systems.

April 12, 1982.

[FR Doc. 82-10851 Filed 4-20-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[CC Docket No. 79-252; RM-4032; FCC 82-187]

Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefor

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: In response to a petition for rulemaking filed by RCA Global Communications, Inc., The Commission invites comment on whether the scope of the *Competitive Carrier Rulemaking*, (46 F.R. 76148, November 18, 1980) should be expanded to include the domestic record services of the international record carriers ("IRCs"). From the outset, the policies set forth in *Competitive Carrier* have been limited to domestic services. Because the IRCs have until recently been restricted in their service offerings to the international market, they have not been considered in this proceeding. However, on December 17, 1981 the Commission authorized them to offer domestic telex service. In addition, Congress has enacted legislation eliminating barriers to entry into the domestic and international record markets.

Parties are invited to comment on whether the IRCs should be considered non-dominant in their provision of domestic services, thereby qulifying for relaxed regulatory treatment with respect to their tariff and certification filing requirements.

DATES: Comments must be received on or before April 30, 1982, and Reply Comments must be received on or before May 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Anne M. Coffey, Tariff Division, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Further Notice of Proposed Rulemaking

Adopted: April 16, 1982

Released: April 21, 1982.

In the matter of policy and rules conerning rates for competitive common carrier services and facilities authorization therefor.

By the Commission:

1. On January 21, 1982 RCA Global Communications, Inc. ("RCA Globcom") filed a petition requesting that the Commission expand the scope of the Competitive Carrier Rulemaking to include all services ot the international record carriers ("IRCs").[1] RCA Globcom proposes to accord all IRC services the streamlined regulatory treatment applicable to "non-dominant" carriers,[2] citing as primary support the recently enacted Record Carrier Competition Act of 1981 ("RCCA").[3] The RCCA generally require the Commission to encourage the development of fully competitive domestic and international markets in the provision of record communications services. To promote this goal, the statute provides that the Commission "shall forbear from exercising its authority under this Act as the development of competition among record carriers reduces the degree of regulation necessary to protect the public." Section 222(b)(1) of the Act, 47 U.S.C. 222(b)(1).

2. We agree with petitioner that the RCCA provides sufficient basis to warrant Commission consideration of the question of the potential impact of the IRC's recently tariffed domestic telex operations on existing and anticipated competitive conditions of the domestic public switched record market.[4] To this end, therefore, we will invite comment on whether the IRCs should be considered non-dominant in this market, as well as the effect their entry will have on our previous determination that Western Union is a dominant carrier. *See* 85 FCC 2d at 25. On the other hand, because the international telex market may raise special concerns distinct from the domestic market and we wish to expedite consideration of the IRCs' domestic services, we will continue to defer analysis of the international market within the context of the Competitive Carrier Rulemaking proceeding.

3. In asking the public to comment on these matters, we recognize that several parties have previously set forth their views on how the domestic record market will be affected by IRC entry. For example, we have already received comments on RCA Globcom's petition.[5] In addition, comments submitted in the Commission's on-going proceeding in which interconnection arrangements between and among the domestic and international record carriers are being considered (Docket No. 82-122) also address the probable degree of IRC penetration in the domestic market. Thus, parties submitting comments pursuant to this order may incorporate by reference any other relevant submissions they already may have made.

4. For the purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte*

[1] The Commission thereafter issued a Public Notice pursuant to § 1.403 of the Commission's Rules. 47 CFR 1.403. Comments have been filed by the Western Union Telegraph Company ("Western Union"), Western Union International, Inc. ("WUI"), Satellite Business Systems, Inc. ("SBS") the Association of Data Processing Service Organizations, Inc. ("ADAPSO") and the State of Hawaii. RCA Globcom has filed a reply.

[2] From the outset, the Commsission has excluded consideration of the IRC's from the Competitive Carrier Rulemaking. *See* Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 308, 311n. 6 (1979); First Report and Order, 85 FCC 2d 1, 3 n. 5. In the First Report and Order, the Commission determined that specialized common carriers ("SCCs") and terrestrial resale carriers lack the market power to charge rates or impose conditions of service that contravene the Communications Act. These firms were classified as non-dominant and certain tariffing and certification filing requirements were reduced for them.

[3] The RCCA become law on December 29, 1981. Pub. L. 97-130, 95 Stat. 1887 (1981).

[4] The domestic telex tariffs of certain IRCs recently became effective. *See* In the Matter of FTC Communications, Inc., ITT World Communication Inc., RCA Global Communications, Inc. and Western Union International, Inc., Mimeo No. 2834 (released March 18, 1982).

[5] Among the parties commenting on RCA Globcom's petition only the State of Hawaii opposes the rulemaking proposal. WUI and ADAPSO support the petition insofar as it applies to the IRCs' domestic communications service. Western Union and SBS recommend deferring the rulemaking until the Commission reconsiders its earlier determination that these carriers are dominant. See First Report and Order, 85 FCC 2d at 25-6.

contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that persentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing the 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*, Section 1.1231 of the Commission's rules, 47 CFR 1.231.

5. Accordingly, it is ordered, That the petition for expedited rulemaking filed by RCA Global Communications, Inc. is granted in part.

6. It is further ordered, pursuant to Sections 4(i) and (j) of the Communications Act, 47 U.S.C. 154(i) and (j), and § 1.407 of the Rules, 47 CFR 1.407, that interested parties shall file comments on the matters discussed above on or before April 30, 1982. Reply comments shall be filed on or before May 15, 1982. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-11016 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2 and 87

[Gen Docket No. 82-182; FCC 82-149]

Removal of Station Log Requirements and Additional Utilization of Certain Frequencies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the rules (1) to eliminate the requirement for stations in the Aviation Services to maintain logs, (2) to permit the frequency 122.050 MHz to be used by air carrier aircraft as well as private aircraft for enroute flight advisory service, and (3) to make the frequencies 122.775 and 122.850 MHz available for communications between aircraft on the ramp area of an airport and aviation service organizations at the airport. These actions result from an informal request from the Federal Aviation Administration and FCC review of its rules. These proposed amendments are intended to eliminate unnecessary regulations and provide service to the aviation public in a more efficient, expeditious manner.

DATES: Comments must be received on or before May 17, 1982, and reply comments must be received on or before June 2, 1982.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 2

Radio.

List of Subjects in 47 CFR Part 87

Air transportation, Radio, General aviation, Aeronautical stations.

In the matter of amendment of Parts 2 and 87 of the rules to remove station log requirements and to provide for additional utilization of the frequencies 122.050, 122.775 and 122.850 MHz in the Aviation Services.

Adopted: April 1, 1982.

Released: April 15, 1982.

By the Commission:

1. In this Notice of Proposed Rule Making we are proposing (1) to remove the requirement for stations in the Aviation Services to maintain logs; (2) to make the frequency 122.050 MHz available to air carrier aircraft stations as well as private aircraft stations for air traffic control operations; and (3) to make the frequencies 122.775 and 122.850 MHz available for communications between aircraft on the apron (ramp) area of an airport [1] and aeronautical utility mobile stations operating on the air port.

Station Log Requirements

2. Currently all stations at fixed locations in the Aviation Services (except for radionavigation test stations and aeronautical enroute stations) are required to maintain logs showing hours of operation, frequencies used, and hours of duty and signature of the operator(s) on duty. Where applicable, information concerning distress and emergency situations and antenna illumination must be recorded. Generally, logs in the Aviation Services may be destroyed after 30 days.

3. As part of our regulatory review program we have examined the necessity and usefulness of these station log requirements. Typically, logs of subject stations in the Aviation Services merely contain a daily entry of the hours of operation and the signature of the operator. We know of no instances whereby subject station logs containing a record of distress or emergency communications were used for any purpose. It is extremely rare that an antenna in this service would be large enough to require illumination. Even if antenna illumination is required in a given case, Section 17.49 of the Commission's rules provides for recordation of the required information.

4. Accordingly, it appears that there is little need to require stations at fixed locations in the Aviation Services to maintain a log. We are, therefore, proposing to remove this regulatory requirement from the rules.

Air Carrier Aircraft Use of 122.050 MHz

5. Several years ago the Federal Aviation Administration (FAA) instituted enroute flight advisory service (EFAS). This service allows aircraft in flight to communicate directly with a meteorologist at an FAA flight service station. The frequency 122.0 MHz, which is available for use by both air carrier and private aircraft, has been utilized for EFAS. The FAA indicates that the EFAS program has been so successful that a second frequency is needed to avoid interference problems.

6. Therefore, the FAA has informally requested that the Commission's rules be amended to provide for such use of the frequency 122.050 MHz by both air

[1] The Federal Aviation Administration's Pilot/Controller Glossary describes the apron/ramp as a defined area, on a land airport, intended to accommodate aircraft for purposes of loading or unloading passengers or cargo, refueling, parking, or maintenance. (With regard to seaplanes, a ramp is used for access to the apron from the water.)

carrier and private aircraft. Presently the rules make this frequency available only to private aircraft for air traffic control operations. In the past 122.050 MHz has been lightly used due to potential adjacent channel interference. However, the FAA indicates that this frequency would be very helpful in relieving congestion on the single assigned EFAS frequency, particularly at the more remote FAA sites.

7. Accordingly, we are proposing to amend the rules as requested by the FAA to make the frequency 122.050 MHz available to both air carrier aircraft and private aircraft for enroute flight advisory service.

Airport Ground Communications

8. In recent years general aviation [2] interests have indicated a need for a frequency in the VFH voice aeronautical band (118–136 MHz) to be made available for direct communications between aircraft on the ground and various aviation service entities, e.g., fuel trucks, avionics repair personnel and the like. Currently the rules do not provide a frequency which is generally available for direct communications between aircraft and mobile ground units operated by aviation service organizations. Typically, the use of an aeronautical advisory frequency assigned at an airport is requested for such purposes. However, since aeronautical advisory (unicom) frequencies are primarily utilized for safety related communications, and are very heavily loaded in most regions of the United States, their additional use by numerous mobile units and service organizations is not considered a viable option. Further, unicom frequencies are used primarily at uncontrolled airports (i.e., airports without a control tower) for pilots to report their position in and near the airport traffic pattern. This critical air safety use should not be diluted by ground communications.

9. A frequency dedicated for such airport ground communications, although not essential for safety purposes, would undoubtedly contribute to more efficient and convenient aircraft operations. Therefore, we are proposing to make the frequency 122.775 MHz available on a primary basis for communications between aircraft located on the apron/ramp area of an airport and aeronautical utility mobile stations operating on the airport. Any aviation service organization [3] operating on an airport will be eligible for an aeronautical utility mobile station authorization for such ground communications.

10. The frequency 122.775 MHz is the last of the unassigned 25 KHz VHF frequencies that were set aside for future assignment in the Aviation Services in Docket No. 20123.[4] Although almost all new aircraft radio equipment has 25 kHz channelization, we recognize that many general aviation aircraft have older radio equipment with 50 kHz channelization (i.e., they have 360 channels available rather than 720 channels). Therefore, we are also proposing to make the frequency 122.850 MHz available on a secondary noninterference basis for such ground communications. This frequency is one of the three frequencies currently assigned for communications between aircraft and aeronautical multicom stations. [Essentially, multicom communications pertain to activities of a temporary, seasonal or emergency nature which depend upon aircraft in flight for the successful or safe conduct of the activity. Such communications are limited to the directing of ground activities from the air, the directing of aerial activities from the ground, and related air-to-air communications.] We believe the use of 122.850 MHz for the proposed ground communications would be compatible with multicom usage. However, to protect multicom assignments should harmful inteference result, we are proposing to make 122.850 MHz available on a secondary basis.

Summary of Proposals

11. In summary, we are proposing: (a) that §§ 87.99, 87.103, 87.105, 87.107 and 87.109 relating to station log requirements in the Aviation Service be deleted from the Commission's rules; (b) that § 87.195(e) be amended to permit air carrier aircraft to utilize the frequency 122.050 MHz for air traffic control related communications; and (c) that §§ 87.183, 87.431, 83.432 and 87.433 be amended to make the frequencies 122.775 and 122.850 MHz available for communications between aircraft on the ramp area of an airport and aviation service organizations on that airport. In addition, we are amending U.S. footnote 31 in §2.106 (Table of Frequency Allocations) to reflect these new frequency uses.

12. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in Sections 4(i) and 303 (b), (c) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (b), (c) and (r).

13. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before May 17, 1982, and reply comments on or before June 2, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the report and order.

14. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 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 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

15. 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 a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a

[2] General aviation encompasses all facets of civil aviation except certified air carriers and large commercial aircraft operators. For example, corporate jets, light single engine aircraft and sailplanes are all considered within the General Aviation classification.

[3] For the purposes of this subpart, an aviation service organization means any business firm which maintains facilities at a landing area for the purpose of one or more of the following general aviation activities: (1) Aircraft fueling; (2) aircraft services (e.g., parking, storage, tiedowns); (3) aircraft maintenace and/or sales; (4) avionics equipment maintenance (5) aircraft rentals, air taxi service and/or flight instructions; and (6) baggage and cargo handling, and other passenger/freight services.

[4] *Report and Order*, adopted April 5, 1977, 64 FCC 2d 573, 42 FR 40469.

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.

16. The rule amendments proposed in this proceeding, while expected to benefit the aviation public as described above, will not result in a significant economic impact on any person or entity. Therefore, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

17. Regarding questions on matters covered in this document contact Robert H. McNamara, (202) 632–7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

In § 2.106 footnote US31, the third, fourth and fifth paragraphs are revised to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US31 * * *

The frequencies 122.850, 122.900 and 122.925 MHz may be assigned to aeronautical multicom stations. In addition, 122.850 MHz may be assigned on a secondary noninterference basis to aeronautical utility mobile stations. In case of 122.925 MHz, US213 applies.

Air carrier aircraft stations may use 122.00 and 122.050 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.700, 122.800, 122.900 and 123.000 MHz for communications with aeronautical stations pertaining to safety of flight with and in the vicinity of land areas not served by a control tower.

Frequencies in the band 121.9375–122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.0 and 122.050 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

* * * * *

PART 87–AVIATION SERVICES

§ 87.99 [Removed]

1. Part 87 is amended by removing § 87.99.

§ 87.103 [Removed]

2. Part 87 is amended by removing § 87.103.

§ 87.105 [Removed]

3. Part 87 is amended by removing § 87.105.

§ 87.107 [Removed]

4. Part 87 is amended by removing § 87.107.

§ 87.109 [Removed]

5. Part 87 is amended by removing § 87.109.

6. In § 87.183 paragraph (h) is revised to read as follows:

§ 87.183 Frequencies available.

* * * * *

(h) The frequencies 121.600 through 121.925 MHz listed in § 87.401(a) may be used by aircraft on the ground for airport utility communications. In addition, the frequency 122.775 MHz and, on a secondary noninterference basis to aeronautical multicom stations, the frequency 122.850 MHz may be used by stationary aircraft on the apron/ramp area of an airport for utility communications in accordance with § 87.431 of this part.

* * * * *

7. In § 87.195 paragraph (e) is revised to read as follows:

§ 87.195 Frequencies available.

* * * * *

(e) The frequencies 122.000 and 122.050 MHz are available to air carrier aircraft stations for enroute flight advisory service (EFAS) provided by the Federal Aviation Administration.

* * * * *

8. In § 87.201 paragraph (b) is revised by adding a note at the end of the table to read as follows:

§ 87.201 Frequencies available.

* * * * *

(b) * * *

Note.— The frequencies 122.000 and 122.050 MHz are available to private aircraft stations for enroute flight advisory service (EFAS) provided by the Federal Aviation Administration.

* * * * *

9. In § 87.431, new paragraph (d) is added to read as follows:

§ 87.431 Frequencies available.

* * * * *

(d) Additionally, the frequency 122.775 MHz and, on a secondary noninterference basis to aeronautical multicom stations, the frequency 122.850 MHz are available for communications between aeronautical utility mobile stations and aircraft stations located on the apron/ramp area of an airport.

10. In § 87.432, new paragraph (c) is added to read as follows:

§ 87.432 Eligibility.

* * * * *

(c) Authorization to operate an aeronautical utility mobile station on the frequencies 122.775 and 122.850 MHz will be issued to airport operators and aviation service organizations [1] located at a landing area.

11. In § 87.433, new paragraph (c) is added to read as follows:

§ 87.433 Scope of service.

* * * * *

(c) The frequencies 122.775 and 122.850 MHz may be used by aeronautical utility mobile stations for communications with aircraft located on the airport apron/ramp area concerning the safe and efficient portal-to-portal transit of the aircraft, such as the types of fuel and ground services available at the airport. These frequencies shall not be used for air traffic control purposes, to communicate with aircraft moving on the ground, or to transmit information pertaining to runway, wind or weather conditions.

[FR Doc. 82–11017 Filed 4–21–82; 8:45 am]

BILLING CODE 6712–01–M

[1] For the purpose of this subpart, an aviation service organization means any business firm which maintains facilities at a landing area for the purposes of one or more of the following general aviation activities: (i) Aircraft fueling; (ii) aircraft services (e.g., parking, storage, tie-downs); (iii) aircraft maintenance and/or sales; (iv) avionics equipment maintenance and/or sales; (v) aircraft rental, air taxi service and/or flight instruction; and (vi) baggage and cargo handling, and other passenger/freight services.

47 CFR Part 73

[BC Docket No. 82-210; RM-4065]

FM Broadcast Station in Gibson City, Ill.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action considers a petition filed by Mr. John R. Noble, wherein he proposed the assignment of FM Channel 292A to Gibson City, Illinois. The assignment could provide for a first local broadcast service to Gibson City.

DATES: Comments must be filed on or before June 7, 1982, and reply comments must be filed on or before June 22, 1982.

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

FOR FURTHER INFORMATION CONTACT: H. Berland, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Gibson City, Illinois).

Adopted: April 12, 1982.

Released: April 21, 1982.

1. John R. Noble ("petitioner") filed a petition for rule making in which he proposed the assignment of Channel 292A to Gibson City, Illinois, as that community's first aural service. Petitioner stated his intention to apply for the channel if assigned.

2. Gibson City (population 3,498) [1] is located in Ford County (population 15,625), approximately 168 kilometers (105 miles) south of Chicago, Illinois.

3. In support of his proposal, petitioner represented that Gibson City has a mayor-council form of government; that members of the community have expressed an interest in knowing more about local events and issues; and that the grant of an FM assignment would provide a forum for the discussion of local matters and contribute to an "informed community." Petitioner also stated that Gibson City has many types of industries and a public library; and that the city shares the educational facilities of the University of Illinois (Champaign, Illinois) which is approximately 30 miles northwest of Gibson.

[1] Population figures are derived from the 1980 U.S. Census, Advance Report.

4. If granted the assignment, petitioner proposes to utilize a transmitter located north of the city. Without specifying the transmitter site, petitioner noted that the site's location would be "critical" since: (1) It must be at least 65 miles from Station WSAK(FM) (Channel 292A), Sullivan, Illinois; and (2) it must cover the entire city limits of Gibson City. As to the first requirement noted by the petitioner, the site restriction of 7 miles north of Gibson City must be imposed in order to maintain a 65 mile separation from WSAK, Sullivan, Illinois. With respect to the second requirement, petitioner is requested to furnish the Commission with a technical study demonstrating that a 70 dBu signal will be provided throughout Gibson City from such a distance.

5. In view of the fact that the proposed FM assignment could provide a first aural service to Gibson City, Illinois, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Rules) as follows:

City	Channel No.	
	Present	Proposed
Gibson City, Ill		292A

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 June 7, 1982, and reply comments on or before June 22, 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 F.R. 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Holly Berland, 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's Rules and Regulations, as set fourth 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 Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-11048 Filed 4-21-82; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-233; FCC 82-114]

Multiple Ownership of AM, FM, and TV Broadcast Stations; Withdrawal of Proposed Rule

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: Action taken herein retains the special exceptions to the "one-to-a-market" and regional concentration rules for applications involving radio stations and UHF television stations. Changes to these rules were considered in the Notice of Proposed Rule Making in BC Docket 79-233. The Commission has determined that the public interest would be served by keeping the exceptions in their current form. Action is also taken to grant a petition requesting termination of an interim policy that suspended processing of applications under the exceptions. This policy was imposed at the time the Notice was adopted.

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

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of AM, FM, and TV broadcast stations; BC Docket No. 79-233.

Report and Order (Proceeding Terminated)

Adopted: March 4, 1982.

Released: April 16, 1982.

1. On September 24, 1979, a Notice of Proposed Rule Making (44 FR 55603) was issued relating to certain exceptions found in Notes 8 and 11 of §§ 73.35(AM), 73.240(FM), and 73.636(TV) of the Commission's Rules. These exceptions provide special treatment under the "one-to-a-market" and regional concentration sections of the multiple ownership rules for applications involving radio stations and UHF-TV stations. Such applications, which would otherwise violate the Commission's multiple ownership rules, are to be handled on a "case-by-case" basis to determine whether common ownership, operation, or control of the stations would be in the public interest.

2. At the time the notice was adopted, the Commission also suspended processing of applications involving combined ownership of UHF stations and radio stations in the same market or in the same region pending the outcome of the proceeding. The Commission has since received a petition from Hour of Harvest Incorporated (HHI) requesting that this interim freeze policy be terminated.

Background

3. The exception in Note 8 for UHF-aural ownership was part of the original "one-to-a-market" rule. The Commission's original rationale for allowing same-market radio stations to own UHF stations was basically to promote the development of the UHF television service. In addition, the Commission felt that any harm that might result from common ownership of same-market radio and UHF stations would be outweighed by the benefits from obtaining an additional UHF station on the air if the assignment would otherwise remain unused. The exception to the regional concentration rule, contained in Note 11, permits case-by-case consideration of applications that would result in UHF-aural common ownership on a regional basis. The exceptions to both the "one-to-a-market" and regional concentration rules were intended to serve the same policy objective.

4. The Note 8 and 11 exceptions were adopted at a time when UHF television stations, as a whole, were not profitable.[1] In view of this unfavorable economic climate, interest in owning or developing UHF stations was rather low. Only in 1975 did UHF stations, as a group, begin to show a profit. In 1976, there was a large increase in station incomes and this was accompanied by heightened interest in applications for new UHF stations. The fact that these events occurred coincidentally strongly suggested that the enhanced profitability of UHF stations played a primary role in generating new interest in UHF television.

5. In view of the evidence that the long term viability of the UHF service was becoming more secure and that the original objective of the special exceptions had been largely achieved, the Commission proposed to eliminate the exceptions. This would have produced "one-to-a-market" and regional concentration rules that would restrict UHF-aural common ownership in the same manner as that applied to other types of combinations.[2] The objective of the one-to-a-market and regional concentration rules is to enhance the diversity of independent entities that are present in individual and regional markets.

6. The Commission wishes to emphasize that it continues to hold firm to its belief that it is both desirable and necessary to pursue policies that support and encourage diversity in the communications media. However, after carefully considering the comments received in response to the Notice and the information provided in the HHI petition, and upon its own further reflection on this matter, the Commission finds that the public

[1] See *Notice*, 44 FR 55603, Appendix, Table 1.

[2] The only other exception is that which is allowed for AM/FM combinations.

interest would continue to be served by retaining the Notes 8 and 11 exceptions in their present form.

Comments

7. Nine parties submitted comments or replies in response to the Notice of Proposed Rule Making in this proceeding. Only two respondents were in favor of completely deleting the exceptions. One individual argued that UHF no longer needs the exceptions. In his view, the diversity of ownership issue should now take priority since recent technical improvements have reduced the relative disadvantages associated with UHF television.

8. The other party favoring a total elimination of the exceptions was the National Citizens Committee for broadcasting (NCCB).[3] Their position is that: (1) The exceptions have failed to spur UHF development; (2) UHF stations have generally been acquired in larger markets where the exceptions are not required to support profitable UHF operation; and (3) those who acquire UHF stations do not need the special treatment offered under the exceptions. Elimination of the exceptions, according to NCCB, is not an impediment to the continued development of UHF television. In fact, they argue that there should be no grandfathering provision for applications on file before the notice was adopted.

9. NCCB also argues against keeping the exceptions for smaller markets as suggested by several respondents. Since smaller markets have fewer media outlets, allowing a radio licensee to activate a UHF station increases the danger of monopolization of the market and does not bring a new voice to the market. Finally, they point out that there is no justification for retaining the exceptions since the Commission has the authority to waive its rules in cases where it finds the public interest would be served by doing so.

10. Seven of the nine respondents were in favor of keeping the exceptions as they are or at least retaining them for small markets. The National Association of Broadcasters (NAB) claims that deletion would deprive UHF of an avenue of growth. It argues that the fact that four new stations were created and six existing stations were saved from failure is not insignificant in view of the fact that 111 UHF channels are still available in the top 100 markets.[4] It states, and is echoed by other commenting parties, that UHF is still not as profitable as VHF and that therefore the exceptions should be retained. KSON–AM (San Diego) asserted that radio stations can and do subsidize UHF stations in their early years.

11. Pappas Telecasting, Inc. claims that the vast majority of UHF activity has been in the top 50 markets and that many of these applicants have proposed STV, religious, or specialty formats. It contends that there are many vacant UHF assignments in locations below the top 50 markets and conclude that, as a consequence, the exceptions should be retained for markets below the top 50.[5] These sentiments are echoed by WAQX–AM, Manibus, New York. WAQX also suggests that, for the purpose of defining regional concentration in Note 11, a UHF-radio combination located within 15 miles of each other should count as one station.

12. WITT–FM (Tuscola, Ill.) also supports retaining the exceptions. It believes that they are especially needed for small markets where joint economies offer the only way for broadcast stations to become or remain viable. Otherwise, small towns and surrounding rural areas would be deprived of the locally-oriented programming that would be aired by UHF stations that are co-owned with a local radio station.

13. In its coments HHI (WLJC–FM, Beattyville, Ky.) indicates that it has applied for a UHF station in Beattyville (pop. 943). Beattyville has no local TV service and the closest TV station is about 40 miles away. HHI argues that it is the only organization with the technical and financial resources that is willing to provide a first local TV service. It believes that Notes 8 and 11 can be deleted for metropolitan areas, but should be retained for smaller markets.

14. CBS, also opposed to elimination, states that the exceptions only provide for an analysis of the situation, not an automatic waiver of the rules. Similarly, the NAB contends that four elements need to be present to obtain a grant under the exceptions and, since those requirements are very stringent, there is no need to undermine UHF development by deleting the exceptions. The four elements are:

(1) A media voice would be provided that would otherwise not be present; and/or

(2) The new UHF station would provide a first local TV service where no other applicant would be expected to apply.

(3) Combined operation would strengthen the financial position of the radio or the TV station.

(4) No undue concentration would be created because of the availability of other broadcast stations.

15. It appears then, that none of the commenting parties take serious issue with the Commission's basic concern for the possible harm to the public interest that might result from same-market UHF–aural combinations. However, the majority of respondents feel that there are still significant benefits to be reaped from the exceptions. There seems to be agreement that there are many cases where the development or continued viability of UHF stations and perhaps radio stations too, may depend on the efficiencies of combined operation.

Discussion of Policy

16. Upon reviewing the comments and the record of this proceeding, we are persuaded that the public interest would continue to be served by a policy that retains the Note 8 and Note 11 exceptions in their present form. Therefore, the Commission has decided to forego the proposed changes to the multiple ownership rules at this time.

17. The Commission agrees with the consensus of the commenting parties that disadvantages remain in the UHF sector. The costs of transmitting a UHF signal are inherently higher and the propagation characteristics of a UHF signal are inherently inferior, compared to a VHF signal. Furthermore, any new television station faces problems in competing for viewers with established stations, including network affiliates. While the situation of UHF broadcasting has improved due to such factors as improvements in the sensitivity of UHF tuners, there are several considerations that suggest that altering our rule would be inappropriate now. First, there is no evidence of conduct not in the public interest by existing combinations. Second, new combinations are approved on a case-by-case basis, which makes it possible for the Commission to assure itself that each one serves the public interest. Third, as commenter WITT–FM points out, there are economies of joint operation that can improve consumer welfare. Finally, we recognize that there may be vacant UHF channel assignments that will remain so without

[3] NCCB requested an extension of time to file reply comments, but the request was not timely filed and was therfore denied by an *Order* released December 18, 1979. NCCB subsequently petitioned for acceptance of late filed comments received by the Commission on December 28, 1979. In view of the Commission's desire to examine a complete record and the paucity of responses to the *Notice*, the NCCB comments are accepted. For the same reasons, WITT–FM's (Tuscola, Ill.) comments filed April 24, 1980 are also accepted.

[4] Only three of the four new stations authorized under the exceptions were actually built.

[5] Pappas contends that its own KMPH–TV would not have been built had it not had the support of its co-owned AM and FM stations.

combined ownership.[6] The concern that a local radio broadcaster may, in fact, be the only party willing and able to build and/or operate a UHF station on same assignments was one of the primary reasons the exceptions were originally adopted. Economies from joint operation may also improve the viability prospect of combined operations. We believe now, as then, that the advantages of service from an additional station that might not otherwise be present outweigh the concerns embodied in the multiple ownership rules.

18. The record associated with the grants that have been made in the past under the Note 8 exception indicates that each application was subjected to a serious examination of its merits with respect to the public interest. In addition, we have no evidence of specific effects contrary to the public welfare from any of the grants authorized in the past. The Commission considers this record a demonstration that the case-by-case approach can and does operate effectively to secure its policy objectives and may be relied upon to do so in the future. All applications involving UHF-aural combinations acted on henceforth will continue to be subjected to careful scrutiny to ensure the preservation and protection of the policies embodied in the multiple ownership rules.

19. The Commission wishes to clarify one particular aspect of the criteria it relies on to assess the merits of UHF-radio applications. As indicated in the Notice and in the comments of the NAB, several applications have been granted based in part on the argument that a new UHF station would provide a first local television service where no other applicant would be expected to apply. From the record of these cases, it might be construed that grants would be awarded only in cases where a new UHF station would provide a first local service.[7] However, such a circumstance is not a necessary precondition for eligibility under the exceptions.

20. Accordingly, it is ordered that the petitions of the National Citizens' Committee for Broadcasting, WITT–FM (Tuscola, Ill.), and Hour of Harvest, Inc. are granted as discussed herein. It is further ordered that this proceeding is terminated.

21. For further information concerning this proceeding contact Alan Stillwell, Broadcast Bureau (202) 632–6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[6] There are approximately 300 commercial UHF assignments that remain vacant today as well as over 2000 television channels overall. *See* "Cable Television Syndicated Exclusivity Rules," 71 FCC 2d 1004, 1006–1009.

[7] The instances where the proposed UHF station was to provide a first local television service are: WCPT–TV/WCSV–AM, Crossville, TN (Feb. 16, 1972); WPMZ–TV/FM, Allentown, PA (Dec 9, 1975); WNYR (WUHF)–TV/WNYR–AM/WEZO–FM, Rochester, NY (May 23, 1978).

Concurring Statement of Commissioner Henry M. Rivera

Re: Report and Order terminating UHF-radio rulemaking proceeding (BC Docket 79–233)

I concur in today's result, reluctantly. I do not perceive a genuine need for these exceptions to the multiple ownership rules. As the underlying NPRM pointed out, the exceptions appear to have had little effect on the viability of UHF television.[1] In addition, notes 8 and 11 to the Commission's multiple ownership rules tacitly invite applications requiring case-by-case analysis and concommitant resource drain.

I join in this Report and Order only because of the representation that cases arising under these exceptions are extremely infrequent. Even without notes 8 and 11 petitions for waiver of our rules must be entertained if a party meets its burden of showing that "special circumstances" warrant waiver of the multiple ownership rules.[2] Thus, practically speaking, the effect of repealing notes 8 and 11 may well be negligible.[3] I trust that all future UHF-radio applications will be carefully reviewed "to ensure the preservation and protection of the policies embodied in the multiple ownership rules," Report and Order at para. 19, and that we will revisit the matter if the incidence of UHF-radio applications appreciably increases.

[FR Doc. 82–11010 Filed 4–21–82; 8:45 am]

BILLING CODE 6712–01–M

[1] *In the Matter of Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM and TV Broadcast Stations*, 44 FR 55603 (September 24, 1979).

[2] *See WAIT Radio* v. *FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

[3] To the extent that the showing now required by the Commission as a condition precedent to the formation of a UHF-radio combination is less stringent than that required in ordinary rule waiver cases, I disagree with the result herein.

Notices

Federal Register
Vol. 47, No. 78
Thursday, April 22, 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

Commodity Credit Corporation

1981–82 Milk Price Support; Interim Determination

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of interim determination for 1981–82 Milk Price Support Program.

SUMMARY: This notice sets forth the support price for milk and the prices CCC will pay for butter, cheese, and nonfat dry milk under the Milk Price Support Program for the period December 22, 1981, through September 30, 1982. The support level has been determined in accordance with Section 201 of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: December 22, 1981. Interested persons may submit comments to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Comments must be received not later than June 21, 1982, to be assured of consideration.

ADDRESS: Analysis Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: S.E.T. Bogan, Dairy/Sweeteners Group, Analysis Division, ASCS–USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013 (202–447–7601). The Final Impact Statement describing the action taken in this final rule and its impact is available from S.E.T. Bogan.

SUPPLEMENTARY INFORMATION: This notice of interim determination has been reviewed under USDA procedures established to implement Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as a "major rule" since the determination of the level of support for milk for the 1981–82 marketing year will have an effect on the economy exceeding $100 million. It has been determined that the Regulatory Flexibility Act is not applicable to this notice of interim determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice or proposed rulemaking with respect to the subject matter of this notice.

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

The title and number of the federal assistance program to which this notice applies is: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalogue of Federal Domestic Assistance Programs.

Section 201(c) of the Agricultural Act of 1949, as amended, provided for the price of milk to be supported through purchases, at a level not in excess of 90 percent nor less 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. This section was amended on August 13, 1981, by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) to set forth a formula whereby the level of support for milk, effective October 1, 1981, would be determined based upon the estimated net purchases of dairy products by CCC, as well as the stocks of dairy products in CCC inventory. Under this formula, the level of support for milk was established at 75 percent of parity ($13.49 per hundredweight for milk of 3.67 percent milkfat content, the national average) effective October 1, 1981, the beginning of the 1981–82 marketing year.

Subsequently, Pub. L. 97–67 established the support price of milk at $3.10 per hundredweight through November 15, 1981. Pub. L. 97–67 was amended by Pub. L. 97–77 to extend the $13.10 support level to December 31, 1981, or the date of enactment of the Agriculture and Food Act of 1981, whichever was earlier. The Agriculture and Food Act of 1981 (Pub. L. 97–98), which was enacted on December 22, 1981, amended section 201(c) of the 1949 Act to require that for the period beginning December 22, 1981, and ending September 30, 1982, the price of milk shall be supported at such level as may be determined by the Secretary, but not less than $13.10 per hundredweight for milk containing 3.67 percent milkfat.

The price of milk is supported through purchases by CCC of butter, cheese and nonfat dry milk (NDM) at prices calculated to enable plant operators to pay dairy farmers a price equal to the support price. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the purchase prices for these products tend to become the floor for the market prices of such products. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

Based on a support price of $13.10 per hundredweight, milk production during the 1981–82 marketing year is projected to be 135.5 billion pounds. This compares with 131.7 billion pounds for the 1980–81 marketing year and 127.3 billion pounds in 1979–80. In the past, declining cow numbers tended to offset increases in production per cow. However, cow numbers in mid-1979 began a much slower rate of decline and in February 1980 began to increase above levels from a year earlier. Since then, cow numbers have remained above levels from a year earlier. The rising cow numbers, coupled with strong year-to-year increases in production per cow, have resulted in record milk production. Commercial use during the same period is projected to be 122.0 billion pounds milk equivalent compared with 120.0 billion pounds in 1980–81 and 119.3 billion pounds in 1979–80. CCC net removals for the 1981–82 marketing year are projected to be 13.3 billion pounds milk equivalent, compared with 12.7 billion pounds in 1980–81 and 8.2 billion pounds in 1979–80.

CCC purchases of dairy products (butter, cheese and nonfat dry milk (NDM)) under the milk price support program for the 1980–81 marketing year, October 1, 1980, to September 30, 1981, were 356 million pounds of butter, 532 million pounds of cheese and 787 million

pounds of NDM—the equivalent of 12.7 billion pounds of milk, a record.

Summary of the Regulatory Impact Analysis

The final Regulatory Impact Analysis for the 1981–82 milk price support program analyzes the support price for manufacturing milk at the current statutory minimum $13.10 per hundredweight for milk of the national average milkfat content. No other alternative levels of support were analyzed since establishing a level of support in excess of $13.10 per hundredweight is not needed in order to obtain an adequate supply of milk and would only result in increased accumulations of dairy products by CCC. Every month since September 1979, milk production has been significantly above year earlier levels. Surplus supply conditions have generally prevailed since October 1979. CCC removals of dairy products in the 1980–81 marketing year were 12.7 billion pounds, milk, equivalent, compared with 8.2 billion pounds in 1979–1980. At the minimum statutory level of support of $13.10 per hundredweight, milk production during the 1981–82 marketing year is projected to be 135.5 billion pounds, and increase of about 2.89 percent over 1980–81. Commercial use of dairy products is projected to increase 1.67 percent to 122.0 billion pounds during the 1981–82 marketing year. This results mainly because projected increases in retail meat prices will make milk and dairy products (especially cheese) relatively more attractive to consumers. CCC removals are projected to be 13.3 billion pounds milk equivalent, and farm cash receipts are projected to total $18.5 billion, up 3.6 percent over 1980–81. Net Government outlays with the price established at $13.10 per hundredweight are projected to be $1.9 billion.

Consumers would ultimately bear the higher costs of any increase in the support price as the increases in prices to manufacturers and processors are passed on to consumers through the marketing system. The principal farm income effects will be felt most in 8 States—Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa—that produce 60 percent of the nation's milk.

Since Section 201 of the 1949 Act, as amended, establishes the minimum level of price support for milk at $13.10 per hundredweight effective for the period beginning December 22, 1981, and ending September 30, 1982, it has been determined that this notice of interim determination shall be effective as of December 22, 1981. However, the public is invited to submit written comments with respect to this notice of interim determination to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Comments must be received no later than June 21, 1982, in order to be assured of consideration. A final notice of determination will be published in the **Federal Register** discussing the comments received and any further change in the foregoing determination which may be deemed to be necessary after a review of the comments reviewed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, Analysis Division, ASCS, USDA, Room 3741 South Building, 14th Street and Independence Avenue SW, Washington, D.C. during normal business hours (8:15 a.m.—4:45 p.m.).

Interim Determination

Accordingly, it is determined that effective for the period December 22, 1981, through September 30, 1982, the level of price support shall be $13.10 per hundredweight for manufacturing grade milk of national average milkfat content, 3.67 percent. This support price is equal to $12.80 per hundredweight for milk of 3.5 percent milkfat content. It is determined that this support level will assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficent to meet anticipated future needs. The Commodity Credit Corporation will purchase dairy products under the Milk Price Support Program at prices which will reflect the announced support price, as set forth below:

[Dollars per pound]

Butter, U.S. Grade A or Higher, New York City and Jersey City, Newark and Secaucus, New Jersey [1]	1.5200
Nonfat dry milk (spray) U.S. Extra Grade (but not more than 3.5 percent moisture), 50-pound bags:	
Unfortified	.9400
Fortified (vitamins A and D)	.9525
Cheddar Cheese, standard moisture basis:	
40-pound blocks, U.S. Grade A or Higher	1.3950
500 pounds in fiber barrels, U.S. Extra Grade	1.3650

[1] The price of butter located at any other point outside these cities will be the price at New York City minus 80 percent of the lowest published domestic railroad through freight rate for frozen butter in effect on October 1 of each marketing year from such other point to New York City. The appropriate freight car rate will be calculated on a per pound gross weight basis for a 60,000-pound carlot. However, the price at any location shall be not less than the purchase price at New York City minus 3 cents per pound. For any location in Wisconsin or Kentucky, the price shall not exceed the purchase price at Chicago.

(Sec. 201(c), Agriculture Act of 1949, as amended (63 Stat. 1051, as amended; (7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; (15 U.S.C. 714b and 714c)))

Signed at Washington, D.C., on April 19, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82-11011 Filed 4-21-82; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Tonto National Forest Grazing Advisory Board; Meeting

The Tonto National Forest Grazing Advisory Board will meet June 17, 1982, at 10:00 a.m. at the Tonto National Forest Supervisor's Office, 102 South 28th Street, Phoenix, Arizona. The purpose of this meeting is to cover the following agenda items:

1. Election of officers to the Grazing Advisory Board.
2. Review proposed expenditures of Range Betterment Funds, as authorized by Public Law 94–579 (FLPMA Section 403), for Fiscal Years 1982 and 1983.

The meeting will be open to the public. Persons who wish to attend should notify James L. Kimball, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85038, telephone (602) 261–3205. Written statements may be filed with the Board before or after the meeting.

Oral statements may be made by public attendance when recognized by the Chair.

James. L. Kimball,

Forest Supervisor.

April 13, 1982.

[FR Doc. 82-10951 Filed 4-21-82; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 11–82]

Foreign-Trade Zone 19, Omaha, Nebraska; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (FTZ Board) by the Dock Board of the City of Omaha, Nebraska, a municipal public corporation and grantee of Foreign-Trade Zone 19, requesting authority to expand its zone project to include an industrial park site in Omaha, within the Omaha Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR Part 400). It was formally

filed on April 15, 1982. The applicant is authorized to make this proposal under Section 21–20.145 of the Statutes of the State of Nebraska.

In 1975, the Dock Board received authority from the FTZ Board to establish a zone project in Omaha (Board Order 104, 40 FR 4496, 1–30–75) at the Omaha Municipal Dock, 701 Abbott Drive. During the past fiscal year, the facility received over $200,000 in merchandise. An industrial park site was contemplated for a future proposal as demand for such zone services developed.

The applicant now requests zone status for 38 acres (Lots 5, 8, 10, and 16) within the 270-acre Riverfront Industrial Park. Located at Abbott Drive and Crown Point Avenue, the site is adjacent to Eppley Airfield and within 4 miles of the existing zone. It will be utilized by firms interested in using zone procedures for operations which cannot be accommodated at the existing facility and for standby space for future zone development. SCNO Terminal Corporation, which operates the zone at the municipal dock, will also operate the proposed industrial park site.

In accordance with the FTZ Board's regulations, and Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald E. White, District Director, U.S. Customs Service, Region IX, 610 South Canal Street, Chicago, Illinois 60607; and Colonel Vito D. Stipo, District Engineer, U.S. Army Engineer District Omaha, 6014 U.S.P.O. and Courthouse, 215 N. 17th Street, Omaha, Nebraska 68102.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 20, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Empire State Building, 300 South 19th Street, Omaha, Nebraska 68102

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: April 19, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-11064 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Carbon Steel Bars and Structural Shapes From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On January 11, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The review is limited to direct shipments by Western Canada to the United States and covers all but three of the direct shipments during the period October 1, 1972 through August 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4794/2496).

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1964, a dumping finding with respect to carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, was published in the **Federal Register** as Treasury Decision 56264 (29 FR 13319). On January 11, 1982, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the antidumping finding (47 FR 1162–64). The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by the review are direct shipments of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. These imports are currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

This review covers all but three of the direct shipments made by Western Canada Steel during the period October 1, 1972 through August 31, 1980. Review of the three exempted shipments has been deferred pending receipt of additional data.

The notice of preliminary results contained an error at page 1163 under "Preliminary Results of the Review". The first time period of review listed should have read October 1, 1972 through September 24, 1973 instead of October 1, 1972 through September 24, 1974.

In their response to our questionnaire, Western Canada Steel provided information on sales to Canadian customers which they believed were destined for delivery to the United States. However, they were uncertain whether these shipments ultimately were shipped to the United States. We deferred the review of the indirect shipments but performed a preliminary analysis of the submitted information to establish an estimated cash deposit rate. Based on our preliminary analysis we have determined the estimated cash deposit to be 2.93 percent. Shipments by Western Canada Steel's domestic customers will be covered in our next administrative review.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results are the same as the preliminary results and we determine that the following weighted average margins exist:

Time period	Margin
10/01/72-09/24/73	15.49 percent.
09/25/73-09/24/74	3.02 percent.
09/25/74-09/24/75	No direct shipments.
09/25/75-09/24/76	No direct shipments.
09/25/76-09/24/77	No direct shipments.
09/25/77-09/24/78	12.59 percent.
09/25/78-09/24/79	No direct shipments.
09/25/79-08/31/80	No direct shipments.

The Department shall determine, and the U.S. Customs Service shall assess,

dumping duties on all but three of the direct shipments made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 12.59 percent, based upon the margin in the latest period of this review during which there were direct shipments, shall be required on all direct shipments by Western Canda Steel entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For shipments of carbon steel bars and structural shapes produced by Western Canada Steel but shipped by another firm, a cash deposit of 2.93 percent shall be required. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next Administrative review by the end of September 1982. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

April 14, 1982.

[FR Doc. 82-11065 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Wire Rod From Belgium, France, Brazil, the Republic of South Africa, and Argentina; Postponement of Countervailing Duty Preliminary Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of countervailing duty preliminary determinations.

SUMMARY: The countervailing duty preliminary determinations involving carbon steel wire rod from Belgium, France, Brazil, the Republic of South Africa, and Argentina (hereinafter, "the countries involved") are being postponed as the investigations have been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determinations not later than July 8, 1982.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, DC 20230/ (202) 377-1273.

SUPPLEMENTARY INFORMATION: On March 1, 1982, we announced our initiation of countervailing duty investigations to determine whether producers, manufacturers, or exporters of carbon steel wire rod from the countries involved receive any benefits from the governments of the countries involved or the European Communities, as appropriate, that are subsidies (47 FR 5739-5754). The notices stated that we would issue preliminary determinations by May 4, 1982.

As detailed in the notices of initiation of the countervailing duty investigations, the petitions allege that the governments of the countries involved and the European Communities, as appropriate, provide various programs which constitute subsidies to producers, manufacturers, or exporters of carbon steel wire rod. The alleged subsidy practices are numerous and raise complex issues. Moreover, it is difficult to determine the extent of utilization of the programs by the manufacturers, producers, or exporters. We have determined that the governments of the countries involved and the other parties concerned are cooperating and that additional time is necessary to make the countervailing duty preliminary determinations. For these reasons we determine that these cases are extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue countervailing duty preliminary determinations not later than July 8, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 14, 1982.

[FR Doc. 82-11068 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Correction

In the Decision on Applications for Duty-Free Entry of Electron Microscopes appearing on pages 16059-16060 in the **Federal Register** of Wednesday, April 14, 1982, Docket No. 82-00073 is hereby amended to read: Docket No. 82-00073. Applicant: University of Arizona Health Science Center, Campbell Avenue, Tucson, Arizona 85724. Article: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 4721 in the **Federal Register** of February 2, 1982. Article ordered: October 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-11070 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Impression Fabric of Man-Made Fiber From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidimping finding.

SUMMARY: On April 29, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on impression fabric of man-made fiber from Japan. The review covered the two known exporters and the period November 14, 1978 through April 30, 1980. Interested parties were given an opportunity to submit oral or written comments on these preliminary results. At the request of the petitioner, we held a public hearing on September 10, 1981. After analysis of the comments received, the Department has made no adjustments to the margins published in the preliminary results.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia H. McClenahan or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986/2496).

SUPPLEMENTARY INFORMATION:

Background

On May 25, 1978, a dumping finding with respect to impression fabric of man-made fiber from Japan was published in the **Federal Register** as Treasury Decision 78-143 (43 FR 22344-345). On April 29, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative

review of the finding (46 FR 23962–963). The Department has now completed that administrative review.

Scope of the Review

The imports covered by this review are shipments of impression fabric of man-made fiber ("impression fabric"), currently classifiable under item numbers 338.5001, 338.5002, and 347.6020 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers the two known exporters, Nissei Co., Ltd. and Nichibo Co., Ltd., for the period November 14, 1978 through April 30, 1980. Nissei Co., Ltd. provided an inadequate response to our questionnaire; therefore, our review is based upon the best information available for Nissei Co., Ltd., that is, margins based upon the most recent appraisement instructions ("master list"). The proposed cash deposit requirement for Nissei Co., Ltd. was 10.12 percent.

Nichibo reported that for this period it made no shipments to the United States. In a prior response to the Department of the Treasury, it stated that all of its existing contracts and sales to U.S. customers are for fabric of 100 percent pure silk. The proposed cash deposit requirement for Nichibo, based upon the best available information which was used for Nissei Co., Ltd., was 10.12 percent.

Analysis of Petitioner's Comments

(1) *Comment:* The Department has not fulfilled its duty to review the amount of antidumping duties to be assessed, by determining the foreign market value, the U.S. price and the dumping margins, on the basis of Treasury's prior determinations found in the master list.

Position: For non-responsive companies, we used the best information available, in this case a previously issued master list. Subsequent to receipt of petitioner's comment, we released the previously issued master list to petitioner under an administrative protective order. Petitioner submitted no comments on the master list after this protective order release. As a result, we can use the master list, as the best information available, to assess antidumping duties.

(2) *Comment:* Rebates granted by Nissei Co., Ltd. are not directly related to the sales under consideration. The rebates were not based upon particular sales, and therefore were not "rebates" but rather "goodwill expenditures". Such after sale rebates are not quantifiable until the end of the rebate period and therefore can not affect specific selling prices.

Position: Since this review is based upon best evidence reliance on a master list, the Department did not question adjustments permitted by Treasury in issuing the master list.

Further, assuming the correctness of Treasury's factual determinations, the adjustments allowed for certain rebates are, as a matter of general policy, quantifiable and directly related to the sales under consideration. Rebate liabilities can be incurred by virtue of the sales of impression fabric during a period reviewed. Thus, the end-of-period rebate amount can be affected directly by the sale or non-sale of impression fabric, and the rebates can be directly related to the sales under consideration.

(3) *Comment:* The adjustments for inland freight in home market sales are not permitted by statute.

Position: Since this review is based upon best evidence reliance on a master list, the Department did not question adjustments permitted by Treasury in issuing the master list.

As a matter of general policy, in making a fair and equitable comparison, the Department believes it is necessary to reduce the United States price and foreign market value being compared to comparable terms. In its simplest form, the calculation will ordinarily be made by taking the ex-factory price for both the sale to the U.S. and for home consumption. In adjusting foreign market value pursuant to section 773(a)(4), for differences in circumstances of sale to permit a fair value comparison on comparable terms, the Department follows a long-standing administrative practice with regard to inland freight.

(4) *Comment:* Adjustments for differences in interest costs should not be allowed.

Position: Since this review is based upon best evidence reliance on a prior master list, the Department did not question adjustments permitted by Treasury in issuing the master list.

As a matter of general policy, the Department maintains that its allowance of differences in cerdit terms (interest costs specified in comments) is in accordance with § 353.15 of the Commerce Regulations which states that reasonable allowances will be made for the costs to the seller of any differences in circumstances of sale. (See discussion of comment #3).

(5) *Comment:* The Treasury Department's Final Determination of Sales at Less Than Fair Value discontinued the antidumping investigation of Shirasaki Tape Co., Ltd. ("Shirasaki"). Section 353.53(e) of the Commerce Regulations requires that investigations concluded with discontinuances before January 1, 1980, be reviewed under section 751 of the Tariff Act of 1930 ("the Tariff Act"). By failing to review entries by Shirasaki, the Commerce Department has not followed its own regulations.

Position: The status of Treasury discontinuances and the issue of the Department's obligations to monitor or review them is currently under review by the Department.

(6) *Comment:* The Department's refusal to disclose the Treasury Department's master list and underlying data under protective order prevents the petitioner from reviewing the Department's determination.

Position: The Department released the relevant master list and worksheet requested in the protective order. We received no comments on this data from the petitioner.

Analysis of Respondent's Comments

(7) *Comment:* During the fair value investigation the margins for Shirasaki were changed from 1.15 percent to 0.34 percent between the tentative and the final determinations. The earlier margin was considered "minimal" and required price assurances for a discontinuance. Assurances were submitted at the time of the tentative determination and were not withdrawn. However, margins of 0.34 percent are "de minimis" and should have resulted in exclusion from the finding without assurances. Shirasaki should have been excluded from the final determination.

Position: See our discussion of comment #5.

Final Results of the Review

After analysis of the comments received, the Department has made no adjustments to the margins published in the preliminary results:

Japanese exporter	Time period	Margin (percent)
Nichibo Co., Ltd.	11/14/78–4/30/80	[1] 10.12
Nissei Co., Ltd.	11/14/78–4/30/80	10.12

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the time period involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the above margin for each firm shall be required on all shipments by these firms entered, or withdrawn from warehouse, for

consumption on or after the date of publication of these final results. For any shipment from a new exporter not covered in this administrative review, unrelated to any of the covered in this administrative review, unrelated to any of the covered firms, a cash deposit shall be required at the same rate. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review as soon as possible in 1982.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-11068 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Romania; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Romania. The review covers the only known exporter of this merchandise to the United States, Metalimport, and the period October 1, 1980 through September 30, 1981. There have been no known shipments to the U.S. during the period and there are no known unliquidated entries.

As a result of this review, the Department has decided to require a cash deposit equal to the margin calculated during the original fair value investigation.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4793/2657).

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1981 the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 56839-56840) the final results of its first administrative review of the antidumping finding on pig iron from Romania and announced its intent to conduct the next administrative review by the end of October 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one exporter of pig iron from Romania to the United States, Metalimport. The review covers the period October 1, 1980 through September 30, 1981.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that there were no shipments by Metalimport during the review period and there are no known unliquidated entries. Interested parties may submit written comments on these preliminary results on or before May 24, 1982 and may request disclosure and/or a hearing on or before May 3, 1982. Any hearing, if requested, will be held 30 days after publication of this notice or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin for the firm shall be required on all shipments of pig iron from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Metalimport failed to respond to our questionnaire for the review period. The most recent margin calculated for Metalimport is the rate of 70 percent during the original fair value investigation. This rate shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1)) of the Tariff Act (19 U.S.C. 1675(a)(1) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

April 14, 1982.

[FR Doc. 82-11067 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Research Foundation of SUNY at Stony Brook; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No: 82-00018. Applicant: Research Foundation of SUNY at Stony Brook, State University of New York, Department of Materials Science Engineering, Stony Brook, NY 11794. Article: Hemispherical Analyzer, Model 424 with Channeltron. Manufacturer: VG Scientific Ltd., United Kingdom. Intended use of article: See Notice on page 57719 in the **Federal Register** of November 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 81-00074 which was denied without prejudice to resubmission on July 27, 1981 for informational deficiencies. The application relates to an energy analyzer for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with

which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-11069 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Stanford University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00368. Applicant: Stanford University, Procurement Services, AEF 109, Palo Alto, CA 94304. Article: Angle-Resolved Electron Spectrometer System, ADES-400. Manufacturer: VG Scientific Instruments, United Kingdom. Intended use of article: See Notice on page 48280 in the **Federal Register** of October 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides four independently controlled electron escape angles. The National Bureau of Standards advises in its memorandum dated February 25, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-10906 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Cooperative Agreements Under the Business Development Center and Indian Business Development Center Programs; Soliciting Applications

April 9, 1982.

The Minority Business Development Agency (MBDA) is revising closing dates on the following projects soliciting applications for Cooperative Agreements under the Business Development Center (BDC) and Indian Business Development Center (IBDC) programs:

Amendment—Project I. D. Number 09-10-82021-01, Santa Barbara, California SMSA, announced in the **Federal Register**, February 22, 1982. Revised closing date will be May 14, 1982.

Amendment—Project I. D. Number 09-10-82017-01, Las Vegas, Nevada SMSA, announced in **Federal Register**, February 22, 1982. Revised closing date will be May 14, 1982.

Amendment—Project I. D. Number 09-10-82007-01, Anaheim, California, SMSA, announced in **Federal Register**, February 22, 1982. Revised closing date will be May 14, 1982.

Amendment—Project I. D. Number 09-10-82005-01, Honolulu, Hawaii SMSA, announced in **Federal Register**, February 22, 1982. Revised closing date will be May 14, 1982.

Amendment—Project I. D. Number 10-10-82024-01, State of Washington/Oregon, announced in **Federal Register**, March 12, 1982. Revised closing date will be May 14, 1982.

Dated: April 7, 1982.

Ramon Romero,

Regional Director.

[FR Doc. 82-11030 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Southwest Fisheries Center (P77#3).

b. Address: National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Hawaiian Monk Seals (Monachus schauinslandi), 50.

4. Type of Take:

A maximum of fifty animals of both sexes and all age classes will be fitted with radio tags and maximum depth recorders.

5. Location of Activity: Lisianki Island, Hawaii.

6. Period of Activity: 18 months.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before May 24, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 16, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-11045 Filed 4-21-82; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Chronic Hazard Advisory Panel on Asbestos; Invitation to Submit Suggestions for Scientists To Serve as Members

AGENCY: Consumer Product Safety Commission.

ACTION: Invitation to submit suggestions for scientists to serve as members of advisory panel.

SUMMARY: This notice invites suggestions for scientists to serve as members on the Commission's Chronic Hazard Advisory Panel on the Use of Asbestos in Consumer Products. The seven member panel will provide scientific advice to the Commission concerning the potential chronic hazard of cancer associated with this use. This notice also contains information on the function and composition of the panel, general criteria for selection of panel members, and procedures for suggesting candidates for membership. This will be the first Commission advisory panel established under recently-enacted legislation.

The Commission emphasizes that the selection of the panel is only the first step toward a decision on whether to take any action concerning asbestos in consumer products. The Commission has not decided whether to begin any rulemaking.

DATE: Suggestions for membership should be submitted no later than June 7, 1982.

ADDRESS: Membership suggestions should be sent to Susan Guenette, Chemical Hazards Program, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR ADDITIONAL INFORMATION CONTACT: Susan Guenette, Chemical Hazards Program, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6984.

SUPPLEMENTARY INFORMATION:

A. Background

Recent amendments to the Consumer Product Safety Act (CPSA) require the Commission to establish and receive the reports of Chronic Hazard Advisory Panels before beginning rulemaking relating to the risks of cancer, birth defects, and gene mutations associated with consumer products. Section 1206 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35); 15.U.S.C. 2077, as amended.

In carrying out its advisory functions, a panel is to review scientific data and other relevant information relating to the potential risks of cancer, birth defects, or gene mutations from a substance in consumer products. The panel is to determine if the substance is a carcinogen, mutagen, or a teratogen and, if feasible, estimate the probable harm to human health that will result from exposure to that substance. The report of the panel must be considered by the Commission and incorporated into any advance notice of proposed rulemaking and final rule.

The Commission therefor emphasizes that establishment of a panel on asbestos, as discussed in section B below, does not mean that the Commission will necessarily regulate any asbestos product. Because the CPSA requires that a panel must meet and advise the Commission before an advance notice of proposed rulemaking can be issued, the Commission is establishing a panel now as a preliminary step. If the panel's advice and other available information are later found to justify regulatory action concerning an asbestos product, the Commission will then decide whether to begin a rulemaking proceeding.

B. Purposes of Panel

The Commission has decided to convene a panel on asbestos as used in consumer products because of concern that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers. The health hazard may occur when asbestos fibers are released into the air and people inhale them. Inhaled asbestos fibers may become embedded in lung tissue and, once embedded, they may remain there indefinitely. Asbestos fibers that are released from consumer products can remain in the household air for long periods of time and may subject household members to a continuous risk of fiber inhalation.

The Commission's past activities on consumer products containing asbestos include:

1. The Commission banned asbestos-containing patching compounds and artificial emberizing materials in January 1977.

2. In October 1979 the Commission issued, jointly with the Environmental Protection Agency (EPA), an Advance Notice of Proposed Rulemaking (ANPR) on Commercial and Industrial Use of Asbestos Fibers and Consumer Products Containing Asbestos (44 FR 60056, October 17, 1979). The Joint ANPR requested general information concerning the use of asbestos in consumer products and described the Commission's proposed regulatory approach to asbestos in consumer products.

3. In 1979 the Commission negotiated with manufacturers voluntary corrective actions and agreements to cease the use of asbestos in hair dryers.

4. In April 1980 Robert Frye petitioned the Commission and presented data which indicated that consumers were exposed to asbestos fibers when using asbestos paper (CP 80–3). The Commission granted the petition and directed the staff to develop a proposed rule to ban asbestos paper.

5. In June 1980 the Commission voted to issue a general order to require firms to furnish information concerning the use of asbestos in selected categories of consumer products.

From the information obtained through the general order and joint ANPR, the staff has found that many of the remaining uses of asbestos in consumer products do not result in consumer exposure. However, the staff has identified several consumer products (e.g., asbestos paper and millboard, bulk asbestos fibers, dry mix furnace cement, wood and coal burning stove door gaskets, certain laboratory and artists materials and stove pads and iron rests) which may present a risk of consumer exposure to asbestos. The staff believes that the results of investigations of possible exposure and risk from these products could lead them to recommend that the Commission begin one or more regulatory proceedings. Therefore, the Commission has agreed to convene a panel to review the carcinogenicity of asbestos and the risks attendant to exposure to this chemical substance.

The staff has prepared documents which it will ask the panel to review (in addition to other medical and scientific information that the panel may find relevant) relating to the general areas of carcinogenicity and epidemiology and the assessment of the risk to human health from exposure to asbestos. Specifically, the Commission will ask the panel to consider the following questions:

1. Are the available animal and epidemiologic data sufficient to draw a conclusion as to the human carcinogenicity of asbestos?

2. Is there evidence linking low level asbestos exposure, and intermittent or short term exposure, with asbestos related diseases?

3. Are there chronic health effects other than cancer related to low level exposure to asbestos?

4. Can a distinction be drawn by size of the asbestos fiber or fiber type in assessing the potential carcinogenic risk from exposure to asbestos?

5. Is there a basis for numerical evaluation of human risks from a given low level exposure to asbestos? What is the evaluation? How meaningful is it?

6. Is there evidence which indicates a threshold exposure level for asbestos? Is there a biological basis to believe a threshold exists for asbestos?

C. Membership and Selection

The Consumer Product Safety Act specifies that panel members must be scientists who have demonstrated the ability to critically assess chronic hazards and risks to human health presented by the exposure of humans to toxic substances or as demonstrated by the exposure of animals to such substances. 115 U.S.C. 2077, as amended. Members may not be officers or employees of the United States or receive compensation from or have any substantial financial interest in any manufacturer, distributor, or retailer of a consumer product. The Act provides that the President of the National Academy of Sciences (NAS) shall nominate 21 individuals from which the Commission is to appoint a seven member panel.

To provide for the broadest possible consideration of qualified scientists, the Commission, with the concurrence of NAS, is soliciting suggestions for nominees for the asbestos panel. The Commission will forward suggestions to NAS without evaluation. In cases of apparent conflict of interest, the Commission will return the suggestion to the submitting individual with an explanation. However, the NAS, in the preparation of lists of nominees to be submitted to the Commission, will not be limited by the suggestions submitted in response to this public notice.

The panel will meet at least twice for two-day sessions in Washington, D.C. over a 120-day period, beginning approximately in July 1982. Travel expenses are reimbursable in accordance with Federal regulations. Members will receive compensation of $100 for each day (including travel time) during meetings of the panel.

D. Format for Membership Suggestions

Scientists interested in serving on the asbestos panel may suggest themselves for membership, and others may suggest the names of scientists who may be willing to serve on the panel. In either case, the suggestion should include the following information to the extent possible:

(1) Name of scientist suggested for panel membership.

(2) Home address and telephone number, including area code.

(3) Employment affiliation (if any):

a. Current position and description of duties.

b. Employer's name, address, and telephone number (include area code), and type of organization, e.g. health care, manufacturing, educational, testing laboratory, governmental, public interest, retail, etc., including if self-employed.

c. Consulting work (if so, specify kind of consulting work, for whom, and if paid or volunteer).

d. CPSC contract work or grant (if so, specify contract title, number and involvement).

(4) Experience/Expertise: Specify and describe any education, experience, publications related to assessing chronic hazards, particularly from exposure to asbestos. Resumes or curriculum vitae may be submitted.

E. Privacy Act Notice

The information requested in section D may become part of a Privacy Act system of records and will be used to evaluate candidates for the Chronic Hazard Advisory Panel. There are no penalties for not submitting the information except for possibly precluding selection of a candidate. The authority for collecting the information is section 28 of the Consumer Product Safety Act, 15 U.S.C. 2077, as amended by section 1206 of the Consumer Product Safety Amendments of 1981 (Pub. L. 97–35).

Applications should be submitted no later than June 7, 1982, to Susan Guenette, Chemical Hazards Program, Consumer Product Safety Commission, Washington, D.C. 20207. She will also respond to any questions and will provide additional information where possible.

Dated: April 16, 1982.

Sheldon D. Butts,

Acting Secretary.

[FR Doc. 82-10990 Filed 4-21-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 13, 1982.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group will meet at Wright-Patterson Air Force Base, Ohio in Room 222, Building 14, Area B on May 11 and 12, 1982. The purpose of the meeting will be to review selected programs and projects relating to the missions of the Aeronautical Systems Division and the Air Force Wright Aeronautical Laboratories. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10952 Filed 4-21-82; 8:45 am]

BILLING CODE 3910-01-M

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Public Law 95–202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on April 7, 1982, that the service of the members of the group knows as the Wake Island Defenders from Guam shall be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans' Administration.

Also, on April 7, 1982, the Secretary of the Air Force determined that the service of the members of the groups known as the U.S. Coast Guard Temporary Reserve and the Guam Local Security Patrol Force shall not be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration.

For further information contact: Technical Sergeant Stephen J. Koegle, USAF telephone: 694–5380, Office of the Secretary of the Air Force Personnel Council, (SAF/MIPC), The Pentagon, Washington, DC 20330.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10953 Filed 4-21-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Amendments to Systems Notices

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletions of and amendments to system notices.

SUMMARY: The Department of the Army proposes to delete six and amend three system notices for systems of records subject to the Privacy Act of 1974. The notices being amended are printed below following identification of changes proposed.

DATES: Actions shall be effective May 24, 1982, unless public comments are received which result in a contrary determination.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–R, Room 1146, Hoffman Building 1, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army at the above address; telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: The Department of the Army's inventory of systems of records subject to the Privacy Act of 1974 appears in the following editions of the **Federal Register**:

FR Doc. 79–37052 (44 FR 73729), December 17, 1979
FR Doc. 81–897 (46 FR 6460), January 21, 1981
FR Doc. 82–674 (47 FR 2544), January 18, 1982
FR Doc. 82–5277 (47 FR 8610), March 1, 1982

The system notices being amended do not require a report of an altered system pursuant to 5 U.S.C. 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A–108.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 19, 1982.

DELETIONS

AAFES0501.01

System name:

AAFES No-Notice Evaluation Report File (44 FR 73743), December 17, 1979.

Reason:

Records are not subject to the Privacy Act.

AO225.11iDAPC

System name:

Enlisted Evaluation System (44 FR 78783), December 17, 1979.

Reason:

Records are covered by system notice AO713.09aTRADOC, Skill Qualification Test.

AO302.06aDAIG

System name:

Travel Advance Accounting System (TAAS) (44 FR 73789), December 17, 1979.

Reason:

Record are covered by system notice AO305.05aDACA, Travel Payment System.

AO709.07DAPE

System name:

Cadet Academic Management Information System (44 FR 73883), December 17, 1979.

Reason:

Information is not maintained or retrieved by individually identifiable characteristics.

AO714.02dDAPC

System name:

Central Transient Account System (CTAS) (44 FR 73890), December 17, 1979.

Reason:

Records are included in system notices AO708.02cDAPC, Officer Personnel Management Information System (OPMIS), and AO708.02dDAPC, Enlisted Personnel Management Information System (EPMIS).

AO714.02fDAPC

System name:

Army Military Central Registry System (44 FR 73890), December 17, 1979.

Reason:

Records are included in system notices AO708.02cDAPC, Officer Personnel Management Information System (OPMIS), and AO708.02dDAPC, Enlisted Personnel Management Information System (EPMIS).

AMENDMENTS

A0708.13aDAIG

System name:

Inspector General Management Information System (44 FR 73875), December 17, 1979.

Changes:

System Identification:

Delete suffix from numerical identifier.

System name:

Delete "Management Information"; substitute therefor: "Personnel".

Policies and practices for storing, retrieving, accesing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute the following: "Information on cards and printouts is created upon individual's detail to Inspector General and is retained for 4 years after individual's detail has been terminated to provide relevant historical data."

Record access procedures:

Delete entry and substitute therefor: "Written requests should be addressed as indicated in "Notification procedures" and include the individual's full name, Social Security Account Number, current address and telephone number, and signature. For personal visits, individual should be able to provide acceptable identification such as military, employer, or other individually identifying data such as a valid driver's license."

Contesting record procedures:

Delete entry; substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

A1015.06DAAG

System name:

School Employee File (44 FR 73976), December 17, 1979.

Changes:

Systems exempted from certain provision of the act:

Delete entry and substitute the following: "None". (Previously claimed exemptions were deleted as no longer applicable by Final Rule published in the **Federal Register** December 15, 1981 (46 FR 61115)).

A1108.16DAAG

System name:

Postal and Mail Service System (47 FR 8617), March 1, 1982.

Changes:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add: "word processing disk."

Safeguards:

Add: "Where word processing equipment is used, information is protected by a password system; when

not in use word processing equipment is locked."

A0708.13DAIG

SYSTEM NAME:

Inspector General Personnel System (IGPERS).

SYSTEM LOCATION:

U.S. Army Inspector General Agency (USAIGA), The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned and/or detailed to Inspector General offices/positions in Department of the Army and certain Department of Defense and Joint activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, Social Security Account Number, education, duty position, organization of assignment, date assigned, estimated departure date, job specialty, and relevant career data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army for strength accounting and management of IG assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, computer disk, tapes, and printouts of alphabetical and unit rosters.

RETRIEVABILITY:

By name or SSN.

SAFEGUARDS:

Physical security devices, limited access via building guard and personnel clearances restrict access to authorized personnel having need for the information in their official duties. Access to and update of information in the system are protected through a double password system (terminal control and designation of individuals). Password changes are made at specified intervals.

RETENTION AND DISPOSAL:

Information on cards and printouts is created upon individual's detail to Inspector General and is retained until individual transfers or is separated; information in automated media is retained for 4 years after individual's detail to IG has been terminated to provide relevant historical data.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Headquarters, Department of the Army, Room 1E–740, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system contains information on them should inquire of The Inspector General, Headquarters, Department of the Army (DAIG–ZXM), Room 1E–740, The Pentagon, Washington, DC 20310; telephone: (202) 695–4580.

RECORD ACCESS PROCEDURES:

Written requests should be addressed as indicated in "Notification procedures" and include the individual's full name, Social Security Account Number, current address and telephone number, and signature. For personal visits, individual should be able to provide acceptable identification such as military, employer, or other individually identifying data such as a valid driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; reports, letters, assignment and detail orders from Inspector General offices; Army Register; US Army Military Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1108.16DAAG

SYSTEM NAME:

Postal and Mail Service System (47 FR 8617), March 1, 1982.

SYSTEM LOCATION:

Postal facilities at Army headquarters offices, commands, and installations. Addresses are contained in the appendix to the Army's listing of system notices (44 FR 74011, December 17, 1979).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons designated as mail agents; military personnel assigned/attached to Army installations who desire mail handling service; standing delivery order agents designated by individuals who desire such service.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 285 designating Army postal clerks/NCO's/supervisors; locator cards comprising a directory of individuals assigned, en-route, and/or departing given installation showing individual's full name, grade, current mailing address, date of assignment/detachment, and Social Security Account Number (latter is voluntary); standing delivery order designations of agents to handle individual's mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to identify persons authorized to perform Army postal functions; to maintain current addresses of persons arriving/departing units for purpose of handling personal mail.

Information may be disclosed to US Postal Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records; microfiche, word processing disk.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are located in secured buildings, accessible only to designated persons having an official need for the information. Where word processing equipment is used, information is protected by a password system; when not in use, word processing equipment is locked.

RETENTION AND DISPOSAL:

Postal personnel designations and designation of mail delivery agents by individuals are destroyed 3 years following termination of individual's duty as such. Directly locator cards are retained for 1 year after individual departs a unit.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (ATTN: DAAG–MAO), Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURES:

Individuals desiring to know whether this system of records contains information concerning them should

inquire of the Postal Director at the unit where assigned or employed.

RECORD ACCESS PROCEDURE:

Written requests should contain individual's full name, rank/grade, Social Security Account Number, and any other information that will assist in locating records. Personal visits may be made; individual must furnish proof of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, unit commanders, and Army postal officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1015.06DAAG

SYSTEM NAME:

School Employee File

* * * * *

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–11002 Filed 4–21–82; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

Correction

In FR Doc. 82–10110, published at page 15825, on Tuesday, April 13, 1982, on page 15826, in the first column, in the "Address:" paragraph, in the second line "ROB–6" should be corrected to read "FOB–6".

BILLING CODE 1505–01–M

Veterans' Cost-of-Instruction Payments Program—Payments to Institutions of Higher Education; Application Notice for New Awards for Fiscal Year 1982

Applications for new awards are being invited from institutions of higher education under the Veterans' Cost-of-Instruction Payments Program.

Authority for this program is contained in section 420 of the Higher Education Act of 1965, (20 U.S.C. 1070e–1).

This program issues awards to institutions or combinations of institutions of higher education.

The purpose of the awards is to assist institutions in providing specific educational services to veterans enrolled at the institution.

Closing date for transmittal of Applications: An application for a grant must be mailed or hand delivered by May 24, 1982.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Veterans' Cost-of-Instruction Payments Program Branch, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Attention: 84.540, 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 commerical 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 be notified that its application will not be considered.

Applications delivered by hand: An application to be hand delivered must be taken to the U.S. Department of Education, Veterans' Cost-of Instruction Payments Program Branch, Room 3514, ROB–3, 7th and D Streets, S.W., Washington, D.C. Hand-delivered applications will not be accepted after 4:30 p.m. on the closing date.

Program information and application forms: Program information packages and applications forms are ready for mailing. They may be obtained by writing to the U.S. Department of Education, Office of Postsecondary Education, Veterans' Cost-of-Instruction Payments Program Branch, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Available funds: There is authorized $4,800,000 for new awards under the Veterans Cost-of-Instruction Payments Program in fiscal year 1982. It is estimated that these funds could provide assistance to approximately 900 institutions. However, the President has proposed budget rescissions to the Congress that may eliminate the funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the program office at the addresss in this notice.

Applicable regulations: The regulations applicable to this program appear at 34 CFR Part 629.

Further information: For further information contact Stanley B. Patterson, Chief, Veterans' Cost-of-Instruction Payments Program Branch, U.S. Department of Education, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: 202–245–2806.

(20 U.S.C. 1070e–1)

Dated: April 19, 1982.

(Catalog of Federal Domestic Assistance Number 84.540; Higher Education Veterans' Cost-of-Instruction Program (VCIP))

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 82–11026 Filed 4–21–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

DEPARTMENT OF AGRICULTURE

Forest Service

Record of Decision to Construct the Northwest Montana/North Idaho Support and Libby Integration 230-kV Transmission Line

AGENCY: Bonneville Power Administration, DOE and Forest Service, USDA.

ACTION: Bonneville Power Administration (BPA) has decided to build a 115,000/230,000 volt (115/230-kV) double-circuit transmission line between Libby Dam in northwestern Montana and Sandpoint Substation, near Sandpoint, Idaho. The U.S. Department of Agriculture Forest Service (USFS), a cooperating agency on this project, has decided to grant a right-of-way permit to BPA for construction of the transmission line across portions of the Kootenai and Panhandle National Forests.

DECISION SUMMARY: BPA and USFS cooperated in a corridor study for the

Northwest Montana/North Idaho Support and Libby Integration 230-kV transmission line. A corridor (preferred electrical system plan) decision was made in 1978, with USFS concurrence, to replace an existing 115-kV transmission line and to rebuild the new line within as much of the existing right-of-way as possible. A draft and final Environmental Impact Statement (EIS) Supplement on the route selection for this project was jointly prepared by BPA and USFS, with BPA the lead agency (Supplement to the Final Planning Phase EIS DOE/EIS–0030–FS–1 Northwest Montana/North Idaho Support and Libby Integration). The Final Supplement was filed with the Environmental Protection Agency on October 16, 1981. The Record of Decision (ROD) for this project is a joint BPA–USFS document.

This line was proposed in the Final Supplement cited above. The new line, using a combination of double-circuit wood structures and double-circuit steel towers, will replace a 115-kV single-circuit wood pole line and will use existing right-of-way for all but about 5 miles of its 93-mile length. The project, which includes the mitigation measures listed in another part of this document, is the environmentally preferred alternative. All practicable means to avoid or minimize environmental harm which were identified in the EIS Supplement have been adopted.

SUPPLEMENTARY INFORMATION:

Alternatives

Development of this proposal took place in two steps: (1) A planning phase, which resulted in a decision in June 1978 to use a preferred electrical system plan, Plan B presented in the Final Planning Supplement included in BPA's 1980 Program EIS (DOE/EIS–0030); and (2) a location phase, which resulted in the Northwest Montana/North Idaho Support and Libby Integration Final EIS Supplement. Public comment on this proposal was solicited during the review periods, at formal and informal public meetings, and during the total planning process.

In order to be considered reasonable, alternatives have to meet the basic need for reliability of electrical service to loads in Northwest Montana and North Idaho.

BPA considered the following alternatives in the location phase supplement:

(1) The proposal—remove the existing 115-kV transmission line and replace it with a 115/230-kV double-circuit line to maintain system reliability and to integrate potential new generation at Libby Dam.

(2) No action—take no construction action to resolve reliability and service problems that are predicted.

(3) Minimum build—reconductor the existing 115-kV transmission line to higher capacity to relieve predicted overloads.

(4) Conservation—encourage conservation of electrical energy to reduce peak demand in the geographic area.

The proposal is the only alternative that would adequately serve the needs and purposes to which BPA is responding. The No-action and Minimum-build alternatives are not considered reasonable because they do not satisfy the identified needs. Conservation would not reduce area loads in time to prevent predicted line overloads, but it is being pursued concurrently as required by the Regional Act, (16 U.S.C. 839).[1]

During the planning and EIS preparation phase of the project, the need to integrate potential generation development at Libby Dam was considered. Changes in the U.S. Army Corps of Engineers (COE) proposed program at Libby removed this need from the project. Before making the final decision, a complete review for both need and timing without additional generation at Libby was made. This review has been completed and has verified the need and timing of the project. This decision is made on the basis of no additional Libby units beyond Unit 5 and no re-regulation dam with associated generation.

Decision Factors

BPA based its decision on the following factors:

(1) The effectiveness of the alternatives in providing reliable electrical service to Northwest Montana and North Idaho. The proposal is the only alternative that meets BPA's and the Western Systems Coordinating Council's reliability standards, as defined in *BPA Reliability Criteria and Standards.*

(2) The capacity of the alternatives for saving energy. The proposal is expected to reduce system power losses by 20 megawatts, which will substantially offset the energy costs of construction.

(3) The cost of the alternatives. Over the long term, the value of reduced system losses is expected to offset the cost of line construction.

(4) The project, including minor location variations, special tower designs, and other practicable mitigation measures described below, is the alternative that best minimizes environmental impacts while also meeting the other needs and purposes to which BPA is responding.

Mitigation

No complete route alternatives other than the proposal were identified in the location phase EIS Supplement; however, minor variations in location to enhance the environmental desirability of the proposed plan were assessed. Alternative tower designs were also considered during the location phase. The reasons for decisions on these locations as well as reasons for adopting or not adopting certain other mitigation measures discussed in the EIS Supplement are outlined below.

The five location variants evaluated deviated from existing right-of-way for a total of about 10 miles. Three will be used; two will not. Four miles of line near Vermiculite Mountain will be relocated to avoid unstable soils on the existing right-of-way. Visual impacts will be mitigated by minimum clearing, by seeding the right-of-way, and by using wood pole structures for part of the distance. One mile of new right-of-way will avoid a congested residential area near Bobtail and Pipe Creeks. About 0.5 mile of line will be relocated to avoid construction through a proposed residential development near Quartz Creek.

The other two alternative line locations studied will not be used. One avoided the McArthur Lake wetland and the associated visual and wildlife impacts by locating 4 miles of the line about 0.25 mile to the east on new right-of-way. However, it would involve clearing 47 acres of highly productive forest land, could disturb or destroy important archeological sites, and has conflicting right-of-way requirements with a new gas pipeline which is being constructed. The existing right-of-way is already cleared, any cultural sites probably have been previously disturbed, and impacts to wildlife and esthetics can be reduced.

The other route avoided important archeologic resources at Kootenai Falls by relocating about a mile of the line on new right-of-way on the south side of the Kootenai River. This reroute will not be used because it would be much more visible to people driving through the scenic Kootenai Canyon than is the existing right-of-way. By using wood

[1] Section 6(a)(1) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) authorizes and directs the BPA Administrator to acquire resources through conservation measures, and to acquire renewable resources to reduce loads.

poles at existing structure sites, potential disturbance of cultural resources will be reduced.

Tower designs different from the proposed 230-kV double-circuit stacked configuration were considered for specific areas. Where maintaining visual quality was identified as particularly important, use of a double-circuit wood pole design was evaluated. BPA will use this design in four segments of line totaling 32 miles: 9 miles from Sandpoint Substation to Selle Substation; 4 miles through the McArthur Lake Wildlife Management Area; 15 miles between Kootenai Falls and a point 1 mile east of Libby; and 4 miles near Moyie Springs. Three of these areas were identified in the EIS Supplement. Subsequent to the preparation of the Final Supplement, extensive dialogue took place with the landowners in the Moyie Springs area. They expressed great concern about the visual effect of lattice steel structures across their land. As a result of this dialogue, economic, technical, and scheduling considerations were evaluated. Based on these evaluations, wood pole construction will be used from the Kootenai River crossing near Moyie Springs eastward for a distance of about 4 miles, and double-circuit steel on the remaining sections of the line.

Although BPA's original proposal to use steel double-circuit stacked configuration towers was not expected to jeopardize the continued existence of the bald eagle (USFWS, November 6, 1979), U.S. Fish and Wildlife Service recommended that BPA used two single-circuit lines with flat configuration towers at the Kootenai Falls and Troy crossings of the Kootenai River rather than the stacked configuration towers to reduce collision hazard to bald eagles. However, BPA now proposes to use wood structures in the Kootenai Falls area to mitigate visual and cultural resource impacts. Although the conductors at the Kootenai Falls crossing will also be stacked vertically due to engineering requirements, USFWS has agreed (K. Bulchis, personal communication, September 30, 1981) that the hazard will be equal to or less than the original proposal and therefore further consultation is unnecessary. At the Troy crossing, single-circuit towers cannot be used due to lack of space at tower sites on the south side of the river.

In addition to the location and design features mentioned above, the following practicable means of mitigating environmental impacts resulting from the construction of the project have been adopted:

(1) Certain mitigation measures listed in the Final EIS Supplement are standard BPA policy. These policies specify methods of dealing with interference to radio, television, and communications facilities; materials salvage; weed control and restoration and compensation for damage in agricultural areas; herbicide use; erosion at stream crossings; and protection of cultural resources (procedures for which are also spelled out in 36 CFR 800 and in standard construction specifications).

(2) Other mitigation measures listed in the Final EIS Supplement are part of BPA's standard construction specifications (Part 1 Chapter 4; Part 2 Chapters 2 and 3; Part 3 Chapter 1). Those measures covered by standard specifications involve burning of debris; dust control; removal of hazardous chemicals from wood poles; construction shutdowns to prevent excessive erosion; and cultural resource protection.

(3) Erosion Control.

(a) BPA will use helicopters, or other BPA-approved alternatives such as a "ginpole," for tower erection and sock line stringing between the Kootenai Falls River crossing and 2–3 miles east of Troy. For other construction activities on this segment, only those vehicles which can negotiate existing, unwidened roads will be allowed.

(b) BPA will seed, fertilize, and mulch, if necessary, most roads on the cut and fill slopes as well as on the road itself. Disturbed areas will be seeded in the spring or fall season immediately following construction. BPA will contact the County Extension Agent or local Soil Conservation Service offices to determine adaptable seed mixtures and those that are compatible with important seed crops in the area. The USFS will provide seed mixes to be used on National Forest lands.

(c) BPA will use cross drains, such as broad-based dips, culverts, waterbars, or outsloped road sections where required on all permanent and temporary roads. Cross-drain spacing will be determined using local guides that have been developed by agencies such as the USFS. Spacing will be agreed upon with the local land manager or landowners on an on-site basis.

Special attention will be given to roads in areas of high erosion hazard in the Rainy Creek drainage area, at Pine Creek, and northwest of O'Brien Creek.

(d) According to BPA construction specifications, the Contracting Officer will determine if ground conditions are satisfactory to sustain activities without damage to cultural resources, such as archeological sites, and without erosion damage from construction. Between Kootenai Falls and Quartz Creek such determination shall include consultation with representatives of the Montana Kootenai Band Cultural Committee, coordinated by the USFS.

(e) If rills develop on disturbed areas, erosion control measures will be upgraded or supplemented. These damaged areas will be reseeded and mulched until vegetation is established. Special attention will be given to the Naples- Samuels area, where a seeding program recommended by the USFS will be used to prevent soil loss.

(4) Floodplain/Wetland Protection.

(a) Four wood transmission structures in the Pack River floodplain will be replaced by one double-circuit steel tower built on footings designed to withstand flooding. Areas around the old and new tower sites in the floodplain will be regraded to their original contours and seeded.

(b) Construction in the wetland area adjacent to McArthur Lake will take place using matting, tracked vehicles, or other special measures to minimize rutting of the soil and damage to wetland vegetation. Revegetation will be undertaken to restore damaged vegetation. The Refuge Manager will advise BPA on the appropriate type and mixture of seed to use.

(5) Wildlife Preservation.

(a) No new through access roads will be built between Quartz Creek and Boulder Creek to avoid potential impacts to the Threatened grizzly bear and Endangered gray wolf and their habitats.

(b) When "danger tree"clearing is done in the high-use bald eagle winter area between Quartz Creek and Kootenai Falls, BPA will give special attention to preserving cottonwoods, which are used as perch trees by eagles. Only trees that present a danger to the line will be felled. A small amount of new right-of-way must be cleared in this area; however, the new right-of-way is on the north side of the existing right-of-way, so most of the important perch trees close to the river will be preserved. In addition, construction will be prohibited between Novermber 15 and mid-March, when eagles normally are present.

(c) BPA will restrict activity associated with removing the old line and constructing the new one in the McArthur Lake Wildlife Management area between March 15 and June 1 to prevent disturbance to nesting Canada geese. Before March 15, activities associated with removing conductors from the existing line (hanging of "travelers") may take place. If necessary, this activity could occur until March 20. After this date, all tear-down

and construction activities will be restricted until June 1.

(d) To prevent disturbance to bighorn sheep during lambing season and the fall rut, BPA will avoid construction between Quartz Creek and Kootenai Falls from November 15 to May 31. Survey and reconnaissance activities will be permitted, however. If helicopters are used for surveying and other reconnaissance activities between March and May, the pilots will fly at least 500 feet above terrain to minimize disturbance to the sheep, unless consultation with the Montana Department of Fish, Wildlife, and Parks indicates that limited landings are acceptable. Helicopter landings at other times of the year will be permitted. Routine line maintenance patrols once the line is operational will not be restricted.

(e) Disturbed sites in the bighorn sheep habitat near Kootenai Falls will be seeded with grass species palatable to sheep, such as orchardgrass, timothy, and brome. The State of Montana's Department of Fish, Wildlife, and Parks will be consulted to determine the appropriate mixture to use.

(f) To enhance osprey nesting habitat, BPA will place artificial nesting platforms on three wood poles in the McArthur Lake Wildlife Area.

(6) Visual Mitigation.

(a) Because the wood structures proposed for 4 miles near McArthur Lake are not strong enough to support the weight of the conductor and also span a portion of the lake that must be crossed, two steel single-pole structures will be used at the north end of the lake. Highway 2 passes close to the lake at this point; the single-pole structures, painted a dull green, are expected to be less obtrusive visually than the lattice structures.

(b) Non-reflective conductor will be used for the line between Bonners Ferry Substation and Libby Dam and for those portions of the line between Sandpoint and Bonners Ferry Substation that use the double-circuit wood structures.

(c) Steel towers near Libby Dam will be darkened to reduce the contrast between them and the background.

(d) To assure as much screening of the line as possible, natural vegetation will be retained where the line crosses roads and rivers. Specific areas include but are not limited to the Libby Dam area; crossings of the Kootenai River and Highway 2 near Kootenai Falls, Troy, and near Moyie Springs; crossings of the Yaak River and Yaak River Highway; and crossing of Highway 2 south of Bonners Ferry.

(e) To reduce the visual impacts of clearing and to reduce the cost of erosion control, cleanup, and restoration, the only vegetation to be cleared will be vegetation at tower sites or on access roads, or trees that interfere with safe clearances to conductors. Site-specific growth data based on field analysis will be used to determine the maximum safe tree height and to mark the backline.

(7) Hazardous Waste Disposal.

Poles and crossarms pressure-treated or sprayed with preservative treatments, primarily pentachlorophenol or creosote, will be disposed of in accordance with state laws and the Resource Conservation and Recovery Act. Such poles will not be burned. If poles or crossarms are sold or given to local landowners, the landowner will be advised that the wood has been treated with a substance that may be hazardous if used in a manner that allows direct exposure to domestic animals or livestock or contamination of food, feed, or drinking and irrigation water.

Monitoring and Enforcement

BPA has adopted the following program to monitor and enforce the mitigation measures:

(1) Items 1–7: Participation in development and review of contract specifications by the Environmental Analysis Branch to ensure all items are included.

(2) Items 1–5; 6c–7: Identification in the monthly report from the construction inspector of each mitigation measure that has been initiated and/or completed as specified in the project contract.

(3) Items 1, 3b, 3e, 4a, 5e: BPA inspection of the areas indicated to ensure adequate cover has been established.

(4) Items 1, 5b, 6d: Inclusion in ROWDATA, a computerized line maintenance system that pinpoints specific areas of special maintenance practices.

(5) Item 5b. If "danger tree" clearing is done during construction, BPA will identify for the construction contractor the specific cottonwoods in this area that must be removed. The contractor will be instructed to leave all other cottonwoods in place.

(6) Mitigation measures undertaken on USFS land will be monitored by a BPA representative in conjunction with a USFS representative in accordance with a project plan prepared by BPA and USFS. This monitoring will apply to measures discussed in Items 1–3, 5a, 5b, 5e, 6d, 6e. Mitigation measures involving future maintenance on USFS land will also be addressed in BPA/USFS Right-of-way Management Plans.

(7) A BPA-designated archeologist will be present when digging is being done at selected cultural sites, at the request of the appropriate land managing agency. The construction contractor will notify BPA one week before beginning work in these areas. More information on the location of these sites will be available when the State Historic Preservation Offices make their determination of eligibility of sites.

(8) To help assess the effectiveness of its vegetation management program, BPA is developing a vegetation management technique for which some experimental sites could be located along the Bonners Ferry-Troy segment of the transmission line right-of-way, pending resolution of contractual problems. This technique involves the deliberate planting of low-growing shrubs and grasses to prevent establishment of taller-growing hazard vegetation. If plant competition can be used in this manner, use of chemicals can be reduced. However, this technique is expected to take a minimum of 5 years to develop and evaluate.

Integration With Other Requirements

(1) Under Office of Management and Budget (OMB) Circular No. A–95, BPA has notified the Idaho and Montana State A–95 Clearinghouses of its proposed actions through the draft and final EIS's sent to them. The Northwest Montana/North Idaho project is consistent and compatible with State and local development plans. Copies of this ROD will be sent to A–95 clearinghouses.

(2) Because the project crosses five 100-year floodplains and a wetland, BPA has prepared a Statement of Findings in accordance with Executive Order 11988—Floodplain Management and with the Department of Energy's Compliance with Floodplain/Wetlands Environmental Review requirements (10 CFR 1022.15). Based on analysis done in the floodplain assessment, DOE has concluded that there is no practicable alternative to crossing the floodplains of Pipe, Bobtail, and Sand Creeks, of Pack River, and of the McArthur Lake wetland. This Record of Decision constitutes the **Federal Register** notification of a floodplain action.

(3) No properties listed or determined eligible for listing on the *National Register* have been identified as being adversely affected by this project. However, after the Final EIS Supplement was prepare, the portion of the intensive survey that has been completed revealed that there are at least 26 sites and an archeological district that may be eligible. Determination must be made

before construction begins. If any are found to be eligible, a memorandum of agreement between BPA, the Advisory Council on Historic Preservation, and the appropriate State Historic Preservation Officer or designated representative will be executed. The agreement would stipulate avoidance or mitigation measures that will be carried out.

(4) No consistency information was provided to the State as part of the National Oceanic and Atmospheric Administration (NOAA) coastal zone management program because the project is not in and will not affect a coastal zone.

(5) Because the U.S. Fish and Wildlife Service (USFWS) provided biological opinions on this project in connection with the bald eagle, grizzly bear, and gray wolf, BPA will send a copy of this Record of Decision to USFWS, informing them of our decision and that the decision complies with the recommendations made in the opinions.

Implementation. The following permits will be required before construction can proceed:

(1) A section 404 permit (Clean Water Act, 33 U.S.C. 1344) from the U.S. Army Corps of Engineers at any of the river crossing sites if fill material, including poured concrete, is placed waterward of the ordinary high water line or in adjacent wetlands. Until tower sites and access roads are identified, specific places where a permit will be required are unknown. Permits may be necessary at McArthur Lake in the wetland, at the Kootenai River crossing near Kootenai Falls, and at the Pack River and Sand Creek floodplains.

(2) A section 10 permit (River and Harbor Act of 1899, Section 10, 33 U.S.C. 103) at the Kootenai River crossing near Libby Dam, where the Kootenai River is designated as navigable.

(3) A right-of-way permit across Federal land (Federal Land Policy and Management Act of 1976). The right-of-way permit granted by the USFS will include, by reference, a Project Plan which will provide detailed site-specific measures necessary to protect the environment during preconstruction and construction of the transmission facility on Federal lands.

On National Forest System lands only, this decision is subject to a formal administrative review process (appeal), pursuant to 36 CFR 211.19. No construction may begin on Forest System lands for 30 days following the signing of this ROD. Any notice of appeal must be filed within 45 days from the date of this ROD.

On state and private lands, there is no formal administrative review process. On these lands construction may commence immediately following signing of the ROD.

FOR FURTHER INFORMATION CONTACT: Copies of the ROD are being sent to agencies, organizations, and individuals who commented on the EIS and its supplement. The ROD is available on request from Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; telephone (503) 230–5137.

The Federal land management agencies are responsible for land allocation decisions for location of the transmission lines on lands they administer (Federal lands). BPA is responsible for location of the transmission line on non-Federal land (state and private lands). Forest Service agreement as to the decision is required because location across Federal lands will affect the location across non-Federal lands and vice versa. Each Federal decisionmaker, by signing an original copy of this ROD, is making a decision to the extent of each respective agency's jurisdiction.

Signed in duplicate original this 10th day of March 1982.

Earl Gjelde,

Acting Administrator, Bonneville Power Administration.

Everett Towle,

Deputy Regional Forester, Forest Service, Department of Agriculture.

[FR Doc. 82–11029 Filed 4–21–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[RD–FRL–2108–4]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination

Notice is hereby given that on March 24, 1982, the Environmental Protection Agency received an application from Dasibi Environmental Corporation, Glendale, California, to determine if its Model 1008–AH Ambient Air Ozone Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7049, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

April 16, 1982.

[FR Doc. 82–11044 Filed 4–21–82; 8:45 am]

BILLING CODE 6560–50–M

[WEN–FRL–2104–6]

Approval of New Jersey's NPDES Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of New Jersey's application to participate in the National Pollutant Discharge Elimination System (NPDES) program.

SUMMARY: On April 13, 1982, the Administrator for the Environmental Protection Agency (EPA) approved the State of New Jersey's request to administer the National Pollutant Discharge Elimination System (NPDES) program within the State.

FOR FURTHER INFORMATION CONTACT: Allen Danzig, Permits Division (EN–336), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202–755–0750.

SUPPLEMENTARY INFORMATION: The Clean Water Act (33 U.S.C. 1251, et seq.) established the National Pollutant Discharge Elimination System (NPDES) under which permits are issued for the discharge of pollutants from point sources into the waters of the United States. Initially, the Environmental Protection Agency (EPA) issues these permits. States may be authorized to adminsiter the NPDES program for discharges into navigable waters within their jurisdiction if the Administrator of EPA determines that the State program satisfies the requirements of section 402(b) of the Clean Water Act. With the passage of the 1977 amendments to the Clean Water Act, State NPDES programs must include a pretreatment program and the authority to regulate Federal facilities.

On December 15, 1981, former Governor Byrne of New Jersey formally requested that the Administrator of EPA approve the State's NPDES program. A public hearing was held in New Brunswick, New Jersey on February 16, 1982 to solicit comments on the proposed authorization of the New Jersey program. By mutual agreement, EPA and New Jersey extended EPA's 90 day review period from March 15, 1982 to April 14, 1982 pursuant to 40 CFR 123.3(d). EPA has prepared a response to

these comments which has been incorporated into New Jersey's submittal package and may be reviewed by the public at the New Jersey Department of Environmental Protection, Water Quality Management Element, Division of Water Resources, 1474 Prospect Street, Trenton, N.J. 08625 and at the EPA, Region II Office, Water Enforcement Branch, Enforcement Division, 26 Federal Plaza, New York, N.Y. 10278, from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Today's **Federal Register** notice is to announce the approval of the State of New Jersey's NPDES program, including its pretreatment program and Federal facilities authority.

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/03/81
Delaware	04/01/74		
Georgia	06/28/74	12/08/80	03/12/81
Hawaii	11/28/74	06/01/79	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	06/03/81
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/08/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74	06/23/81	
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	08/31/78	
New Jersey	(1)	(1)	(1)
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74		03/16/82
Virgin Islands	06/30/74		
Virginia	03/31/75	02/09/82	
Washington	11/14/73		
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	05/18/81	

[1] Date of Administrator's approval.

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. The approval of the New Jersey NPDES permit program merely transfers responsibility for administration of permitting facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. It does not trigger the requirement of a Regulatory Flexibility Analysis.

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

Dated: April 13, 1982.

John E. Daniel,

Acting Administrator.

[FR Doc. 82-10812 Filed 4-21-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

April 15, 1982.

Task Group Meetings of Working Group A

Task Group A-1 of Working Group A: U.S. Requirements
Chairman: V. Naleszkiewicz (301) 652-4660
Date: Tuesday, May 4, 1982
Time: 9:30 a.m.-4:00 p.m.
Location: Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Room 3262, Washington, D.C.

Task Group A-2 of Working Group A: Facilities and Technology
Chairman: Jeffrey Binckes (202) 863-6864
Date: Wednesday, May 5, 1982
Time: 9:00 a.m.-2:00 p.m.
Location: Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Room 6030, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-10994 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

April 15, 1982.

Task Group Meetings of Working Group C

Location: Hughes Aircraft Corporation, 1000 Wilson Blvd., Arlington, Virginia
Date: Wednesday, April 28, 1982
Time: 9:30 A.M.
Meeting: *Task Group A*—Planning Methods and Their Evaluation
Chairman: Michael Mitchell (703) 442-6126, Satellite Business Systems
Meeting: *Task Group B*—Potential Impacts of Having the Conference Select One of the Proposed Planning Methods
Chairman: Mary Jo Manning (202) 628-5923, Hedrick and Lane

For information, contact the above listed chairmen or Mr. Perry Ackerman at (213) 648-4134.

Note.—The meeting of Task Group B will convene upon the adjournment of the Task Group A meeting.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-10993 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

SES Performance Award Schedule

The Federal Communications Commission plans to grant performance awards to SES members on or about May 5, 1982. For further information contact Joan C. McDonald, Director of Personnel, at 632-7120.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-10995 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 8-180; File Nos. 21300-CD-P-79 and 21781-CD-P-(2)-79]

Airsignal International, Inc., and E. L. McKenzie; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 31, 1982.
Released: April 7, 1982.

In re Applications of Airsignal International, Inc., for authorization to add channel 35.22 MHz to Station KIF650 operating in the Domestic Public Land Mobile Radio Service at

Birmingham, Alabama, and E. L. McKenzie, d.b.a. Radio Page, for a Construction Permit for a new one-way station to operate on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Talladega and Sylacauga, Alabama.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority are the captioned applications of Airsignal International, Inc. (Airsignal) and E. L. McKenzie d.b.a Radio Page (Radio Page). These applications were found to be electrically mutually exclusive in our Public Notice dated September 9, 1981, Report No. 84.

2. *Radio Page Application.* The Bureau has received copies of several Orders from the Alabama Public Service Commission (PSC) [1] in which the PSC revoked Radio Page's Certificate of Public Convenience and Necessity for the Talladega/Sylacauga area. In a letter dated September 15, 1981, we requested Radio Page to advise us of the current status of its PSC certification and why Radio Page failed to comply with our Public Notice dated September 30, 1980, which requires applicants to notify us pursuant to § 1.65 of the Commission's rules,[2] of any adverse action taken regarding a request for state certification. *See generally Alfred C. Cordon, Jr.*, 80 F.C.C. 2d 328 (1980), *recon. pending.* That letter also requested certain engineering information and informed Radio Page that if it did not supply all of the requested information within 15 days of the date of the letter, its application would be dismissed pursuant to § 22.20(a)(2) of the rules.[3] To date, the Mobile Services Division has not received a response from Radio Page, and therefore, its application will be dismissed. *See Answer Madison Telephone Secretaries, Inc.*, Mimeo No. 001162, File No. 20996-CD-P-80, released May 27, 1981 (Com. Car. Bur.).

3. *Airsignal Application.* Airsignal seeks Commission authorization of an additional one-way paging channel to operate on frequency 35.22 MHz. The applicant's public need showing indicates that Airsignal is holding orders for 12 additional subscribers. However, the loading studies submitted with the Airsignal application do not demonstrate sufficient traffic to justify an additional frequency. While the data indicates that Airsignal's existing 152.24 MHz facility is indeed heavily loaded, the data for its existing 35.58 MHz facility shows an average peak usage of only 4.5 minutes. This results in less than 8% blocking for the 35.58 MHz channel. It appears that Airsignal can easily accommodate an additional 12 subscribers on its existing 35.58 MHz channel. As a result, we will designate an issue as to whether Airsignal has demonstrated a need for an additional one-way frequency. We find Airsignal to be otherwise qualified.

4. Accordingly, it is ordered, That the application of E. L. McKenzie d.b.a Radio Page, File No. 21781-CD-P-(2-79, is dismissed without prejudice pursuant to § 22.28(c) of the Commission's Rules (47 CFR 22.28(c)).

5. It is further ordered, That pursuant to Section 309 of the Communications Act of 1934, as amended,[4] the application of Airsignal International, Inc., File No. 21300-CD-P-79, is designated for hearing upon the following issues:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced application would best serve the public interest, convenience and necessity.

6. It is further ordered, That the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

7. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

8. It is further ordered, That the applicant shall file a written notice of appearance under § 1.221 of the Commission's rules within 20 days of the release date of the Order.

9. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-11041 Filed 4-20-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-189 etc.; File No. BPET-810928KG etc.]

Creation House Research Institute of Science and Technology, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 1, 1982.

Released: April 7, 1982.

In re applications of Creation House Research Institute of Science and Technology, Inc., Los Angeles, California, BC Docket No. 82-189, File No. BPET-810928KG; Jewish Television Network, Inc., Los Angeles, California, BC Docket No. 82-190, File No. BPET-811118KE; Black Television Workshop of Los Angeles, Inc., Los Angeles, California, BC Docket No. 82-191, File No. BPET-811118KF, and Corporation On Disabilities and Telecommunication, Inc., Los Angeles, California, BC Docket No. 82-192, File No. BPET-811118KG, 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 for authority to construct a new educational television broadcast station on Channel 68, Los Angeles, California.

2. Since no determination has been reached that the tower heights and locations proposed by Creation House Research Institute of Science and Technology, Inc. and the Jewish Television Network, Inc. would not constitute a hazard to air navigation, and issue regarding this matter is required.

Jewish Television Network, Inc.

3. Applicant estimates its costs as follows:

Equipment	$240,633
Operation costs	163,200
Total	403,833

To finance its proposal, applicant relies upon (1) cash of $1,255; (2) New Capital of $15,000; (3) User Group Capital of $325,000; (4) project income of $225,000; (5) donations totalling $900,000; (6) Federal grants of $260,000; (7) PBS donations of $260,000; and, (8) corporate securities of $450,000. In each of the above, except for cash, applicant has not provided the documentation necessary to support each item, e.g., balance sheets. The sources of the funds upon which the applicant relies are, therefore, not known to the Commission and cannot be relied upon. Consequently, an issue will be specified to determine the source and availability of an additional $402,577.

4. Burt J. Harris has the following Cable TV interests:

Name and location	Office	Percentage	Dates
Harris Cable Corporation, Los Angeles, CA.	Director and president.	100	1973 to date.

[1] These Orders are dated October 4, 1979, January 30, 1980, and July 1, 1980, and are in Alabama PSC Docket Nos. 17116 and 17117.

[2] 47 CFR 1.65.

[3] 47 CFR 22.20(a)(2).

[4] 47 U.S.C. 309(e).

Name and location	Office	Percentage	Dates
Monroe Cable Corporation, Los Angeles, CA.	Director and president.	10	1975 to date.
Valley Cable TV, Inc., Corporation, Los Angeles, CA.	Director	0	1979 to date.
East Valley Community Cable, Inc. Los Angeles, CA.	Director	1	1981 to date.

Section 76.501(a)(2) of the Commision's Rules proscribes operation of a cable television system whose service area is overlapped by the Grade B contour of a television station in which the cable television system has an interest. Since the television station is to serve Los Angeles where the cable systems are located, it is obvious that this section of the rules applies. The rule is not limited to commercial television stations. Consequently, an issue will be specified with respect to this cross-ownership.

Black Television Workshop of Los Angeles, Inc.[1]

5. Applicant estimates its costs as follows:

Equipment	$1,311,000
Operating costs	265,187
Total	$1,576,187

To finance its proposal, applicant relies upon: (1) $3,000 in Existing Capital; (2) Corporate Contributions of $200,000; (3) grants of $150,000; (4) subscriptions of $1,000,000; and rents of $75,000. Applicant has not provided the documentation necessary to support each item, e.g. balance sheets. The sources of the funds, except for Existing Capital, upon which the applicant relies are, therefore, not known to the Commission and cannot be relied upon. Consequently, an issue will be specified to determine the source and availability of an additional $1,573,187.

6. Section II, Paragraph 2, FCC Form 340, requires an applicant to indicate whether it is (a) a nonprofit educational institution or (b) a nonprofit educational organization. Applicant has responded to (a) that it is not a nonprofit educational institution and, to (b), it has responded that the question is not applicable. Consequently, a question is raised as to whether the applicant is qualified to operate a television station on a channel which is reserved for noncommercial educational use. An issue regarding the applicant's basic qualifications will be specified.

Corporation on Disabilities and Telecommunication, Incorporated

7. Applicant requires $1,769,392 to construct and operate as proposed. To finance its proposal, applicant relies upon cash of $13,833 and estimates $3,063,883 in funding as follows:

NTIA, facilities grant	$1,000,000
Foundations (corporate and private)	50,000
California Public Broadcasting Commission	500,000
Other State contracts (e.g., California Department of Rehabilitation)	50,000
Corporation for Public Broadcasting Community Service Grant	50,000
Educational facility contracts (e.g., L.A. county schools)	50,000
Local and State governmental appropriations	100,000
Corporate memberships (civic groups)	100,000
Nonbroadcast activities (e.g., special fundraising)	50,000
Total	2,050,000
UAP telecommunications project	13,883
Construction pledge drive goal	1,000,000
Grand total	3,063,883

Except for cash, applicant has not provided the documentation necessary to support each item, e.g. balance sheets, commitment letters, etc. The sources of the funds upon which the applicant relies, therefore, cannot be relied upon. Consequently, an issue will be specified to determine the source and availability of an additional $1,775,509.

Conclusion and Order

8. The applicants are qualified to construct and operate as proposed except as indicated by the issues specified below. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for Hearing in a consolidated proceeding to be held 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 Creation House Research Institute of Science and Technology, Inc. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine with respect to Jewish Television Network, Inc.:

(a) whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

(b) the source and availability of an additional $402,577;

(c) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualfied.

(d) whether the application is consistent with § 76.501(a)(2) of the Commission's Rules and if not, whether circumstances exist which would warrant waiver of the rules.

3. To determine with respect to Black Television Workshop of Los Angeles, Inc.:

(a) whether applicant qualifies as a noncommercial educational institution or a noncommercial educational organization;

(b) the source and availability of an additional $1,573,187;

(c) whether, in light of the evidence adduced pursuant to (b) above, applicant is financially qualified.

4. To determine with respect to Corporation on Disabilities and Telecommunication, Incorporated:

(a) the source and availability of an additional $1,775,509;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

5. To determine which of the proposals, on a comparative basis, would best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issues 1 and 2a.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and 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 present evidence on the issues specified in this Order.

12. 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.

[1] Applicant has filed a request for a waiver of the Commission's Rules to allow it to operate an STV service, although it purports to be a non-commercial educational applicant. The applicant, however, has not filed an STV application.

Federal Communications Commission.

Larry D. Eads,

Chief Broadcast Facilities Division Broadcast Bureau.

[FR Doc. 82-11042 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1347]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

April 16, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before May 7, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An Inquiry Into the Use of the Bands 825–845 MH and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications System. (CC Docket No. 79–318)

Filed by: Alan Y. Naftalin, Lisa J. Stevenson and Gregory C. Staple, Attorneys for Telephone and Data Systems, Inc., on 4–8–82. Carl W. Northrop, Attorney for Answer, Inc., Answer, Inc. of Houston, Answer, Inc. of Galveston and Answer, Inc. of San Antonio on 4–8–82.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (North Charleston, Eastover, and Ravenel, South Carolina) BC Docket No. 80–201, RM's 3249 and 3710).

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Elloree, South Carolina) (BC Docket No. 80–211, RM–3579).

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Mount Pleasant, Parris Island, Manning, Bamberg, and Batesberg, South Carolina) (BC Docket No. 80–213, RM's 3406, 3718 and 3719).

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesberg, South Carolina) (BC Docket No. 81–171, RM's 3518, 3556, 3613, 3666 and 3771).

Filed by: Edward B. Reddy, John H. Midlen, Jr. and Matthew H. McCormick, Attorneys for Edgefield-Saluda Radio Co., Inc., on 4–7–82. Mark E. Fields, Attorney for William G. Dudley, III, on 4–7–82.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Newport, Washington) (BC Docket No. 81–332, RM–3756)

Filed by: Eric E. Carpenter, Partner for Pend Oreille Valley Broadcasting, (KCVL) on 4–8–82.

Subject: Request amendment of Part 97 to provide amateur radio operator privileges in the 10.1 to 10.15 MHz frequency band. (RM–3855).

Filed by: Christopher D. Imlay, Attorney for The American Radio Relay League, Incorporated on 4–12–82.

William J. Tricario,

Secretary, Federal Communications Commission.

[FR Doc. 82-11043 Filed 4-21-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Community Federal Savings and Loan Association, Hialeah, Florida; Notice of Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)(A) (1976)), The Federal Home Loan Bank Board appointed William F. Andrews as conservator of Community Federal Savings and Loan Association, Hialeah, Florida, effective as of April 16, 1982.

Dated: April 19, 1982.

James J. McCarthy

Acting Secretary.

[FR Doc. 82-11025 Filed 4-21-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC–168]

Phenix Federal Savings and Loan Association Phenix, Alabama; Final Action Approval of Conversion Applications

April 19, 1982.

Notice is hereby given that on April 8, 1982, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 82–244 approved the application of Phenix Federal Savings and Loan Association, Phenix, Alabama ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coasta States Building, 260 Peachtree Street NW., Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-11061 Filed 4-22-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC–167]

Sun Belt Federal Savings and Loan Association, Lake Providence, Louisiana; Final Action Approval of Conversion Applications

April 19, 1982.

Notice is hereby given that on March 31, 1982, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 82–212 approved the application of Sun Belt Federal Savings and Loan Association, Lake Providence, Louisiana ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-11062 Filed 4-21-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitration Services Advisory Committee; Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), will meet on Saturday, May 29, 1982 at 9:00 a.m. in Jefferson East Room, Washington Hilton Hotel, Washington, D.C.

The Agenda is as follows:

1. Review of Arbitration Services Statistics
2. Arbitrator Review Board Actions
3. Advertising by Arbitrators
4. Proposed Arbitration Services User Fees
5. Continuation of ASAC.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to: Ms. Jewell Myers, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C. this nineteenth day of April 1982.

Kenneth E. Moffett,

Director.

[FR Doc. 82-10996 Filed 4-21-82; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

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 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 addresss 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 B. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Associated Ban-Corp.*, Green Bay, Wisconsin, to acquire 100 percent of the voting shares of the successor by merger to Bank of Commerce, Milwaukee, Wisconsin. Comments on this application must be received not later than May 15, 1982.

2. *Tama County Abstract Company*, Toledo, Iowa to acquire an additional 3.6875 per cent of the voting shares of The State Bank of Toledo, Toledo, Iowa. Comments on this application must be received not later than May 15, 1982.

By order of the Board of Governors of the Federal Reserve System, April 15, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10956 Filed 4-21-82; 8:45 am]

BILLING CODE 6210-01-M

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 Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Saver's Bancorp, Inc.*, Littleton, New Hampshire, to become a bank holding company by acquiring 88 per cent of the voting shares of The Saver's Bank, Littleton, New Hampshire. Saver's Bancorp., Inc., has also applied to acquire indirectly 14 per cent of the shares of North Country Bank, Berlin, New Hampshire. Comments on this application must be received not later than May 15, 1982.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Commercial Bancshares, Inc.*, Jersey City, New Jersey, to become a bank holding company by acquiring 100 per cent of the voting shares of Commercial Trust Company of New Jersey, Jersey City, New Jersey. Comments on this application must be received not later than May 15, 1982.

C. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Kentucky Bancshares, Inc.*, Florence, Kentucky, to become a bank holding company by acquiring 100 per cent of the voting shares of Boone State Bank and Trust Company, Florence, Kentucky, the successor by merger to Boone State Bank, Florence, Kentucky. Comments on this application must be received not later than May 15, 1982.

D. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Century Bancorp., Inc.*, New Brighton, Minnesota, to become a bank holding company by acquiring 90.6 per cent of the voting shares of Centennial State Bank of Lexington, Lexington, Minnesota. Comments on this application must be received not later than May 15, 1982.

2. *Napoleon Bancorporation, Inc.* Napoleon, North Dakota, to become a bank holding company by acquiring 98.50 per cent of the voting shares of Stock Growers Bank, Napoleon, North Dakota. Comments on this application must be received not later than May 15, 1982.

By order of the Board of Governors of the Federal Reserve System, April 15, 1982.

Delores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10955 Filed 4-21-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1119]

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of proposed amendments to existing systems of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act systems of records: HUD/DEPT-22, Housing Counseling; HUD/DEPT-53, Consumer Complaint Handling System; HUD/DEPT-61, Mobile Home Standards Complaint, Production and Compliance Analysis System; and HUD/DEPT-64, Congregate Housing Services Program Data Files.

EFFECTIVE DATE: The amendments shall become effective without further notice May 22, 1982, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5336. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is naming a new system manager for each system listed in order to accurately identify the official responsible for managing the system. This action is necessary because the Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, under whose jurisdictions these systems were formerly operated, has been abolished.

The notices were published November 4, 1981 at 46 FR 54884 (HUD/DEPT-22); 46 FR 54893 (HUD/DEPT-53); 46 FR 54896 (HUD/DEPT-61); and 46 FR 54898 (HUD/DEPT-64).

The notices are being amended to read as follows:

HUD/DEPT-22

SYSTEM NAME:

Housing Counseling.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Single Family Loan Servicing Division, HSSL
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

* * * * *

HUD/DEPT-53

SYSTEM NAME:

Consumer Complaint Handling System.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Assistant Secretary for Housing—Federal Housing Commissioner
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

* * * * *

HUD/DEPT-61

SYSTEM NAME:

Mobile Home Standards Complaint, Production and Compliance Analysis System.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Office of Manufactured Housing and Construction Standards, HC
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

* * * * *

HUD/DEPT-64

SYSTEM NAME:

Congregate Housing Services Program Data Files.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Elderly, Cooperative, Congregate and Health Facilities Division, HMME
Office of Multifamily Housing Development
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

* * * * *

(5 U.S.C. 552(a), 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: April 16, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-10959 Filed 4-21-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Winnebago Tribe of Nebraska

April 9, 1982.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approval of petition for reassumption of jurisdiction over Indian Child Custody Proceedings.

SUMMARY: The Winnebago Tribe has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over child cutody proceedings involving Indian children who reside or are domiciled on the Winnebago Reservation in Nebraska. The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Winnebago Tribe's petition by the Department of the Interior.

EFFECTIVE DATE: The Winnebago Tribe shall reassume exclusive jurisdiction on June 21, 1982.

FOR FURTHER INFORMATION CONTACT: Office of the Field Solicitor, Department of the Interior, P.O. Box 549, Aberdeen, South Dakota 57401, (605) 225-7254.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 U.S.C. 1918(c), 25 CFR 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan-Delos Reyes, Bureau of Indian Affairs, Division of Social Services, Department of the Interior, Washington, D.C. 20245.

Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95-608, 92 Stat. 3074, 25 U.S.C. 918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings pursuant to Federal statute to reassume jurisdiction over such proceedings.

To reassume such jurisdiction a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register.** Tribal reassumption becomes effective June 21, 1982.

Notice that the Winnebago Tribe had submitted a petition for reassumption of jurisdiction was published in the **Federal Register** on February 11, 1982, FR Vol. 47, No. 29. The following notice is based on the review of that petition by the Department of the Interior:

Notice: This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Winnebago Tribe is approved effective June 21, 1982.

The geographic area subject to the reassumption of jurisdiction is Winnebago Reservation, Nebraska.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-10957 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-02-M

Sokaogon Chippewa Community, Wis.; Proclaiming Certain Lands as Part of Sokaogon Chippewa Community (Reservation)

April 8, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On April 8, 1982, pursuant to authority contained in section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described land, located in Forest County, Wisconsin, was added to and made a part of the Sokaogon Chippewa Community (Reservation).

4th Principal Meridian

Parcel A

T. 35 N., R. 12 E.,
Sec. 21, SE¼SE¼;
Sec. 22, Government Lots 3 and 4 and W½SW¼.

Parcel B

T. 35 N., R. 12 E.,
Sec. 27, Part of Lot 5 described as Commending at the Southwest corner of Lot 5, thence east 7 rods, thence north parallel with section line to the high water mark on Swamp Creek, to the

section line between Secs. 27 and 28, thence south on section line between Secs. 27 and 28 to the place of beginning.

Parcel C

T. 35 N., R. 12 E.,

Sec. 26, described as: that portion of the NW¼NW¼, lying west of State Trunk Highway #55, further described as beginning at the corner to Secs. 22, 23, 26 and 27, thence east along section line a distance of 1,226 ft., more or less to the center line of State Trunk Highway 55, thence south 29°30' west along the centerline of State Truck #55 a distance of 1,510 ft., more or less, to the south line of NW¼NW¼ of Sec. 26, thence west on the south line of NW¼NW¼ Sec. 26 a distance of 477 ft. more or less to the section line between Secs. 26 and 27, thence north on said section line a distance of 1,320 ft., more or less to section corner and point of beginning containing 25.80 acres.

Sec. 27, Government Lot 1.

Parcel D

T. 35 N., R. 8 E.,

Sec. 27, Part of Lot 8 described as: Beginning at a point on the section line between Sections 27 and 28, T. 35 N., Range 12 E., which is designated as the northwest corner of the SW¼SW¼. Sec. 27, T. 35 N., R. 12 E., thence run south along the said section line 24 rods, more or less, thence east 43 rods to the west line of the Military Road, now State Trunk Highway 55, thence in a northeasterly direction along the west line of said State Trunk Highway 55, 41 rods, more or less, to a point where said State Trunk Highway 55 intersects the north line of SE¼SW¼ of said Section 27, in said township and range, thence west along the north line of said SW¼SW¼ 80 rods, more or less, to the point of beginning.

Parcel E

T. 35 N., R. 12 E.,

Sec. 27, part of SW¼SW¼ described as: Commencing at a point 33 ft. north of the corner of Secs. 27, 28, 33, and 34 on the section line between Secs. 27 and 28, thence running north on the section line between Secs. 27 and 28 for a distance of 743 ft., this shall be place of beginning, thence north 100 ft., thence east 80 ft., thence south 100 ft., thence west 80 ft. to place of beginning.

Parcel F

T. 35 N., R 12 E.,

Sec. 27, Lots 2 and 3(c) of Government Lot 8 described as: Beginning at a point 33 ft. north of the corner of Secs. 27, 28, 33 and 34, on the section line between 27 and 28, thence running north on the section line between 27 and 28 a distance of 843 ft., thence east on 4 degrees, 82 ft., this shall be the place of beginning, thence east on 4 degrees, 164 ft., thence south 100 ft., thence west 164 ft., thence north to the place of beginning.

Parcel G

T. 35 N., R. 12 E.,

Sec. 27, SW¼SW¼ Lots 4, 5 and 6 of Government Lot 8 described as follows: Beginning at a point 33 ft. north of the corner of Secs. 27, 28, 33 and 34 on the section line between Secs. 27 and 28, thence running north on section line between Secs. 27 and 28 a distance of 843 ft., thence east on 4° 246 ft. to place of beginning, thence east on 4° 246 ft., thence south 100 ft., thence west 246 ft., thence north to place of beginning.

The above described parcels containing 246.23 acres more or less. Subject to all valid easements, rights-of-way, reservations of oil, gas and minerals, and other rights of record.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-10958 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Geothermal Resources Lease Sale; Gillard Hot Springs KGRA, Greenlee County, Ariz.

Notice is hereby given that approximately 2920 acres, in two leasing units of 680 acres and 2240 acres in Greenlee County, Arizona, will be offered competitively for leasing through sealed bids to the qualified responsible bidder of the highest cash amount for each of the units. Bids will be received until 10:00 a.m., m.s.t., on June 17, 1982, time and date of sale.

For further information contact Ken Warren at the Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261-4774.

Dated: April 13, 1982.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-10965 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

Office Hours; Place for Filing

April 14, 1982.

AGENCY: Bureau of Land Management, Interior; Montana State Office.

ACTION: Office hours change.

SUMMARY: This Notice is for office hours during which Montana State Office is open to the public for the filing of applications and other documents and inspection of records. the office hours will be 9 a.m. to 4 p.m., Monday through Friday, with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

EFFECTIVE DATE: April 21, 1982.

ADDRESS: Bureau of Land Management, 222 North 32nd Street. P.O. Box 30697, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Eugene D. Russell, Chief, Division of Operations, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 (406/657-6078).

Dated: April 14, 1982.

Ronald O. Appel,

Acting Chief, Division of Operations.

[FR Doc. 82-10966 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

Revised Use Fees at Selected Campgrounds; Redding District, Calif.

AGENCY: Bureau of Land Management, Interior.

ACTION: Revision of use fees at Douglas City, Junction City, and Reading Island Campgrounds, Redding District, California.

SUMMARY: Use fees for camping at selected campgrounds are revised as follows: Douglas City—$5.00/day/vehicle/campsite; Junction City—$4.00/day/vehicle/campsite; Reading Island—$2.00/day/vehicle/campsite.

DATE: The revised Redding District Campground Fee Schedule will be effective May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Dwain Davis, Four Rivers Resource Area Manager, Bureau of Land Management, Redding District Office, 355 Hemsted Drive, Redding, California 96002—Telephone (916) 246-5325.

SUPPLEMENTARY INFORMATION: The Douglas City Campground is located approximately one mile south of Douglas City, California, on the Trinity River, and is accessible via the Steiner Flat Road. The Junction City Campground is located approximately one and one-half miles west of Junction City, California, on U.S. Highway 299. The Reading Island Campground is located approximately five miles east of Cottonwood, California, on the Sacramento River, and is accessible via Adobe Road.

For the purpose of this fee schedule, a "day" is defined as any 24-hour period or part thereof, beginning at 12:00 noon and ending on the following calendar day at 11:59 a.m. A "vehicle" is a self-propelled conveyance, such as an automobile, truck, or motorhome. Camp trailers are not considered vehicles for the purpose of this fee schedule. Fees for each area will be posted at the entrance to each area.

Group use, or use of group facilities associated with these campgrounds, will

be handled under the provisions of 43 CFR Subpart 8372—Special Recreation Permits.

Authority for this fee schedule revision is contained in CFR Title 36, Chapter I, Part 66, Subpart 66.9.

Stanley D. Butzer,

District Manager.

[FR Doc. 82-10961 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF INTERIOR

[Serial Nos. A 17000-S, A 17000-F (partial)]

Classification of Public Lands for State Indemnity Selection; Arizona

1. The Arizona State Land Department has filed a letter of intent to acquire and a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000-S and A 17000-F (partial).

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this Notice in the Federal Register. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. Until June 21, 1982 all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficent public interest exists to warrant the time and expenses of a hearing.

5. The lands included in this classification are located in Graham and Cochise Counties, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000-F (partial)

Gila and Salt River Meridian, Arizona

T. 22 S., R. 21 E.
Sec. 15: E½NE¼, S½NW¼, N½SW¼ [2, 5, 16, 18, 19].
Total: Approximately 240.00 acres.

T. 22 S., T. 22 E.
Sec. 3: Lots 5-12 incl., 17, 19, 20, 22-24 incl., 29, 32-39 incl., 42, 43, 47-51 incl., 54, 55, 60-62 incl., 68-78 incl., 86, 87, 90, 92, 92, 97, 101, 103-105 incl., 107, 108, 110-129 incl., 132-137 incl., 139, 141, 143-157 incl. [3, 9, 10, 17, 20].
Sec. 4: Lots 11, 23-33 incl., 36, 39, 40, 45, 46, 50, 57, 59, 62, 63, 66-70 incl., 72, 73, 76, 77, 82-85 incl., 87-90 incl., 93-103 incl. [1, 3, 9, 10, 20].
Total: Approximately 740.71 acres.

Application A 17000-S

Gila and Salt River Meridian, Arizona

T. 19 S., R. 22 E.
Sec. 25: S½SW¼ [11, 21].
Sec. 26: S½S½ [4, 11, 21].
Sec. 27: S½SE¼ [11, 21].
Sec. 34: NE¼, N½SE¼ [3, 11, 21].
Sec. 35: SW¼NW¼ [11, 20].
Total: Approximately 600.00 acres.

T. 20 S., R. 22 E.
Sec. 12: E½, E½W½ [11, 20].
Total: Approximately 480.00 acres.

T. 7 S., R. 26 E.
Sec. 26: SW¼NW¼, W½SW¼ [5, 6, 12, 13, 22].
Sec. 27: S½N½, S½ [5, 6, 13, 14, 22].
Sec. 34: All [6, 7, 13, 14, 22].
Sec. 35: All [7, 13, 22].
Total: Approximately 1,880.00 acres.

T. 8 S., R. 26 E.
Sec. 3: NE¼, E½NW¼, NW¼NW¼, E½SE¼, NW¼SE¼ [5, 6, 13, 14, 15, 17, 23].
Total: Approximately 400.00 acres.

The total acreage described above for Application A 17000-F (partial) and A 17000-S is approximately 4340.71 acres.

6. The following listed corporations, agencies, and individuals are holders of or applicants for leases, withdrawals, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Withdrawal

[1] Bureau of Reclamation, Central Arizona Project, 2200 Valley Bank Center, Phoenix, AZ 85073, PLO 5269, Charleston Dam and Reservoir.

Rights-of-Way

[2] City of Tombstone, City Hall, Tombstone, AZ 85638. PHX 0447.

[3] Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, AR 010880, AR010882, AR 013191, AR 017459.

[4] El Paso Gas Company, Box 1492, El Paso, TX 79978, PHX 073666.

[5] Mountain States Telephone, 3033 North 3rd Street, Room 806-A, Phoenix, AZ 85012, A 10377, A 11860.

[6] Graham County Board of Supervisors, 800 Main Street, Safford, AZ 85546, AR 032465, A 8898.

[7] Graham County Electric Cooperative, Drawer B, Pima, Arizona 85543, PHX 085919.

Grazing Leases

[8] Mrs. Sarah Grace McCool and/or Mr. George Bakarich, R. R. Box 104, Moson Road, Sierra Vista, AZ 85635.

[9] Albert D. Thomas, Route 1, Box 200, Highway 80, Bisbee, AZ 85603.

[10] Alan G. and Stephanie D. Gray, 1148 Cardinal Avenue, Sierra Vista, AZ 85635.

[11] Harold O. Love and Wesley E. Polley, P.O. Box 5998, Bisbee, AZ 85603.

[12] Walter Foote, Route 1, Box 618, Safford, AZ 85546.

[13] Howard Olsen, Route 1, Box 662, Safford, AZ 85546.

[14] Ronnie Kouts, 2110 S. 10th Avenue, Safford, AZ 85546.

[15] Donald H. Fischer, 10441 S. 46th Street, Phoenix, AZ 85044.

Range Improvement

[16] No. 89; Fence; Grace McCool.

[17] No. 114; Fence; Ronnie Kouts and Donald H. Fischer.

Oil and Gas Leases

[18] Sanchez O'Brien Petroleum Company, Box 2986, Laredo, TX 78041, A 9344.

[19] Mormac Oil and Gas, Suite 100, Mormac Building, 321 Texan Trail, Corpus Christi, TX 78411, and Tipperary Oil and Gas, Box 3179, Midland, TX 79702, A 11307.

[20] Juniper Petroleum Company, 1660 Lincoln Street, Suite 2410, Denver, CO 80264, A 10549, A 10563, A10574.

[21] Northern Michigan Exploration Co., P.O. Box 1150, Jackson, MI 49204, A 11475.

[22] AMAREX, Inc., P.O. Box 1678, Oklahoma City, OK 73101, A 14625.

[23] AMOCO Production Co., Security Life Building, Denver, CO 80202, A 11779.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: April 13, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82-10962 Filed 4-22-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. A 17000-J; A 17000-K; A 17000-U; A 17000-W]

Classification of Public Lands for State Indemnity Selection; Arizona

In FR Doc. 82-2651 appearing on pages 4746 through 4749 of the issue for February 2, 1982, the following addition should be made for these applications:

Under T. 10 N., R. 18 W., Section 6, add lot 5 and lot 7 east of Highway 95.

Dated: April 13, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82-10963 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

[CA 12321]

Classification of Public Lands for State Indemnity Selection; California; Correction

In FR Doc. 82-8735, appearing on page 13908 in the issue of Thursday, April 1, 1982, making the following changes:

1. In the third column, in the 13th line, "Section 6, Lot 2, 10, S½NE¼" should have read "Section 6, Lot 2, 10, SE¼NE¼;."

2. In the third column, in the 20th line, "NE¼SE¼" should have read "NW¼SE¼;."

3. In the third column, in the 23rd line, "Section 35, SE¼SE¼" should have read "Section 35, SE¼SW¼;."

4. In the third column, in the 42nd line, "NE¼NW¼, N½NW¼, N½SE¼," should have read "NE¼NW¼, N½SE¼;."

5. On page 13909, in the first column, in the 23rd line, Section 22, "Section 22, Section 23, All; should have read "Section 22, E½E½;" followed by "Section 23, All;" on the next line.

6. On page 13909, in the first column, in the 37th line, "Section 3, Lot 3, N½SW¼;" should have read "Section 3, Lot 3, N½SW¼, S½NW¼;."

7. On page 13909, in the third column, in the 10th line, "33" is corrected to read "66"; in the 12th line, "20" is corrected to read "40"; in the 15th line, "50" is corrected to read "100"; in the 17th line, "50" is corrected to read "100"; in the 50th line, "100" is corrected to read "200".

8. On page 13910, in the first column, in the 29th line, "100" is corrected to read "200"; in the 34th line, "20" is corrected to read "40".

Dated: April 13, 1982.

Van L. Manning,

Acting State Director.

[FR Doc. 82-10964 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Cook Inlet Aquaculture Association; Land Use Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: Notice is hereby given that the Cook Inlet Aquaculture Association (CIAA) filed for a lease to construct a salmon fish hatchery on Federal lands. The location of the proposed lease area is approximately 35 miles northeast of Anchorage, between the Old Glenn Highway and the tailrace of the Eklutna Hydroelectric Power Plant operated by the Alaska Power Administration.

The land use proposal submitted by the CIAA may be authorized under Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2762).

The proposed lease area lies within:

T. 16N., R. 2 E., Seward Meridian
Section 18, N½N½NE¼SE¼

CIAA will be responsible for survey of the proposed five-acre site within the above-described lands.

A noncompetitive lease was requested for the purpose of providing access to the site, and development of a hatchery complex. Facilities planned are a hatchery building, fish raceways and a fish ladder along the existing tailrace of the Eklutna Power Plant. The complex would have incubation and rearing capacity for 20 million chum salmon, plus experimental coho/chinook salmon production. The Cook Inlet Aquaculture Association, a non-profit organization, will construct, maintain and operate the hatchery facilities.

The Alaska Power Administration has no objections to the proposed project utilizing the land and tailrace of its Eklutna Hydroelectric Power Plant. The State of Alaska Department of Fish and Game also has no objections to the proposed project; it has issued a salmon hatchery permit (No. 17) dated February 5, 1982, to the CIAA with protective stipulations.

DATES: Comments will be accepted on or before June 15, 1982.

ADDRESSES: Send comments to: John Merrick, Peninsula Area Manager, Bureau of Land Management, Achorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Joette Storm, Public Information Officer, Bureau of Land Management, Anchorage District, (907) 267-1284.

Effective date: May 15, 1982.

Richard J. Vernimen,

Associate District Manager.

[FR Doc. 82-11031 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Cancellation of Survey

Notice is hereby given that the survey of omitted lands only, comprising of 29.68 acres, in sec. 13, T. 2 N., R. 37 E., Boise Meridian, Idaho, as shown on the official plat of survey accepted December 9, 1965, has been cancelled. Effective date of cancellation is March 25, 1982.

Inquiries involving the cancellation of this survey should be directed to the Chief Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, Federal Building, Box 042, 550 W. Fort St., Boise, Idaho 83724.

Dated: April 13, 1982.

Gerald W. Hochstrasser,

Acting Chief Cadastral Surveyor, Branch of Cadastral Survey, Idaho.

[FR Doc. 82-11036 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order MT-068-8201]

Montana Off-Road Vehicle Designation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

DECISION: Notice is hereby given relating to the use of off-road vehicles (ORV) on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340.

The following described lands under the administration of the Bureau of Land Management are under an interim designation which will be in effect until the Billings Resource Area's Resource Management Plan is completed. The described lands will be closed except to emergency vehicles such as law enforcement vehicles. Once the Resource Management Plan (RMP) is completed, the entire area will be designated in accordance to the decisions reached in the RMP. The 70-acre area affected by the designation is located in the Southwest end of the 1,200-acre South Hills Area.

This designation is the product of numerous public meetings which resulted in an agreement between user groups and landowners to have BLM close this small area in the South Hills.

A. *Closed Designation*—Approximately 70 acres are designated as being closed to all vehicular use, except in an emergency, in order to protect the environment and to reduce the conflicts between ORV users and adjacent landowners. The involved acreage is described as:

T. 1 S., R. 26 E., PMM
Sec. 21: S½S½NE¼, S½SE¼NW¼

This designation becomes effective upon publication in the **Federal Register** and will remain in effect until rescinded

or modified by the authorized officer. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals. An environmental assessment describing the impacts of this designation is available for review at the Billings Resource Area Office, 810 E. Main, Billings, Montana.

FOR FURTHER INFORMATION CONTACT: Area Manager, Billings Resource Area, 810 E. Main, Billings, MT 59105, Phone: 406–657–6262.

Dated: April 15, 1982.

Jerome W. Jack,

Area Manager.

[FR Doc. 82–11036 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

Salt Lake District, Utah; Grazing Advisory Board Notice

April 15, 1982.

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Salt Lake District Grazing Advisory Board will be held on May 27, 1982. The meeting will begin at 10:00 A.M. at the Woodruff Store, Woodruff, Utah.

The purpose of the meeting will be to:

1. Tour allotments in the Woodruff area.
2. Discuss and give recommendations on ways to implement the livestock grazing management program.

Frank W. Snell,

District Manager.

[FR Doc. 82–11035 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

Tracts Deleted From Coal Lease Offering Powder River Federal Coal Production Region

April 15, 1982.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001 and Montana State Office, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107, hereby gives notice that the following-identified tracts have been deleted from and will not be offered for competitive coal lease at the sale scheduled April 28, 1982, in Cheyenne, Wyoming:

W–78630—Fortin Draw
W–78632—Kintz Creek
W–78636—Timber Creek
M–54709—Ashland (Decker-Birney)
M–54717—Northwest Otter Creek
M–54718—Southwest Otter Creek

Surface owner consents were not obtained for five of the tracts. The sixth tract, Fortin Draw in Wyoming, was withdrawn because of discrepancies in estimated tonnage.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations

[FR Doc. 82–11033 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Platte River Resource Area, Casper District, Wyo., Intent To Prepare an Amendment to the Eastern Powder River Basin Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment of the Eastern Powder River Basin Management Framework Plan.

SUMMARY: The Casper District, Platte River Resource Area, is reviewing and will amend the coal component of the Eastern Powder River Basin (ERPB) Management Framework Plan. The plan covers northern Converse County and was originally prepared in 1977. The amendment will bring the plan into conformance with the Federal coal management program adopted by the Secretary of the Interior in 1979. The public is invited to comment.

Location of documents: Documents relevant to the planning process are available at the address listed below.

FOR FURTHER INFORMATION CONTACT: For additional information, or to comment on the amendment, contact: Jim Melton, Area Manager, Platte River Resource Area, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5556.

SUPPLEMENTARY INFORMATION: The Platte Resource Area of the Casper, Wyoming District of the Bureau of Land Management is reviewing and will amend portions of the ERPB Management Framework Plan (MFP) related to coal. The review and amendment are being initiated to ensure the MFP reflects, as completely as possible, current statutory requirements and policies regarding coal. Background standards and procedures for this MFP review and amendment preparation are contained in the department planning regulations 43 CFR 1600 and the coal regulations 43 CFR 3400. Standards for the coal review are also discussed in a final environmental statement describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979.

The EPRB MFP was originally completed in 1977. New long range comprehensive Resource Management Plans (RMPs) are required under the Federal Land Management Policy Act of 1976. The Platte River RMP is not scheduled for completion until October 1984. The MFP amendment, planned for completion in October 1982, will identify areas acceptable for further consideration for coal leasing. The amendment will be followed by activity planning, to include the identification of tracts be lease, their ranking by economic and environmental factors, and preparation of a regional environmental impact statement for lease sales. The MFP amendment will be incorporated into the ongoing Platte River RMP.

The review area is part of the Powder River Coal Region, and is entirely located within northern Converse County, exclusive of the Thunder Basin National Grasslands which are administered by the U.S. Forest Service. The area under review is 4 to 16 miles wide and also includes some small areas north and east of the town of Douglas, Wyoming along the northeast edge of Converse County. The area contains a number of coal seams in the Wasatch and Fort Union formation with a high and moderate development potential.

A potential issue with coal leasing in this area could be conflict between coal development and oil and gas production.

Public participation opportunities will be provided throughout the amendment process, and include the following: public notice and invitation to comment on the review and proposed amendment; 30-day comment period on draft MFP amendment to be distributed in August, 1982; and a public meeting and hearing to be held in Douglas, Wyoming in August 1982. Date and location of the meeting/hearing will be announced through local news media and notices mailed to interested members of the public. Public comment will be considered in preparation of the final MFP amendment.

An interdisciplinary team will complete the review and amendment. Disciplines to be represented include archeology, geology, hydrology, range, realty, recreation, socioeconomics, soils, and wildlife.

Dated: April 15, 1982.

Paul Arrasmith,

District Manager.

[FR Doc. 82–11084 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

Change of Office Hours for Filing Documents and Inspection of Records; Oregon

April 15, 1982.

Effective April 19, 1982, pursuant to 43 CFR 1821–2–1 (a) and (d), the Oregon State Office, Bureau of Land Management, located at 825 N.E. Multnomah Street, Portland, Oregon 97208, will be open to the public for the filing of applications and other documents and inspection of records between 9:30 a.m. and 3:30 p.m., on Monday through Friday with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

Other public services not involving filing of documents and records inspection are provided from 8:00 a.m. to 4:00 p.m.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 82–11037 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

[OR 346]

Termination of Disposal Classification; Oregon

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on September 14, 1967 (32 FR 13086), approximately 15,620 acres of public lands in Morrow County, Oregon were classified for disposal by public sale under the Act of September 19, 1964 (43 U.S.C. 1421–1427) or by public sale under Section 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the above described public lands is terminated upon publication of this notice in the **Federal Register.**

3. At 9:30 a.m., on June 1, 1982, the following described 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 9:30 a.m., on June 1, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing:

Willamette Meridian, Oregon

T. 2 N., R. 27 E.,
  Sec. 6, Unnumbered lot (NE¼SW¼).
T. 2 S., R. 29 E.,
  Sec. 1, NW¼SE¼.
T. 3 S., R. 23 E.,
  Sec. 31, Lots 2, 3, 4, E½SW¼, W½SE¼, SE¼SE¼;
  Sec. 32, SW¼SW¼.
T. 4 S., R. 28 E.,
  Sec. 1, SE¼NE¼, N½SE¼.
T. 4 S., R. 29 E.,
  Sec. 3, NE¼SE¼;
  Sec. 6, SE¼SW¼, SW¼.
T. 5 S., R. 25 E.,
  Sec. 31, Lot 4.
T. 5 S., R. 26 E.,
  Sec. 11, SW¼SW¼.
T. 6 S., R. 25 E.,
  Sec. 1, Lot 1;
  Sec. 6, Lot 4;
  Sec. 7, NE¼SE¼;
  Sec. 8, NW¼SW¼;
  Sec. 9, NE¼SW¼;
  Sec. 10, E½SW¼, S½SE¼;
  Sec. 15, N½NE¼, NE¼NW¼;
  Sec. 19, Lot 3.

The areas described aggregate 1,279.50 acres in Morrow County, Oregon.

4. At 9:30 a.m., on June 1, 1982, the lands described in paragraph 3 will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

5. All of the lands described in the order identified in paragraph 1 have been conveyed from United States ownership, except for the lands described in paragraph 3.

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

Dated: April 14, 1982.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 82–11032 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

[NM 42912–WR, NM 42948–WR, NM 42956–WR]

New Mexico; Proposed Partial Continuation of Withdrawals and Opportunity for Public Hearing

April 13, 1982.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) proposes to continue in part, for a period of 20 years, Secretarial Orders dated April 8, 1927, January 18, 1935 and August 22, 1939 creating Public Water Reserve Nos. 47, 212 and 256, respectively, insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 16 N., R. 5 W.,
  Sec. 15, W½NE¼.
T. 15 S., R. 4 W.,
  Sec. 21, SE¼SW¼.
T. 26 S., R. 14 W.,
  Sec. 28, NE¼SE¼.
T. 26 S., R. 15 W.,
  Sec. 15, SW¼SW¼;
  Sec. 34, SW¼SW¼.

The areas described contain 240 acres in Grant, McKinley and Sierra Counties, New Mexico.

The purpose of the withdrawals is to protect permanent water sources in order to preserve the public lands and the waters thereon for general public use and benefit. The lands are currently segregated from operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws but not from leasing under the mineral leasing laws.

A change in withdrawals' segregative effect has been proposed opening the lands to nonmetalliferous mineral location. No change in the use of the land is proposed.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawals' partial continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before July 21, 1982. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawals' partial continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of Secretary of the Interior. The final determination on the partial continuation of the withdrawals will by published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communications in connection with the proposed withdrawals' partial continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Operations.

[FR Doc. 82–10820 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral pre-lease and exploration proposals on the Alaska OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs) prepared by the MMS for the following oil and gas pre-lease and exploration activities proposed on the Alaska OCS. This listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/operator	Location	FONSI date
Seismic Program in the Beaufort Sea; Consolidated Georex Geophysical Company.	The proposed program did not involve leased OCS tracts; it is a prelease activity. The area under consideration is near Camden Bay (Flaxman Island area) in the Beaufort Sea.	Mar. 12, 1982.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Alaska OCS are encouraged to contact the below listed MMS office in the Alaska OCS Region.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Alaska Region, Public Information Room, 800 A Street, Anchorage, Alaska 99501, Phone: (907) 271–4303.

SUPPLEMENTARY INFORMATION: The MMS prepares EA and FONSI proposals which relate to exploration for oil and gas resources on the Alaska OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Joe M. Jones,

Minerals Manager, Alaska OCS Region, Minerals Management Service.

[FR Doc. 82-11039 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production plan describing the activities it proposes to conduct on Lease OCS–G 3972, block 597, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 15, 1982.

Lowell. G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10988 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OSC–G 4586, Block A–472, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 15, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10969 Filed 4-21-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Reclamation

Hungry Horse Powerplant Enlargement and Reregulating Reservoir, Hungry Horse Project, Mont.; Intent To Prepare an Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare and environmental statement on increasing the capacity of power generating facilities at Hungry Horse Dam, Hungry Horse, Montana. The Bureau of Reclamation has been authorized (under provisions of Pub. L. 96–375) to study the feasibility of the powerplant enlargement and will prepare an integrated feasibility report/environmental statement. The principal purpose of this project study is to identify plans for increasing power production capacity while protecting or improving fisheries downstream of Hungry Horse Dam on the Flathead River.

Hungry Horse Dam was completed in 1953. The existing powerplant contains four generators, rated at a total nameplate capacity of 285,000 kilowatts. Hungry Horse Reservoir is the third largest reservoir in the Federal Columbia River Power System, with storage capacity of 2,982,000 acre-feet. The reservoir also provides important flood control benefits, storage capacity for downstream hydrogeneration at other powerplants, and recreation opportunities.

In 1980 the Bureau of Reclamation completed a preliminary study of Hungry Horse Powerplant enlargement and a reregulating reservoir. In February 1981 the Bureau released to the public a document that provided the results and conclusions of that study. Based on the preliminary study, there appear to be at least three alternatives that can be evaluated in greater detail for increasing hydropower. They are:

1. Uprating of the existing generators to increase their electrical capacity; an increase of 100,000 kilowatts or more may be possible.
2. Adding a 55,000-kilowatt powerplant at the existing outlet works.
3. Combining an uprating of the generators and adding a powerplant at the outlet works.

A fourth alternative would involve a study of the effects of taking no action toward increasing generating capacity.

The first three alternatives would be analyzed both with and without construction of a reregulating dam. A reregulating dam could be located on the South Fork of the Flathead River about 3.4 miles downstream of Hungry Horse Dam. The dam would be about 50-feet high with reservoir capacity of about 2,000 acre-feet. The reregulating dam and reservoir would reduce maximum river flows during peak power generation and extend high minimum flows during periods when the powerplant stops generating. It is expected that this would benefit the downstream fishery—particularly during the winter and spring kokanee salmon spawning and egg incubation period. The Bureau of Reclamation has been funding studies by the Montana Department of Fish, Wildlife, and Parks since 1979 for baseline fishery research that will be used to define desirable flow regimes and help to analyze the effects of alternative plans on the fisheries on the Flathead River.

Other items that will be included in the feasibility study are installation of multilevel outlet works on Hungry Horse Dam to provide better temperature regimes for downriver fisheries, expansion of overnight camping facilities at Hungry Horse Reservoir, and modernization of the visitor center at the dam.

An information brochure has been prepared regarding the Bureau's feasibility study on the Hungry Horse project. Copies may be obtained by contacting: Hungry Horse Project Office, Hungry Horse Powerplant, Hungry Horse, Montana 59919, telephone (406) 387–5241.

A meeting is scheduled to obtain public input to help identify significant environmental issues related to the project and to determine the scope of issues to be addressed in the environmental statement. No preferred alternative has been identified; the range of likely alternatives already identified and issues forthcoming from the public will be discussed. Bureau personnel will make a presentation to acquaint the public with the feasibility study and plans being investigated.

The meeting will be held Tuesday, May 19, 1982, at the Outlaw Inn, 1701 Highway 93 South, Kalispell, Montana, at 7:30 p.m. To assure that all significant issues are identified and the full range of issues are discussed in the environmental statement, comments and suggestions are invited at that time, or contact Ms. Elaine Van Stelle, Bureau of Reclamation, Office of Environment, Box 043–550 West Fort Street, Boise, Idaho 83724, telephone (208) 334–9581.

Dated: April 16, 1982.

Eugene Hinds,

Assistant Commissioner.

[FR Doc. 82–10967 Filed 4–21–82; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: April 19, 1982.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice with 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) DGA Lines, Inc.
(2) 1001 West Magnolia, Phoenix, AZ 85007
(3) 1001 West Magnolia, Phoenix, AZ 85007
(4) David Robinson, 2228 W. Northern Ave. #B201, Phoenix, AZ 85021

(1) Freedom Trucking, Inc.
(2) P.O. Box 2725, Fullerton, CA 92633
(3) 2500 W. Orangethorpe, Fullerton, CA 92633
(4) David M. Kittelson, 420 S. Hoyt, Springfield, MN 56087

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10979 Filed 4–21–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-289N)]

Conrail Abandonment Between Clymer and End of Track in PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Clymer and End of the Track in the County of

Indiana, PA, a total distance of 1.0 mile effective on March 11, 1982.

The net liquidation value of this line is $14,931. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-10982 Filed 4-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP1-65]

Motor Carriers, Permanent Authority Decision-Notice

Decided: April 15, 1982.

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 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an 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.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier (Parker not participating in part).

Agatha L. Mergenovich,

Secretary.

MC-F-14833, filed March 25, 1982. TRANSCO SYSTEMS, INC. (Transco) (3200 East 79th St., Cleveland, OH 44104)—CONTINUANCE IN CONTROL—TOTAL TRANSPORTATION TRUCKING, INC. (TTT) (P.O. BOX 6931, Cleveland, OH 44101). Representative: F. L. WENHAM, 3200 E. 79th St., Cleveland, OH 44101. Transco seeks to continue in control of TTT upon the institution by TTT of operations, in interstate or foreign commerce, as a motor common carrier. F. L. Wenham, Jr., Trust (National City Bank) is the majority stockholder of Transco. Therefore, final approval of this application will be conditioned upon the National City Bank—trust for F. L. Wenham, Jr., joining in the application. Transco, a non-carrier holding company controls Wenham Transportation, Inc. (MC-77424) and Bestway Systems, Inc., (MC-161173) which has just been granted temporary authority to lease a portion of the operations rights of Wenham Transportation (MC-77424 Sub 55), pending final disposition of the concurrently filed finance application. L. M. Wenham, a stockholder of Transco (6.8%) controls Dependable Transportation, Inc. (MC-154613). Impediment: According to Commission Records, Dependable Transportation, Inc., an affiliated carrier of applicant did not comply with the common control condition set forth in MC-154613 (Sub-1). Therefore, final approval of this application will be withheld until the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 1, Room 6354. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by National City Bank—trust for F. L. Wenham, Jr.

Note.—Applicant has filed a directly related application docketed MC-160291, published in this same Federal Register issue.

[FR Doc. 82-10988 Filed 4-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP1-66]

Motor Carriers; Permanent Authority Decision-Notice

Decided: April 15, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's general rules of practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents

and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. 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

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

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 a non-complying applicant shall stand denied.

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 Number 1, Members Parker, Chandler and Fortier (Parker not participating in part).

Agatha L. Mergenovich

Secretary.

MC 160291, filed March 24, 1982. Applicant: TOTAL TRANSPORTATION TRUCKING, INC., P.O Box 6931, Cleveland, OH 44101. Representative: William J. Keely (same address as applicant) (216) 341-5448. Transportating *general commodities* (except classes A and B explosives, household goods and commodities in bulk), having a prior or subsequent movement by rail, between points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, TN, VA, WV, and DC.

Note.—This application is directly related to MC-F-14833, published in this same **Federal Register** issue.

[FR Doc. 82-10987 Filed 4-21-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

Correction

In FR Doc. 5379, appearing on page 8692, in the issue of Monday, March 1, 1982, make the following correction.

On page 8694, column 1, the tenth line of "MC 160567 (Sub-II-1TA)" inadvertently omitted the state "MI". That line should read:

"IN, *MI,* OH, NY, PA, and WI, under".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82-3221 appearing at page 5798 in the issue for Monday, February 8, 1982, please make the following correction:

On page 5799, in the third column, in the paragraph "MC 93682 (Sub-24)", filed for Coles Express, in the eighth line, "OY" should have read "OH".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82-5681 appearing on page 9078 in the issue of Wednesday, March 3, 1982, make the following correction:

On page 9083, third column, in the first line of the second complete paragraph (Clifford E. Cossey, Applicant), "MC 150529" should have read "MC 160529".

BILLING CODE 1505-01-M

[AB 1 SDM]

Rail Carriers; Chicago and North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago & North Western Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 SDM. The Commission on April 13, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc 82-10985 Filed 4-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-113)]

Rail Carriers; Elgin, Joliet and Eastern Railway Co., Union Railroad Co., Consolidated Rail Corp. Exemption for Amended Contract Tariff ICC-CR-C-0020

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The amended contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr.

or

Jane F. Mackall, (202) 275-7656

SUPPLEMENTARY INFORMATION: The Elgin, Joliet and Eastern Railway Company (EJ&E), Union Railroad Company (Union), and Consolidated Rail Corporation (Conrail), filed a petition on March 30, 1982, seeking an exemption under 49 U.S.C. 10505 from

the statutory notice provisions of 49 U.S.C. 10713(e). Petitioners request that we permit an amendment to contract tariff ICC–CR–C–0020 to become effective on one day's notice. The shipper joined in the petition.

The original tariff became effective on statutory notice on June 27, 1981. It provides for the transportation of coke from the shipper's facilities on the Union to its facilities on EJ&E via routing with Conrail.

The amended tariff has not been filed. However, petitioners state that they seek to allow diversion of shipments in transit without charge under certain conditions.

Under 49 U.S.C. 10713(e), contracts and amendments must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Due to reduced operations, the shipper needs to modify its coke receiving operations. Permitting diversion of shipments in transit, under the amended contract, will result in greater flexibility and operating efficiency. Petitioners further emphasize that the amendment is of limited scope. We find this to be the type of circumstances which warrants a provisional exemption. However, in the future, petitioners are directed to file the amended tariff concurrently with or before the petition for short notice. See Ex Parte No. 387 (Sub-No. 108), *Pittsburgh and Lake Erie Exemption for Contract Tariff ICC–PLE–C–12,* served April 9, 1982.

Petitioners' amended contract tariff ICC–CR–C–0020 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the amended contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking 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 15, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was not tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10980 Filed 4–21–82; 8:45 am]

BILLING CODE 7035–01–M

[AB 43 SDM]

Rail Carriers; Illinois Central Gulf Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Illinois Central Gulf Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 43 SDM. The Commission on April 6, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 43 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10983 Filed 4–21–82; 8:45 a.m.]

BILLING CODE 7035–01–M

[Finance Docket No. 29687]

Rail Carriers; Prairie Central Railway Co.—Petition for Exemption

April 16, 1982.

On July 14, 1981, Prairie Central Railway Company (Prairie) filed a petition for exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343.

Prairie is a newly-formed corporation organized to render common carrier rail transportation between Decatur and Paris, IL, a distance of approximately 73 miles. The Decatur-Paris line is owned (in part) by The Penn Central Corporation (Penn Central) and, until March 31, 1981, was operated by the Wabash Valley Railway Company. Since that date, no rail service has been provided. On June 26, 1981, Prairie applied for a certificate of designated operator, Docket No. D–OP 45, to render service over the Decatur-Paris line.

Prairie is a wholly-owned subsidiary of Trans-Action Lines Limited, a Delaware corporation. All of the stock of Trans-Action Lines Limited is owned by Craig E. Burroughs.

Mr. Burroughs also controls, through stock ownership, Trans-Action Associates, Inc., a Delaware corporation, which, in turn, wholly owns Louisiana Midland Railway Company (Midland) and Prairie Trunk Railway (Trunk). The common control of Midland and Trunk by Trans-Action Associates, Inc., and Mr. Burroughs was approved by this Commission in *Prairie Trunk Railway—Acquisition and Operation,* 348 I.C.C. 832, 853–55 (1977).

From the information contained in the petition and the related designated operator application we find that the proposed transaction is exempt under 49 CFR 1111.2(d)(2). The railroad lines of Midland, Trunk and Prairie all Class III carriers do not connect with each other, and the three small lines comprise the total rail corporate family.[1] There is no evidence that the acquisition by Prairie of the Decatur to Paris line is part of a series of anticipated transactions that could connect the railroads.

The Commission has determined that the employee protective provisions found in *New York Dock Ry.-Control-Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), satisfy the statutory requirements for the protection of employees involved in control and merger transactions. Under the *Railroad Consolidation Procedures,* 366 I.C.C. 75, 79 (1982), such conditions must be provided if it would have been required if the transaction were not exempt.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10984 Filed 4–21–82; 8:45 am]

BILLING CODE 7035–01–M

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[1] Midland operates over a 76-mile line of railroad between Packton and Vidalia, in the northeast part of Louisiana. Trunk operates over a 73-mile line between Flora and Shawneetown, in southeastern Illinois.

[Ex Parte No. 387 (Sub-115)]

Rail Carriers; Union Pacific, Exemption for Contract Tariff ICC-UP-C-0005

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. 10713(e). The contract to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr.
or
Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company (UP) filed a petiton on April 2, 1982, seeking an exemption under 49 U.S.C. 1055 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit supplement 2 to its contract ICC-UP-C-0005 to become effective on one day's notice. The supplement was filed to become effective on May 3, 1982. The supplement provides for the shipper to move a guaranteed percentage of its set-up motor vehicle traffic via the UP's lines.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The second supplement merely extends the terms contained in the first supplement and will only be effective until August 1, 1982. The underlying contract and the first supplement became effective following the 30 day statutory notice period. No protests were received against either. The parties had attempted in good faith to place into effect the terms of the second supplement in accordance with the full 30 notice requirements but the contract, ICC-UP-C-0016, was rejected on March 29, 1982 because it contained a retroactive provision. Thus, without an exemption, the shipper will lose for 30 days the benefit of the proposed extension of the agreement. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's supplement 2 to contract ICC-UP-C-0005 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, or review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in 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 15, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was not tie in the matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-10981 Filed 4-21-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

[AAG/A Order No. 2-82]

Privacy Act of 1974; New Routine Use

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e) (4) and (11), notice is herby given that the Department of Justice proposes to add the routine use reprinted below to the JUSTICE/PRC-003 Inmate and Supervision files system, notice of which was published in the **Federal Register** of December 9, 1981, Vol. 46, No. 236, p. 60337.

(k) Lists of names of parolees and mandatory releasees entering a jurisdiction and related information items may be disclosed to law enforcement agencies upon request as required for the protection of the public or the enforcement of parole conditions.

Since this routine use is compatible with the previously published routine uses, no report to the Office of Management and Budget or the Congress is required.

Further, the Department proposes to modify the routine use identified as "(j)" in the December 9 publication by removing the words "by a Commissioner."

(j) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact with a particular parolee or mandatory releasee if it is deemed to be reasonably necessary to give notice that such danger exists.

Further, a recent change in an address has required an updating of this information. Some typographical errors have been corrected.

Inquiries or comments may be submitted in writing to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. All comments must be received by May 24, 1982. If no comments are received within thirty days, the new routine use will be adopted as set forth. No oral hearings are contemplated. The amended system is reprinted below in its entirety.

Dated: April 13, 1982.

Kevin D. Rooney,
Assistant Attorney General for Administration.

JUSTICE/PRC-003

SYSTEM NAME:

Inmate and Supervision Files

SYSTEM LOCATION:

Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters Office located at 5550 Friendship Blvd., Chevy Chase, Md. 20815 when used by the National Appeals Board or other Headquarters personnel. A duplicate record of certain data elements from files is maintained on microfiche for Headquarters use. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. Certain records on parolees and mandatory releasees are maintained at probation offices. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission, Scott Plaza II, Industrial Highway, Sixth Foor, Philadelphia, Pa. 19113. U.S. Parole Commission, 715 McDonough Blvd. S.E., Atlanta, GA. 30315. U.S. Parole Commission, Air World Center, Suite 220, 10920 Ambassador Drive, Kansas City, Mo. 64153. U.S. Parole Commission, 555 Griffin Square, Suite 820, Dallas, Tex. 75202. U.S. Parole Commission, 330

Primrose Drive, Fifth Floor, Burlingame, Calif. 94010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releasees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Computation of sentence and supportive documentation.
2. Correspondence concerning pending charges, and wanted status, including warrants.
3. Requests from other Federal and non-Federal law enforcement agencies for notification prior to release.
4. Records of the allowance, forfeiture, withholding and restoration of good time.
5. Information concerning present offense, prior criminal background sentence, and parole from the U.S. Attorneys, the Federal Courts, and Federal prosecuting agencies.
6. Identification Data.
7. Order of designation of institution or originial commitment.
8. Records and reports of work and housing assignments.
9. Program selection, assignments and performance adjustments/progress reports.
10. Conduct records.
11. Social background.
12. Educational data.
13. Physical and mental health data.
14. Parole Commission applications, appeal documentation, orders, actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements or third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.
15. Correspondence regarding release planning, adjustment and violations.
16. Transfer orders.
17. Mail and visit records.
18. Personnal property records.
19. Safety reports and rules.
20. Release processing forms and certificates.
21. Interviews request forms from inmates.
22. General correspondence.
23. Copies of inmate court petitions and other court documents.
24. Reports of probation officers, Commission correspondence with former inmates and others, and Commission order and memoranda dealing with supervision and conditions of parole or mandatory release.
25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18. U.S.C. 4291–4218, 5005–5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

(a) The file is the "working tool" used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principal information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission members to provide the information for decision making in every area of Commission responsibility. Files of release inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide an information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used as a source for disclosure of information which is solely of general public record, such as offense, sentence data, release date, etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from Federal inmates, their families or representatives, or Congressional inquiries.

(e) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users—U.S. Probation Officers, who supervise parolees and mandatory releases and U.S. District Court judges when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(h) A record from this system may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(j) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact with a particular parolee or mandatory release if it is deemed to be reasonably necessary to give notice that such danger exists.

(k) Lists of names of parolees and mandatory releasees entering a jurisdiction and related information items may be disclosed to law enforcement agencies upon request as required for the protection of the public or the enforcement of parole conditions.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be

disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the system is stored on papers fastened into file jackets and a minimal amount is on cards stored in card file drawers. A duplicate record of certain data elements is stored on microfiche at Headquarters. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at the Bureau of Prisons in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology has been partially implemented.

RETRIEVABILITY:

All data is indexed by name and /or register number. When ADP technology is used in the future, such data may be available by FBI identification number, or other indices.

SAFEGUARDS:

Within the Department of Justice, routine use is made available to employees only on a "need to know" basis. Files are stored in rooms which are supervised by day and locked at night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by a letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the Federal enforcement-prosecution-judicial area only.

RETENTION AND DISPOSAL:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means of shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy, Attorney-Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

RECORD SOURCE CATEGORIES:

1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and Federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports and findings of institution supervisors, counselors, board and committees, Parole Commission examiners, Parole Commission examiners, Parole Commission Members; 10. Federal Court records; 11. U.S. Bureau of Prisons personnel and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d)(e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 55a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published the **Federal Register.**

[FR Doc. 82-10949 Filed 4-21-82; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

U.S. v. Ashland-Warren, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Eastern District of North Carolina in *United States* v. *Ashland-Warren, Inc.*, Civil Action No. 82-338-CIV-5. The Complaint in this case alleged that the corporation engaged in four combinations and conspiracies to rig bids on highway construction projects in the State of North Carolina in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the court. Comments should be directed to Anthony V. Nanni, Chief, Trail Section, Room 3266, antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone: 202/633-2541).

Joseph H. Widmar,
Director of Operations.

U.S. District Court, Eastern District of North Carolina, Raleigh Division

United States of America, v. *Ashland-Warren, Inc.*, Defendant

Civil Action No.:

Filed: April 8, 1982.

Stipulation

The parties stipulate and agree that:

1. The Court may file and enter a Final Judgment, in the form attached to this stipulation, on the Court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h), and without further notice to any party or other proceedings, if the plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice of its withdrawal on the defendant and filing that notice with the Court.

2. If the plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, the Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: April 2, 1982.

For the plaintiff:

William F. Baxter, *Assistant Attorney General;*

Joseph H. Widmar,

/s/ Anthony V. Nanni,

Anthony V. Nanni,

Attorneys, U.S. Department of Justice.

For the defendant:

Ray S. Bolze, Howrey & Simon, 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006.

Robert E. Bloch,

Laura, Metcoff, Klaus,

Attorneys, Antitrust Division, Room 3266, U.S. Department of Justice, Washington, D.C. 20530. 202/633-2540.

U.S. District Court, Eastern District of North Carolina, Raleigh Division

United States of America v. *Ashland-Warren, Inc.*, Defendant

Civil Action No.

Filed: April 8, 1982.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on April 8, 1982, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of

any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties consenting hereto. The Complaint states claims upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

A. "Person" means any natural person, partnership, firm, corporation, association or other business or legal entity;

B. "Ashland-Warren" means Ashland-Warren, Inc., and Ashland Oil, Inc., and each direct or indirect subsidiary, division and joint venture, which has sold any form of construction material or performed paving or construction work, and each predecessor, successor and assign to each of the foregoing. Excluded from the foregoing are United States Filter Corporation, Ashland Coal, Inc., and Arch Mineral Corporation and each direct or indirect subsidiary, division or joint venture thereof.

C. "Paving or construction work" means the building, rebuilding, surfacing, resurfacing and maintenance or repair of roads, bridges, culverts, ramps, grade separation structures, interchanges, parking structures and lots, airports, transit facilities, power plants, water and waste treatment plants, flood and erosion facilities, underground utilities, excavation drainage, stripping, soil stabilization, pile driving, foundation and other site preparation, base work, recycling and reclamation work, as well as all materials and services, rented or supplied, in connection with this work; and

D. "Construction material" means asphalt (liquid, treated and mix), concrete (bituminous and portland cement), concrete block, dirt, sand, gravel and other aggregates.

III

A. This Final Judgment applies to Ashland-Warren, as defined in Section II B, above, as well as its officers, directors, agents and employees. This Final Judgment shall also bind all persons in active concert or participation with Ashland-Warren or any of the foregoing who shall receive actual or constructive notice of this Final Judgment by personal service or otherwise.

B. This Final Judgment shall not apply to joint venture partners of Ashland-Warren, nor shall Sections IV and V hereof apply to any transactions or activities solely between or among the persons identified in Section III A hereof.

IV

Ashland-Warren is enjoined and restricted from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

A. Raise, fix, establish, maintain, or adhere to a price, a discount or any other term or condition of sale of any form of construction material or of paving or construction work;

B. Refrain from bidding to supply any form of construction material or paving or construction work;

C. Submit a collusive, noncompetitive or rigged bid to supply any form of construction material or paving or construction work; or

D. Allocate a job or customer, or to divide a market or a territory, with respect to any form of construction material or paving or construction work.

V

Ashland-Warren is enjoined and restrained from communicating with or requesting from another seller of a construction material, or a person engaged in paving or construction work, information concerning:

A. Any past, present, future or proposed bid, or the consideration of whether to submit a bid to sell any form of construction material or to perform paving or construction work;

B. Any past, present, future or proposed bid or any prospective or proposed price for, or any discount or other term or condition for sale of, any form of construction material or the performance of paving or construction work;

C. The decision (or the consideration of whether) to make a change in an actual or proposed price, discount or other term or condition for sale of any form of construction material or the performance of paving or construction work; or

D. The production, sales volume or cost of any form of construction material or of paving or construction work.

VI

This Final Judgment shall not apply to:

A. Any necessary communication with a person in connection with the formulation or submission of a *bona fide* joint bid or quotation, so long as the formulation or submission of such joint bid or quotation has been requested by or is known to the purchaser;

B. Any necessary communication relating to a *bona fide* contemplated or actual joint venture or subcontract agreement between or among the parties thereto;

C. Any necessary communication in connection with a *bona fide* contemplated or actual purchase, sale or lease transaction between the parties to the communication; or

D. Any communication that is made to the public or trade generally, but is not made directly to any other person engaged in paving or construction work or the sale of construction material.

VII

A. Ashland-Warren shall, within sixty (60) days after entry of this Final Judgment, furnish a copy of it to each of its employees whose ordinary and regular duties include:

1. Bidding or estimating projects upon which Ashland-Warren may provide paving or construction work; or

2. Any responsibility for recommending or establishing the price of any form of construction material.

B. Ashland-Warren shall furnish a copy of this Final Judgment to each person who becomes an employee meeting the description in Section VII A within sixty (60) days of the date upon which he or she assumes the position bringing him or her within that description.

C. Ashland-Warren shall take the following affirmative steps to advise each employee meeting the description in Section VII A and B of its and of their obligations. At least once every two (2) years, copies of this Final Judgment and of a written directive describing Ashland-Warren's policy requiring compliance with the Sherman Act and with this Final Judgment shall be distributed to each such employee. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and shall state that Ashland-Warren's legal counsel are available to confer about any compliance questions. Ashland-Warren shall require that each employee submit to it a signed statement (to be retained in its files) acknowledging:

1. That he or she has read this Final Judgment and the directive;

2. That he or she understands that noncompliance will result in appropriate disciplinary action, which may include dismissal; and

3. That he or she has been advised and understands that noncompliance with this Final Judgement may also result in conviction for contempt of court as well as a fine or imprisonment, or both.

In the event of a refusal by an employee to sign such a statement, Ashland-Warren shall not be deemed in contempt of this Final Judgement so long as, within thirty (30) days thereafter, such employee is removed from all duties meeting the description in Section VII A, or is discharged.

D. Ashland-Warren shall file with the Court and serve on the United States, within ninety (90) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Section VII A.

VIII

Ashland-Warren shall require, as a condition of the sale or other disposition of all, or substantially all, of the stock or assets * of any division or subsidiary which has sold any form of construction material or performed paving or construction work that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve on the United States, it consent to be bound by this Final Judgment.

IX

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, or his or her agent, made to Ashland-Warren at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to Ashland-Warren, which may have counsel present,

* For the purposes of this section, "assets" shall mean assets committed to the performance of paving or construction work or the sale construction materials.

duly authorized representatives of the Department of Justice shall be permitted:

1. To have access, during office hours, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Ashland-Warren relating to any matters covered by this Final Judgment; and

2. Subject to the reasonable convenience of Ashland-Warren and without restraint or interference from it, to interview officers, directors, employees or agents of Ashland-Warren, any of whom may have counsel present, regarding any matters covered by this Final Judgment.

B. Ashland-Warren shall submit reports in writing, under oath, with respect to any matters covered by this Final Judgment as may be reasonably requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing conmpliance with this Final Judgment or as otherwise required by law.

If, at the time information or documents are furnished by Ashland-Warren to the United States pursuant to this Final Judgment, Ashland-Warren represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then the United States shall give ten (10) days notice to Ashland-Warren before divulging the material in any legal proceeding (other than a grand jury proceeding) to which Ashland-Warren is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

XI

This Final Judgment shall be in effect for a period of ten (10) years following the date of its entry.

XII

Entry of this Final Judgment is in the public interest.

Franklin T. Dupree, Jr.,

United States District Judge.

U.S. District Court, Eastern District of North Carolina, Raleigh Division

United States of America v. *Ashland-Warren, Inc.*, Defendant.

Civil Action No.:

Filed: April 8, 1982.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On April 8, 1982, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) to enjoin the defendant from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. 1).

Count One of the complaint alleges that beginning in at least 1975, and continuing until at least August 1979, the defendant and unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by allocating among themselves highway construction projects let by the State of North Carolina in the western part of the state. Count Two of the complaint alleges that beginning in or about April 1979, and continuing after that time, the defendant and unnamed co-conspirators engaged in a conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on highway construction Project 5.2811036, let by the State of North Carolina on May 1, 1979. Count Three of the complaint alleges that beginning in or about September 1978, and continuing after that time, the defendant and unnamed co-conspirators engaged in a conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on highway construction Project 9.5070102, let by the State of North Carolina on October 3, 1978 and relet on November 28, 1978. Count Four of the complaint alleges that beginning in at least 1974, and continuing until at least October 1979, the defendant and unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by allocating among themselves highway construction projects let by the State of North Carolina in certain named counties in the state.

The complaint seeks a judgment by the court that the defendant engaged in the combinations and conspiracies in restraint of trade in violation of Section 1 of the Sherman Act as alleged in Counts One, Two, Three and Four of the complaint. The complaint also seeks an order to enjoin the defendant from continuing or resuming any conspiracy or other combination having similar purposes or effects.

This proceeding arose as a result of grand jury investigations into bid-rigging activities of the defendant and others in North Carolina and other states. Ashland-Warren, Inc. was charged in three indictments in the Eastern District of North Carolina for violations of the Sherman Act (15 U.S.C. 1) and the mail fraud statute (18 U.S.C. 1341). *United States* v. *Ashland-Warren, Inc.*, Criminal Nos. 82–10–CR–5, 82–11–CR–5 and 82–12–CR–5. The company also was charged in four indictments in the Middle District of Tennessee for violations of the Sherman Act (15 U.S.C. 1) and the mail fraud statute (18 U.S.C. 1341). *United States* v. *Ashland-Warren, Inc.*, Cr. No. 81–30033; *United States* v. *Ashland-Warren, Inc., et al.*, Cr. No. 81–30037; *United States* v. *Ashland-Warren, Inc.*, Cr. No. 81–30042; and *United States* v. *Ashland-Warren, Inc., et al.*, Cr. No. 81–30043. In addition, Ashland-Warren's parent, Ashland Oil, Inc. was charged in an indictment in the Middle District of Tennessee. *United States* v. *Ashland Oil, Inc.*, Cr. No. 81–30038. Ashland-Warren, Inc. also was charged in one indictment and two informations in the Eastern District of Virginia for violations of the Sherman Act (15 U.S.C. 1). *United States* v. *Ashland-Warren, Inc., et al.*, Cr. No. 80–00022–R; *United States* v. *Ashland-Warren, Inc.*, Cr. Nos. 80–00071–R and 80–00072–R. Pursuant to plea agreements, the defendant pleaded guilty to a total of four counts in the three indictments filed in the Eastern District of North Carolina and was fined $4,000,000. The four counts to which the defendant pleaded guilty are the four violations which are the subject of the complaint. The defendant also pleaded guilty to two counts in two of the indictments filed in the Middle District of Tennessee (Cr. Nos. 81–30033 and 81–30042). The defendant was fined $2,000,000. The remaining counts and indictments were then dismissed. Finally, the defendant pleaded guilty to a total of three counts in the three indictments filed in the Eastern District of Virginia and was fined $1,500,000.

II

The Terms of the Alleged Conspiracies

During the period of time covered by the complaint, the defendant engaged in the business of highway construction in the State of North Carolina, as well as other states.

The complaint alleges that in each of the four counts, the defendant and unnamed co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids on highway projects that were part of the Federal-Aid highway system in the State of North Carolina. To effectuate the conspiracies, the complaint alleges that the defendant and unnamed co-conspirators discussed the submission of prospective bids, agreeed the defendant or a conspiring company would be the low bidder on the projects, and submitted intentionally high or complementary bids, or withheld bids on the projects. The complaint further alleges that the conspiracies had the effect of establishing the price of highway construction projects subject to the conspiracies at artificial and noncompetitive levels and of denying the State of North Carolina and the United States the benefits of free and open competition.

III

Explanation of the Proposed Final Judgment

The parties have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment between the parties provides that the entry of the Final Judgment is not an

admission by any party with respect to any issue of fact of law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered unless the court determines that entry is in the public interest.

The proposed Final Judgement enjoins the defendant from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

a. raise, fix, establish, maintain or adhere to prices, discounts or any other term or condition of sale for paving or construction work or the sale of any form of construction material;

b. submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for the sale of construction material or paving or construction work to any third person;

c. allocate or divide markets, customers, territories or contracts for the sale of any form of construction material or paving or construction work to any third person.

The proposed Final Judgment also enjoins the defendant from communicating with or requesting from any other person engaged in paving or construction work or the sale of construction material information concerning:

a. any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of construction material or the performance of paving or construction work to any third person;

b. any past, present, future or proposed price, discount or other term or condition of sale for construction material or paving or construction work or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition of sale for construction material or paving or construction work; or

c. sales or costs of construction material or paving or construction work, production, or costs.

These restrictions on communication do not apply to:

a. any necessary communication in connection with formulating or submitting with any person a *bona fide* joint bid or quotation that has been requested by or is known to the purchaser;

b. any necessary communication relating to a *bona fide* contemplated or actual purchase or sales transaction between the parties to the communication; and

c. any communication that is made to the public or trade generally, but not made directly to any other person engaged in the sale of construction material or paving or construction work.

The proposed Final Judgment requires the defendant to provide a copy of the Final Judgment to each of its employees whose ordinary and regular duties include bidding or estimating paving or construction work or contracts or recommending or establishing the price of any construction material within 60 days after the judgment is entered. The defendant must also furnish a copy of the Final Judgment to each person who becomes an employee with the responsibilities described above within 60 days after the employee assumes the described position. In addition, the defendant is required to distribute at least once every two years, a copy of the Final Judgment and a written directive about the defendant's compliance policy to each of the described employees. The directive must include a warning that noncompliance will result in disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer on compliance questions. Upon receipt of the judgment and directive, the employee must submit a signed statement to his or her employer acknowledging that a signed statement to his or her employer acknowledging that the employee has read the judgment and directive, has been advised and understands that noncompliance with the judgment may result in disciplinary action, which may include dismissal, and has been advised and understands that noncompliance may also result in conviction for contempt of court and fine or imprisonment or both.

The proposed Final Judgment also provides that the defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of any division or subsididary engaged in the paving or construction business or the sale of construction material, that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendant, subject to reasonable notice requirements, in order to examine such records to determine or secure compliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendant to determine whether the defendant and its representatives are complying with the Final Judgment. Finally, the defendant, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist any person bringing or prosecuting any treble damage antitrust claim arising out of the combinations and conspiracies charged in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment may not be used as *prima facie* evidence in legal proceedings against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Chief, Trial Section, Department of Justice, Antitrust Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that the court retains jurisdiction over this action, and the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendant. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Robert E. Bloch,
Laura Metcoff Klaus,
Attorneys, Antitrust Division, Room 3266, U.S. Department of Justice, Washington, D.C. 20530, 202/633–2540.

[FR Doc. 82–10970 Filed 4–21–82; 8:45 am]
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United States v. Realty Multi-List, Inc.; Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed final judgment and competitive impact statement (CIS) as set out below have been filed with the United States District Court for the Middle District of Georgia in *United States v. Realty Multi-List, Inc.*, Civil Action No. 76–87–Col.

The complaint in this case alleged that the defendant, Realty Multi-List, Inc.

("RML"), a residential real estate multiple listing service, and various co-conspirators, engaged in a combination and conspiracy to restrict licensed real estate brokers from access to the competitive benefits derived from membeship in RML. The complaint also alleged that RML and other co-conspirators adopted rules and regulations which restricted competition among licensed brokers and salespersons engaged in the sale of real estate in the Columbus, Georgia area.

The proposed final judgment would enjoin the defendant from engaging in these restrictive practices and would require it to admit to membership persons who meet certain specified requirements. The CIS explains the background of the case and the intended effects of the proposed judgment.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309.

Joseph H. Widmar,

Director of Operations.

District Court, Middle District of Georgia, Colombus Division

United States of America, Plaintiff, v. *realty Multi-List, Inc.,* Defendant.

Civil Action No. 76–87–Col.

Filed: April 9, 1982.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgement by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgement is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendant in this or any other proceeding.

Dated:

For the Plaintiff: William F. Baxter, *Assistant Attorney General;* Mark P. Leddy, Donald A. Kinkaid; *Attorneys, Antitrust division, U.S. Department of Justice;* John R. Fitzpatrick, Nicholas A. Lotito, *Attorneys, Antitrust Division, U.S. Department of Justice, 1776 Peachtree Street, N.W., suite 420, Atlanta, GA 30309, Telephone: FTS: 257–3828, (404) 881–3828.*

For the Defendant: Forrest L. Champion, Jr., Champion & Champion, P.O. Box 2525, 1030 2nd Avenue, Colombus, Georgia, Telephone: (404) 324–4477.

U.S. District Court, Middle District of Georgia, Columbus Division

United States of America, Plaintiff, v. *Realty Multi-List, Inc.,* Defendant.

Civil Action No. 76–87–Col.

Filed: April 9, 1982.

Final Judgment

Plaintiff, United States of America, filed its Complaint on August 20, 1976. The defendant, Realty Multi-List, Inc. ("RML"), moved for summary judgment and, after completing discovery, plaintiff also filed a motion for summary judgment. On May 11, 1978, this Court issued an order denying plaintiff's request for injunctive and declaratory relief, and the United States appealed. On November 14, 1980, the United States Court of Appeals for the Fifth Circuit reversed said order and remanded the case for further proceedings. *United States v. Realty Multi-List, Inc.,* 629 F.2d 1351 (5th Cir. 1980). Through their respective attorneys, plaintiff and defendant have consented to the entry of the Final Judgment, without this Final Judgment constituting any evidence against, or any admission by, either party with respect to any issue of fact or law herein;

Therefore, upon consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and over each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this final Judgment:

(A) "Member" shall mean any person who is entitled to participate in the services offered by defendant's multiple listing service, whether or not said person is a stockholder in defendant; and

(B) "Person" shall mean any individual, partnership, firm, association, corporation or other business or legal entity.

III

The provisions of this Final Judgment are applicable to the defendant and to each of its officers, directors, agents, employees, members, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The defendant, whether acting unilaterally or in concert or agreement with any other person, is enjoined and restrained from:

(A) Refusing to grant access to defendant's services to any person who:

(1) holds a principal real estate broker's license issued by the appropriate State of Georgia governmental authority and whose license is deemed to be in active status by said authority;

(2) agrees to pay to defendant:

(a) a charge equal to the cost of setting him up to use defendant's services;

(b) his pro-rata share of the expenses of operating defendant, including the accumulation and maintenance of reasonable reserves for developing, maintaining or improving defendant as a going concern; and

(c) such reasonable and non-discriminatory per listing fee as defendant customarily charges for listing property in its service; and

(3) agrees to abide by defendant's charter, by-laws, rules and regulations insofar as they regulate the operation of defendant's multiple listing service and are not otherwise inconsistent with the terms of this Final Judgment.

(B) Establishing, maintaining or enforcing any charter provision, by-law, rule or regulation, or otherwise taking action, which is designed to or has the effect of:

(1) Restricting or limiting the availability of defendant's services by enacting moratoria on the admission of additional persons to membership who meet the criteria for membership set forth in Section IV (A) hereof;

(2) Denying membership in defendant to persons who meet the criteria for membership set forth in Section IV (A) hereof because they are part-time brokers;

(3) Regulating the office hours or the location of the office of any member of defendant;

(4) Prohibiting any member of defendant from belonging to or otherwise using the services of any other multiple listing service;

(5) Prohibiting or restricting any member of defendant from advertising any type of real property; and

(6) Prohibiting or restricting any member from engaging in cooperative sales with non-members on said member's listings or those of a non-member.

(C) Utilizing its reserves to redeem shares of its outstanding stock at an amount which exceeds the then book value of the share of stock being redeemed or $1,000 per share, whichever is lower.

V

(A) The defendant is ordered and directed to admit to membership any person who meets the criteria set forth in Section IV (A) here of within thirty (30) days from the receipt of his application. Within ten (10) days from receipt of an application, defendant shall acknowledge its receipt and furnish the applicant with a copy of the Final Judgment. In the event a question is raised as to whether an applicant meets the criteria set forth in Section IV (A) hereof, defendant shall promptly inform the applicant in writing of the nature of the question, and the applicant shall be permitted an opportunity to supply information to defendant pertinent to the resolution of such question as has been raised as to his qualifications.

(B) The defendant is ordered and directed within thirty (30) days from the date of entry of this Final Judgment to establish charges for the use of its services which are consistent with the provisions of Section IV (A) of this Final Judgment, provided, however, that nothing in this Final Judgment shall prohibit defendant from selling shares of stock in defendant to interested persons of its choosing at such prices and on such terms and conditions as it deems appropriate.

(C) The defendant is ordered and directed that in the event defendant shall after the date of entry of this Final Judgment collect set up charges, operating fees, listing fees or any combination thereof in excess of its actual requriements from its members, whether stockholders or otherwise, said excess monies shall be returned to said members or credited to their accounts in proportion to the contribution of said members to the amount of the surplus. Said returns or credits shall be made within ninety (90) days of the end of each of defendant's fiscal years within which such excess monies occur.

VI

The defendant is ordered and directed to:

(A) Furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers, directors, members, employees, agents and to each person who has a pending application for membership.

(B) Furnish a copy of this Final Judgment to each person who subsequent to defendant's compliance with Paragraph (A) of this Section becomes an officer, director, member, employee or agent of defendant, said copy to be furnished within thirty (30) days of said person's achieving such status.

(C) File with this Court and with plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact of its compliance with Paragraph (A) of this Section.

(D) Obtain from each person served with this Final Judgment pursuant to Paragraph (A) of this Section a written statement evidencing such person's receipt of a copy of this Final Judgment and retain such statements in its files.

VII

The defendant shall require as a condition of the sale or disposition of all, or substantially all, of defendant's assets to a person seeking to perform essentially the same services as defendant in Muscogee County, Georgia that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

VIII

Within sixty (60) days of the entry of this Final Judgment the defendant shall mail or deliver to each licensed principal real estate broker in Muscogee County, Georgia, who is not a member of defendant, either a copy of this Final Judgment or a notice of its entry, which notice shall also set forth, verbatim, the text of Sections IV and V hereof and the advice that this Final Judgment is available for inspection in the Office of the Clerk of the United States District Court in Columbus, Georgia.

IX

(A) Once each fiscal year, for a total of five (5) fiscal years, defendant shall conduct an examination of its operations to determine compliance with the provisions of this Final Judgment. The persons conducting the examination must be given complete cooperation by defendant's officers, directors, members, employees and agents and shall be given access to all relevant books and records of the defendant.

(B) A description by the defendant as to how the examination will be conducted is to be submitted to the plaintiff for approval within six (6) months after the date of entry of this Final Judgment.

(C) Within one hundred twenty (120) days after the close of each of its fiscal years ending after the anniversary date of the entry of this Final Judgment, a report of the findings of each such examination shall be filed with the Court, and a copy thereof submitted to the plaintiff and to the officers and directors of the defendant.

X

(A) For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

(1) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the antitrust Division, and on reasonable written notice to the defendant made to its principal office, be permitted:

(a) Access during the office hours of the defendant to inspect and copy all books, ledgers, accounts, minutes, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant, which may have counsel present, relating to any of the matters contained in the final Judgment; and

(b) Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, members, employees and agents of the defendant, any of whom may have counsel present, regarding any such matters; and

Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, the defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(B) No information obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by the defendant to the United States, the defendant represents and identifies in writing the material in any such information or document to be that to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by the United States to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

XI

This Final Judgment and all of the provisions hereof, except for those with a briefer duration, shall expire on, and have no effect after, the end of defendant's fiscal year ending after the tenth (10th) anniversary of the date of this Final Judgment's entry by this Court.

XII

Jurisdiction is retained by this Court for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of any of the provisions of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith and for the punishment of any violation hereof.

Entry of this final Judgment is in the public interest.

Done and Ordered This —— day of ——, 1982.

United States District Judge, Middle District of Georgia, Columbus Division.

U.S. District Court, Middle District of Georgia, Columbus Division

United States of America, Plaintiff, v. *Realty Multi-List, Inc.*, Defendant.

Civil Action No. 76–87–Col.

Filed: April 9, 1982.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)–(h)), the United States of America submits this Competitive Impact Statement relating to the proposed consent judgment in this civil antitrust proceeding.

I

Nature of the Proceeding

On August 20, 1976, the Department of Justice filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) alleging that Realty Multi-List, Inc. had violated Section 1 of the Sherman Act (15 U.S.C. 1). Realty Multi-List, Inc. ("RML") is in the business of operating a real estate multiple listing service for the benefit of its members, who are licensed real estate brokers doing business in Columbus (Muscogee County), Georgia ("Columbus area").

The Complaint filed in this action alleges that RML and certain other persons combined and conspired, since at least as early as September, 1967, to restrict membership in defendant and to adopt and enforce rules and regulations otherwise restricting competition between and among licensed real estate brokers and other persons engaged in the business of selling real estate in the Columbus area, in violation of Section 1 of the Sherman Act. The Complaint asked the Court to restrain defendant from establishing, maintaining, or enforcing by-laws, rules and regulations which: (a) unreasonably restrict membership in defendant; (b) arbitrarily exclude from membership in defendant any real estate broker licensed by the State of Georgia; or (c) unreasonably restrict members from doing business with non-members.

RML moved for summary judgment, and after the completion of discovery, the United States also filed a motion for summary judgment. In its Order of May 11, 1978, this Court denied the Government's request for relief and ruled that various challenged practices of RML did not violate the Sherman Act. The United States appealed, and the United States Court of Appeals for the Fifth Circuit reversed this Court's decision and remanded the case for further proceedings. *United States* v. *Realty Multi-List, Inc.*, 629 F.2d 1351 (5th Cir. 1980).

Entry of the proposed consent judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II

Detailed Description of the Practices Involved in the Alleged Violation

The defendant is a Georgia corporation engaged in facilitating the sale of residential real estate in the Columbus, Georgia area by compiling the real estate listings of RML's members into a listing book and periodically disseminating copies of such listing books, as well as copies of new listings, to its members. In this manner, each RML-affiliated real estate broker and agent is conveniently apprised of a large number of properties for sale in the Columbus area by member firms. In addition to benefiting its members, RML's multiple listing service benefits the public by ensuring that prospective purchasers have convenient access to the maximum number of properties in the Columbus area. Similarly, homesellers obtain the assurance that a large number of brokers and agents have been made aware that their property is being offered for sale. RML offers its members other advantages, which are not available to non-members, such as the use of a "lockbox" system which provides access to homes offered for sale through RML, seminars for professional development, as well as appraisal and arbitration services.

In its motion for summary judgment, the United States contended that by adopting restrictive prerequisites for RML membership, as well as by assessing a substantial entrance fee, RML and its members had restricted competition in the business of selling residential real estate in the Columbus area. Specifically, the United States challenged RML's requirements that an applicant for membership had to:

(a) maintain an active real estate office in Muscogee County, Georgia open during customary business hours and in conformance with local zoning regulations;

(b) receive the affirmative vote of RML's members or Board of Directors;

(c) purchase a share of RML stock at a price to be determined by RML's Board of Directors, which price was at one time set as high as $3,000; and

(d) have a favorable credit report and business reputation.

The United States contended that these membership requirements served to exclude part-time brokers from RML and placed within the hands of RML's members the power to arbitrarily prevent even full-time brokers from being able to compete effectively with members of RML.

The Complaint also challenged other of RML's practices which precluded members from belonging to another multiple listing service and from advertising properties for which they did not have exclusive listings. The United States also challenged the fact that RML has on one or more occasions imposed moratoria on the admission of additional members, required that applicants who had been denied admission wait six months before applying again, and required that the applicant have been in business six months prior to making application for membership. Several of the challenged practices were terminated during the course of the Government's pre-complaint investigation of defendant's activities. The District Court found that neither the retained or eliminated practices violated the Sherman Act. The United States appealed.

On appeal, the Fifth Circuit Court of Appeals found certain of RML's practices to be *prima facie* unreasonable. The Court of Appeals determined that the rule requiring an applicant to have an office in Muscogee County open during so-called customary business hours was overly broad to accomplish any legitimate goal of RML and could serve to exclude part-time brokers. Similarly, the Court ruled that RML's requirement that an applicant have a favorable business reputation and credit report was overly broad and that requiring a member to purchase a share of stock at a price determined by RML's Board of Directors was unreasonable because the amount was unrelated to the legitimate needs of RML. The Court said that the cost of access to RML should be related to the cost of providing the services and maintaining RML as a going concern. Finally, the Court ruled that practices abandoned by RML in anticipation of suit were not moot and should have been addressed by the District Court.

The Fifth Circuit remanded the case for further proceedings on the issue of whether RML possessed the requisite market power to trigger the Court's test of *prima facie* unreasonableness, observing that the existence of such power was a "reasonable inference from the record." The Fifth Circuit also said the question of whether RML's activities had sufficient connection with interstate commerce had yet to be considered by the District Court in light of *McLain v. Real Estate Board of New Orleans, Inc.*, 444 U.S. 232 (1980).

III

Explanation of the Proposed Consent Judgment and Its Anticipated Effects on Competition

The United States and the defendant have stipulated that the proposed consent judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), entry of the proposed consent judgment is conditioned upon a determination by the Court that the proposed consent judgment is in the public interest.

An explanation of each of the material provisions of the proposed consent judgment is set forth below, together with a statement of its anticipated effects on competition.

A. Reasonable and Non-Discriminatory Requirements for Membership in RML

The proposed consent judgment prohibits RML from refusing to admit to membership any person licensed by the appropriate State of Georgia governmental authority as a broker to sell real estate, provided that person meets certain specified reasonable and non-discriminatory criteria for membership. In order to be admitted, an applicant must:

(1) hold in active status a principal real estate broker's license issued by the appropriate State of Georgia governmental authority;

(2) agree to pay to defendant:

(a) a charge equal to the cost of setting him up to use defendant's services;

(b) his pro-rata share of the expenses of operating defendant, including the accumulation and maintenance of reasonable reserves for developing, maintaining or improving defendant as a going concern;

(c) such reasonable per listing fee as defendant customarily charges for listing property in its service; and

(3) agree to abide by defendant's charter, by-laws, rules and regulations insofar as they regulate the operation of defendant's multiple listing service and are not otherwise inconsistent with the terms of the proposed consent judgment.

In related provisions, the proposed consent judgment requires that if a question is raised as to whether an applicant meets these criteria, the applicant must be informed of the nature of the question and given the opportunity to present evidence pertinent to the resolution of the question raised. The United States believes that these provisions of the proposed consent judgment will assure access to defendant's services on a reasonable and non-discriminatory basis, thereby permitting interested brokers to compete on an equal footing.

Another provision of the proposed consent judgment requires defendant to establish

charges for the use of its services which are consistent with the principles outlined above. Defendant is also required to make a pro-rata return of monies to its members in the event there is s surplus. Defendant remains free to sell stock at a price and on such terms and conditions as it deems appropriate. The defendant may limit to stockholder members the right to an ownership interest in its assets, to vote in its affairs and to hold office.

The proposed consent judgment would prohibit defendant from utilizing its reserves to redeem shares of its outstanding sotck at an amount which exceeds the then book value of the stock being redeemed or $1,000 per share, whichever is lower. This recognizes defendant's legitimate interest in retiring, on demand, outstanding shares of stock but also protects non-stockholder members against the possibility that operating fees could be raised in order to benefit stockholder members who could then redeem their stock at an inflated price.

B. Other Prohibited Practices.

(1) Elimination of Prohibition on Membership in Other Multiple Listing Services. The proposed consent judgment will prevent RML from prohibiting its members from belonging to, or utilizing the services of, other multiple listing services. The elimination of this restraint may lead to the development of new, alternative listing services.

(2) Elimination of Certain Restrictions on Advertising, Etc. The proposed consent judgment will enjoin RML from prohibiting its members from advertising any type of real property. Members will be free to advertise open listings or listings maintained by non-member firms, increasing the likelihood that non-RML exclusives will receive additional attention from RML member firms. The judgment also contains a proscription against actions by RML to limit or restrict its members from engaging in cooperative sales with non-members.

IV

Scope of the Proposed Judgment and Provisions for Compliance Therewith

By its terms the judgment applies to the defendant and to each of its officers, directors, members, employees, agents, subsidiaries, successors and assigns, and to all other persons who act in concert with the defendant, provided that such persons have actual notice of the judgment, by personal service or otherwise.

The defendant is required to provide notice of the Final Judgment to each non-member licensed real estate broker in Muscogee County, Georgia. The proposed consent judgment also requires the defendant to provide a copy of the Final Judgment to each of its officers, directors, members, employees and agents and to furnish the Court and the plaintiff with an affidavit that it has done so. The defendant is similarly required to provide a copy of the Final Judgment to each successor to any officer, director, employee and agent of RML, and to each new member.

The proposed consent judgment also requires that the defendant and each of RML's member stockholders shall require, as a condition of the sale or disposition of all or substantially all of the assets of RML to a person seeking to operate a multiple listing service in the Columbus area, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that each such acquiring party is to file with the Court, and serve upon the plaintiff, its consent to be so bound.

Additionally, the proposed consent judgment requires that for five years, the defendant is to conduct an annual examination of its operations to determine compliance with the provisions of the judgment. The findings of the examination shall be filed with the Court and the plaintiff, and submitted to responsible officers of the defendant. A proposed reporting plan, approved by the Department of Justice pursuant to Section IX(B) of the proposed consent decree, is attached.

V

Appropriateness of the Proposed Judgment

Subsequent to the Fifth Circuit's opinion in this case, the defendant agreed to eliminate all remaining provisions which had been challenged by the United States. The relief encompased in the proposed consent judgment is designed to prevent any recurrence of the activities alleged in the Complaint. The prohibitions contained in the judgment should ensure that in the future the defendant will not adopt unreasonably restrictive or anticompetitive membership or operating practices.

The judgment provides two methods for determining the defendant's compliance with the terms of the judgment. First, the Government is given access, upon reasonable notice, to the records of the defendant to examine these records for possible violations of the judgment, and to interview officers, directors, members, employees or agents of the defendant. Second, the defendant may be required to submit written reports with respect to any matter contained in the proposed consent judgment.

In the Department's view, disposition of the lawsuit without further litigation is appropriate because the proposed consent judgment provides all the relief which the Government sought by filing its Complaint.

VI

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. The proposed final judgment would in no way affect the rights of any present or potential private plaintiff to sue for monetary damages. section 5(a) of the Clayton Act, as amended, (15 U.S.C. 16(a)) allows a judgment to be invoked as *prima facie* evidence in private litigation only where the judgment operates as an estoppel between the parties. Since this proposed final judgment does not operate as an estoppel in any way as between the parties in this case, it would not have such *prima facie* effect.

VII

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may submit written comments to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, U.S. Department of Justice, 1776 Peachtree Street, N.W., Suite 420, Atlanta, Georgia 30309, within the 60-day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed consent judgment provides that the Court will retain jurisdiction over this action, and the parties may apply to the Court for such orders as may be necessary or appropriate for its modification, interpretation or enforcement.

VIII

Alternatives to the Proposed Consent Judgment

The Department considers the injunctive provisions of the proposed consent judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the judgment provides all relief which reasonably could have been expected after trial. The Department therefore did not consider a trial to be a reasonable alternative.

IX

Other materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

John R. Fitzpatrick, Nicholas A. Lotito,
Attorneys, Antitrust Division, U.S. Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, GA 30309, Tel: (404) 881-3828, FTS: 257-3828.

[FR Doc. 82-10971 Filed 4-21-82; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts; Expansion Arts Advisory Panel (Services to the Field); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Services to the Field) to the National Council on the Arts will be held June 2-4, 1982, from 9:00 a.m.-5:30 p.m. in room 1340 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.

April 15, 1982.

[FR Doc. 82-10992 Filed 4-21-82; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, May 7, 1982 from 9:00 a.m.–5:30 p.m. and on Saturday, May 8, 1982 from 9:00 a.m.–5:30 p.m. in the Musical Theater Lab at the JFK Center for the Performing Arts, Washington, DC.

A portion of this meeting will be open to the public on Friday, May 7, 1982 from 9:00 a.m.–5:30 p.m. and on Saturday, May 8, 1982 from 11:00 a.m.–12:30 p.m. Topics for discussion will include Program Review and Guidelines for Music—Chorus, Design Arts, Literature, Expansion Arts, Artists in Education and State Programs; International activities and NCA/NASAA Committee report.

The remaining sessions of this meeting on Saturday, May 8, 1982 from 9:00 a.m.–11:00 a.m. and 1:30 p.m.–5:30 p.m. are for the purpose of Council 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, and for discussion and development of confidential FY 1984 budgetary materials to be submitted to the Office of Management and Budget and the Congress. 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.

April 16, 1982.

[FR Doc. 82-10991 Filed 4-21-82; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Subpanel on Molecular Biology, Group A, of the Advisory Panel for New Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Fedeal Advisory Committee Act, Pub. L. 92–462, as amended, the National Science Foundation announces the following meetings:

Name: Subpanel on Molecular Biology, Group A, of the Advisory Panel for New Physiology, Cellular, and Molecular Biology.

Date & Time: May 17 & 18, 1982, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason of closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 6 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

April 13, 1982.

[FR Doc. 82-10973 Filed 4-21-82; 8:45 am]

BILLING CODE 7555-01-M

Subpanel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for Sociology of the Advisory Panel for Social and Economic Science.

Date and Time: May 6 & 7, 1982, Thursday—9:00 am to 5:30 pm; Friday—9:00 am to 4:00 pm

Place: National Science Foundation, 1800 G Street, N.W. Washington D.C., Room 642

Type of Meeting: Closed

Contact Person: James J. Zuiches, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–7802

Purpose of Subpanel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidental nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 61 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 13, 1982.

[FR Doc. 82-10972 Filed 4-21-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Marine Accident Report—Collision of Norwegian Cargo Vessel M/V HOEGH ORCHID and New York Ferry AMERICAN LEGION, Upper New York Bay, May 6, 1981 (NTSB–MAR–82–1)

Marine Accident Report—Collision of the U.S. Tankship PISCES with the Greek Bulk Carrier TRADEMASTER, Mile 124, Lower

Mississippi River, December 27, 1980 (NTSB-MAR-82-2)

Marine Accident Report—Collision of U.S. Barge Carrier SS LASH ATLANTICO and Greek Freighter M/V HELLENIC CARRIER about 13 Nautical Miles Northeast of Kitty Hawk, North Carolina, May 6, 1981 (NTSB-MAR-82-3)

Safety Recommendations to—

Federal Aviation Administration, Apr. 6, A-82-30: Take action to amend 14 CFR 91.116 so that takeoffs cannot be initiated or an approach continued past the final approach fix or into the final approach segment of an instrument approach procedure unless the latest weather reports states that the visibility is equal to or more than the visibility minimums prescribed for that procedure. *Apr. 7, A-82-32 and -33:* Require compliance with Beech Service Instruction Nos. 1140 and 1208, and initiate a Directed Safety Investigation to determine if aircraft using a wing spar tension bolt assembly design should be required to have tension bolts removed and inspected periodically. *Apr. 6, A-82-34 through -37:* Immediately issue an Airworthiness Directive to require more conservative repetitive inspection intervals and a conservative life limit to the stage 1 high pressure turbine disk P/N 9045 M34 P07 and 9045 M34 P09; convene a nondestructive inspection technology team of experts to review the adequacy of inspection procedures used by engine maintenance and overhaul facilities to detect cracks in their initial stages in CF6-50 stage 1 high pressure turbine disks; reevaluate methods used during certification of CF6-50 engine to assure adequacy of tests and analyses to validate design strength and determination of maximum safe life of stage 1 high pressure turbine disk; and communicate the contents of recommendations A-82-34 through -36 to foreign countries operating aircraft with CF6-50 engines. *Apr. 16, A-82-38 and -39:* Expedite the publication of guidance material for acceptable means of compliance with 14 CFR 25.903(d)(1), and encourage research and development in containment technology and engine reliability.

Pacific Gas and Electric Company, Apr. 16, P-82-1 through -3: Train and equip emergency personnel in the operation of emergency shutdown valves; revise procedures for posting distribution system piping changes affected by work orders so that emergency shutdown valves are properly designated on diagrams and are inspected annually; and include in written maintenance procedures a requirement that emergency valves be operated during annual inspections and emphasize requirement to maintenance personnel.

Public Utility Commission, Apr. 16, P-82-4: Request California State Legislature to enact legislation requiring persons excavating or discharging explosives near underground utilities, or demolishing buildings containing utilities to notify public utility operators in advance using one-call notification systems.

Director of Public Works, City and County of San Francisco, Apr. 16, P-82-5: Amend permit provisions to specify that all known operators of underground facilities in the concerned area will be advised of proposed work at least 48 hours before excavation and that failure to comply could result in revocation of permit and interruption of activities at worksite.

American Gas Association, Apr. 16, P-82-6 and -7: Advise member companies of the Aug. 25, 1981, accident and urge them not to excavate until they have notified underground utilities operators of their plans and utilize one-call service, if possible.

Turner Construction Company, Apr. 16, P-82-9: Establish procedures for notifying owners of underground facilities which may be affected before the actual excavation.

National League of Cities, Amercian Public Works Association, and National Association of Counties, Apr. 16, P-82-10: Encourage local governments to require that permittee provide advance notification to operator of underground facilities about activities which may endanger underground facilities using a one-call system, if possible.

American Society of Civil Engineers, Consulting Engineers Council, and Construction Specification Institute, Apr. 16, P-82-11: Advise members of Aug. 25, 1981, accident and recommend that they confirm adequacy of their design specifications in providing adequate clearance for affected utilities, and note that affected utilities are to be notified at least 48 hours before excavation.

Recommendation Responses from—

Federal Aviation Administration, Apr. 2, A-82-1: Does not concur with recommendation. *A-82-2:* Currently conducting an investigation of all safety implications involving change to DC-10 galley personnel lift circuitry. Will forward results upon completion of investigation. *A-82-3:* Relocation of galley lift electrical interlock switches is under investigation. *A-18-18,* Believes that current method of hanging, weighing, and marking air cargo is adequate and consistent with established safety standards. *Apr. 12, A-81-99:* On Dec. 9, 1981, issued Change 25 to FAA Order 8430.17, Air Carrier Operations Bulletins, Chapter 9, General Bulletins, Paragraph 965. *Apr. 12, A-81-157 through -160:* Currently developing airworthiness directive material, in conjunction with the manufacturer, for final issue by Small Airplane Certification Directorate in Kansas City. *Apr. 12, A-81-121:* Issued Change 55 to FAA Order 8340.1A, Maintenance Bulletins, which transmits Bulletin No. 32-27, Convair Model 240/340/440/580/600/640 Series Aircraft Landing Gear Door Lubication. *Apr. 13, A-80-42 and -43:* On Jan. 12, 1982, issued Change 2 to Advisory Circular 135-3B, Air Taxi Operations and Commercial Operators, which transmits a change to Chapter 5, Training Programs, Paragraph 74a, Regulatory Provisions, wherein crew coordination procedures are emphasized in training programs. Also issued on Aug. 31, 1981, Change 3 to Handbook 8430.1B, Inspection and Surveillance Procedures—Air Taxi Operators/Commuter Air Carriers and Commerical Operators, which transmits a change to Chapter 5, Training Programs, Paragraph 99a, Regulatory Provisions. *Apr. 13, A-80-136:* On Apr. 10, 1981, issued Change 21 to FAA Order 8430.17, Air Carrier Operations Bulletin, which transmits a revision to Chapter 8, Weather Operations and Instrument Systems, Paragraph 842, ACOB No. 7-79-3—Airborne Weather Radar. *Apr. 13, A-80-84:* In Jan. 1981, issued General Aviation Airworthiness Alert No. 30.

United States Coast Guard, Apr. 5, M-81-82: Initially concurred with the recommendation; however reconsideration was necessitated by the Administration's policy to provide an effective level of Federal services to the public, while minimizing the costs to the taxpayer. Therefore, it has been decided to terminate the New York Vessel Traffic Service (VTS). *M-81-83:* Initially concurred with the recommendation; however, development has been suspended in light of the decision to terminate New York VTS. *Apr. 8, M-80-57:* Does not concur with the recommendation. Believes that regulations which fully meet the intent of the recommendation are already in place. *M-80-58:* Concurs with the recommendation. Comments contained in letter dated Oct. 7, 1981, to Safety Board *M-80-59:* Workplan to develop regulations implementing safer guidelines for operation of an IGS is being developed. *Apr. 8, M-80-102:* Continues to not concur with the recommendation. Comments contained in letter dated May 20, 1981, to the Safety Board. *M-80-103:* Does not concur with the recommendation. Believes that to adopt the recommendation, it would require unilateral enforcement of a construction standard not required by the SOLAS Conventions. Also believes that the unknown quality of existing construction is acceptable when coupled with the increased inspection of galley exhaust ducts. *M-80-104:* Change 7 to Volume II (Material Inspection) of the Marine Safety Manual (Commandant Instruction M1600.3) has been incorporated into the manual. *M-80-105:* Does not concur with the recommendation. Believes that Regulation 23(f), Chapter II-2, SOLAS 74 adequately provides for the safe design of fire doors. *M-80-107:* Change 8 to Volume II (Material Inspection) of the Marine Safety Manual (Commandant Instruction M1600.03) has been incorporated into the manual and is in use. *M-80-108:* Does not concur with the recommendation. Comments contained in letter dated May 20, 1981, to Safety Board. *M-80-110:* Has distributed copies of the Marine Board of Investigation and the Commandant's Action on recommendations to the operators and masters of all foreign passenger vessels calling on U.S. ports. Additionally, copies of the Marine Board of Investigation report has been forwarded to the Intergovernmental Maritime Consultative Organization (IMCO) for their information. *M-80-111 and 112:* Enclosed a copy of the paper submitted to the IMCO by the United States entitled "Analysis of Fire Casualty Records." *M-80-113:* Through the offices of the representative to the IMCO Sub-Committee on Standards of Training Certification and Watchkeeping (STCW), will suggest that member nations urge their respective owners and operators of passenger vessels to train the senior officers and safety officers at an approved practical firefighting school. *M-80-114:* The U.S. Coast Guard Marine Safety Office (MSO) in San Juan, Puerto Rico is developing a contingency plan

for firefighting situations within their jurisdiction.

Federal Communications Commission, Apr. 9, M–82–10: Given the cost of equipment retrofit and such an operating environment, it does not appear that the recommendation is a sufficient safety enhancement to warrant rulemaking action.

American Road & Transportation Builders Association, Apr. 12, H–82–6: Supports the recommendation.

The Family Lines Rail System, Apr. 8, R–81–84 and –85: Instructions were issued whereby inspection will be made five cars ahead and five cars behind wayside display location, if no defect found at the designated location. Also in the process of reproducing and distributing and audio slide program to all operating divisions to aid in the training of train service employees. Additionally, compliance with defect detector instructions is monitored on a continual basis by supervisors and is documented by being a part of the testing program.

National Highway Traffic Safety Administration, Apr. 2, H–79–41: Believes that FMVSS No. 301, Fuel System Integrity, covers the entire fuel system, regardless of the composition of the fuel tank.

Note.—In the past, NTSB publications have been mailed free of charge to organizations and individuals who NTSB determined has a transportation interest and could influence transportation safety. However, because of recent personnel and budget reductions, NTSB can no longer provide publications free of charge. Beginning with reports adopted in 1982, interested organizations and individuals must order reports from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) and responses are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Effie M. Upshaw,

Alternate Federal Register Liaison Officer.

April 19, 1982.

[FR Doc. 82–11009 Filed 4–21–82; 8:45 am]

BILLING CODE 4910–58–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Council Advisory Committee Procedures

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice

SUMMARY: The Council hereby announces the availability of copies of its Scientific and Statistical Advisory Committee and subcommittee charter and procedures under the Federal Advisory Committee Act (Pub. L. 94–463). The Council's Scientific and Statistical Advisory Committee and subcommittees will operate in accordance with this charter and use these procedures to conduct its official business in accordance with 86 U.S.C. 770.

ADDRESSES: Copies of the procedures may be obtained by writing Robert Merlino, Director of Public Involvement, Northwest Power Planning Council, Suite 200, 700 S.W. Taylor Street, Portland, Oregon 97205.

FOR FURTHER INFORMATION CONTACT: Robert Merlino, Director of Public Involvement (503) 222–5161.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, 94 Stat. 2697, 16 U.S.C. 839, *et seq.* ("the Northwest Power Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress provided in section 4(c)(11) for the establishment of a voluntary scientific and statistical advisory committee to assist the Council in developing, collecting and evaluating information in adopting and amending a regional conservation and electric power plan. Under section 4(a)(4) of the Northwest Power Act, the Council is subject to the federal advisory committee laws applicable to the Bonneville Power Administration. The procedures to be used by the Council were adopted from Bonneville Power Administration advisory committee procedures.

(Sec. 4, Pub. L. 96–501 (16 U.S.C. 839b))

Dated: April 14, 1982.

Edward Sheets,

Executive Director.

[FR Doc. 82–10975 Filed 4–21–82; 8:45 am]

Forecasting Subcommittee; Conservation and Resources Subcommittees, Joint Meeting; Meetings

AGENCY HOLDING THE MEETING: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

TIME AND DATE: May 4, 1982, 9:00 a.m., Forecasting Subcommittee; May 21, 1982, 9:00 a.m., Conservation and Resources Subcommittees, joint meeting.

PLACE: Council's Central Office, 700 Southwest Taylor Street, Suite 200, Portland, Oregon 97205.

MATTERS TO BE CONSIDERED:

1. Forecasting Subcommittee: Status report from Module I contractor.
2. Conservation and Resources Subcommittees: Status report from Module III contractor.

CONTACT PERSON FOR MORE INFORMATION: Annette Frahm, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 82–10976 Filed 4–21–82; 8:45 am]

POSTAL RATE COMMISSION

[Order No. 429; Docket No. A82–9]

Sessums, Mississippi, Mrs. M. H. Arnold, Petitioner; Order of Filing of Appeal

April 16, 1982.

On April 9, 1982, the Commission received an appeal letter from Mrs. M. H. Arnold (hereinafter "Petitioner"), concerning United States Postal Service's decision to close the Sessums, Mississippi, post office. The appeal letter states that the closing would have an adverse effect on the community. The appeal letter appears to request the review provided for by section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice [3] calls for a liberal construction of the rules to secure just and speedy determination of issues.

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Sessums post office be reconsidered.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.1.

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[5]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the closing of post offices.[6]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the procedure followed by the Postal Service was in compliance with the statute and the Postal Service's regulations.

2. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining (39 U.S.C. 404(b)(2)(C)).

3. Whether the Postal Service adequately considered the effect on the community in accordance with 39 U.S.C. 404(b)(2)(A), including the effect on the community's economic life.

4. Whether the Postal Service gave adequate consideration to the patrons' use of window services, in accordance with 39 U.S.C. 404(b)(2)(C).

5. Whether the Postal Service gave adequate consideration to the views expressed by the patrons when the Postal Service was making its findings in this case.

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closing and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[7] and none is being appointed. The Commission orders:

(A) The letter from Mrs. M. H. Arnold be accepted as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

Appendix

April 9, 1982: Filing of Petition.

April 16, 1982: Notice and Order of Filing of Appeal.

April 26, 1982: Filing of Record by Postal Service (*see* 39 CFR 3001.113(a)).

April 29, 1982: Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

May 10, 1982: Petitioner's Initial Brief (*see* 39 CFR 3001.115(a)).

May 25, 1982: Postal Service Answering Brief (*see* 39 CFR 3001.115(b)).

June 9, 1982: (1) Petitioner's Reply Brief should petitioner choose to file one (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

August 7, 1982: Expiration of 120 day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 82-10977 Filed 4-21-82; 8:45 am]

BILLING CODE 7715-01-M

[5] 39 U.S.C. 101(b).

[6] 42 FR 59079–85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[7] In the Matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12381; 812-4952]

Continental Assurance Co. et al.; Filing of Application for an Order Granting Exemptions

April 16, 1982.

In the matter of Continental Assurance Company; Continental Assurance Company CNA Variable Account; CNA Investor Services, Inc., CNA Plaza Chicago, Illinois 60685 and Preferred Sales Corporation, 342 Madison Avenue, New York, N.Y. 10173.

Notice is hereby given that Continental Assurance Company ("Company"), a stock life insurance company established under the laws of Illinois, Continental Assurance Company CNA Variable Account ("Variable Account"), a separate account of the Company registered under the Investment Company Act of 1940 ("Act") as a management investment company, CNA Investor Services, Inc. and Preferred Sales Corporation (collectively "Applicants") filed an application on August 19, 1981 and amendments thereto on February 2, 1982 and April 16, 1982 for an order of the Commission Pursuant to Section 6(c) of the Act exempting Applicants from provisions of sections 2 (a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder, to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that: (i) the Variable Account was established to act as the funding entity for flexible purchase payment variable annuity contracts to be issued by the Company; (ii) the Company will deduct an initial sales charge of 1.5% from each purchase payment; (iii) a sales expense charge of 0.35% of the contract value will be deducted on each contract anniversary; (iv) a contingent deferred sales charge equal to 2% of the lesser of the amount surrendered or purchase payments made during the five years immediately preceding the valuation period during which the request for surrender is received by the Company reduced by the amount, if any, of prior withdrawals will be deducted in the event of a partial or complete surrender; (v) the total amount of sales charges will not exceed 9% of purchase payments; (vi) Investors Fiduciary Trust Company will have sole responsibility for the custody of the

assets of the Variable Account; (vii) an asset charge will be deducted on a daily basis which is equal on an annual basis to no more than 1.05% of the average daily net asset value of the Variable Account, to be allocated among an investment advisory fee (.30%), a mortality risk premium (.60%), and an account administrative charge (no greater than .15%); and (viii) a per contract expense charge of no more than $15.00 will be deducted annually, in advance.

Contingent Deferred Sales Charge and Sales Expense Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is recieved and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. The Applicants believe that both the contingent deferred sales charge and the sales expense charge qualify as a "sales load" within the meaning of Section 2(a)(35) of the Act. However, to expedite this matter, Applicants request exemption from the provisions of Section 2(a)(35) of the Act to the extent necessary or appropriate to permit the transactions described in the application.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to expedite this matter, Applicants request exemption from the provisions of Rule 22c–1 to the extent necessary or appropriate to permit the transactions described in the application.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor of or underwriter for such issuer are prohibited from selling any such certificate unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) of the Act and are held by such trustee or custodian under an agreement containing, in substance, the provisions required for the trust indenture of a unit investment trust by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense, except that provision may be made for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants argue that there is nothing in the Act to suggest that, if the contingent deferred sales charge or the sales expense charge were being used at the time the Act was promulgated, deductions for such sales charges would not have been permitted. Applicants have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the contracts subject to the contingent deferred sales charge and sales expense charge as described in the application.

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless it is a redeemable security. Applicants request exemption from the provisions of Section 27(c)(1) of the Act to the extent necessary to permit the offer and sale of the contracts subject to the contingent deferred sales charge.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Applicants do not believe that the proposed contingent deferred sales charge should be construed as violating these provisions. However, in order to expedite this matter, Applicants request exemption from the provisions of Sections 2(a)(32) and 27(d), to the extent necessary or appropriate, in order to permit the offer and sale of the contracts subject to the contingent deferred sales charge.

Payment of Contract Fees and Charges

Section 27(c)(2) prohibits a registered investment company or a depositor of or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required in the trust indenture by Sections 26(a)(2) and 26(a)(3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust and imposes certain restrictions on charges which may be made against the trust income and corpus. Applicants request that the Commision enter an order exempting them from the provisions of Section 27(c)(2) to the extent necessary to permit the deduction of (1) the mortality risk premium, the fee for providing the mortality undertakings; (2) the sales expense charge, the fee used to defray the distribution costs; (3) the investment advisory fee, the fee for providing investment advisory services; (4) the account administrative charge, the fee for administering the Variable Account; (5) the per contract expense charge, the fee for administering the contracts; and (6) depending on the requirements of the particular state, either (a) to permit the deduction from purchase payments when made and payment of applicable annuity premium taxes to such state by the Company or (b) to permit the deduction of such taxes by the Company from contract values and the payment of such taxes to such state at the time when an annuity is effected.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In requesting the foregoing exemptions, Applicants hereby agree to the following conditions in the event such exemptions are granted: (1) any charges under the contract for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purposes, and (2) the payment of sums and charges out of the assets of the Variable Account shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of

authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and the Company and Variable account reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Notice is further given that any interested person may, no later than May 11, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following May 11, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–11063 Filed 4–21–82; 8:45 am]

BILLING CODE 8110–01–M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 01/B–0026]

Creative Credit Services, Inc.; Issuance of Small Business Lending Company Participation Agreement

On December 16, 1981, a Notice was published in the **Federal Register** (46 FR 61382) stating that an application had been filed with the Small Business Administration pursuant to § 120.4(b) of the regulations governing Small Business Lending Companies (13 CFR 120.4(b)) by Creative Credit Services, Inc., 260 Long Ridge Road, Stamford, Connecticut 06902, to participate with the SBA as a Small Business Lending Company (SBLC).

Interested parties were given until the close of business on January 15, 1982, to submit their comments on the Applicant and/or its management. No comments were received.

Notice is hereby given that after review of the application and all other pertinent information, SBA issued Small Business Lending Company Participation Agreement No. SBLC 01/B–0026 to Creative Credit Services, Inc., to operate as an SBLC on April 5, 1982.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loans)

Dated: April 5, 1982.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 82–11028 Filed 4–21–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–82–45]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 18 & 19, 1982 at the Ramada Inn, 8400 Wisconsin Avenue, Bethesda, Maryland, beginning at 9:00 a.m. and ending at 4:00 p.m., on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council Members.
2. Review of action taken at the 28th meeting of the Council.
3. Executive Director's Report.
4. Committee Report on Compliance Testing.
5. Report on Safe Loading Research Project.
6. Report on Safe Powering Research Project.
7. Proposal to combine Safe Loading Regulations with Level Flotation Regulations for OB boats less than 20ft in length.
8. Update on Boating Statistics.
9. Presentation on the IALA Buoyage System.
10. Presentation on Exemption from Preemption.
11. Discussion on Visual Distress Signals—Grandfather Clause for Signal Launchers.
12. Report on New Drawbridge Opening Signal Regulations.
13. Update on Marine Sanitation Device Regulations.
14. Update on the New Rules of the Road.
15. Discussion on Strobe Light use in Puget Sound.
16. Presentation on Results of Field Testing of Flotation Materials.
17. Discussion on Wearable-throwable PFD's.
18. Explanation of the Federal Reguatory Process.
19. Remarks by Chief, Office of Boating, Public, and Consumer Affairs.
20. Member's Items.
21. Chairman's Session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G–BA), Washington, DC, 20593, or by calling (202) 426–1080.

Issued in Washington, DC., April 16, 1982.

V. W. Driggers,

Captain, Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 82–11040 Filed 4–21–82; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on May 13, 1982 in the Shenandoah Suite, Roslyn Westpark Hotel, 1900 North Ft. Myer Drive, Arlington, Virginia commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held on March 26, 1982; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for March and April, 1982; (5) Approval of

FY–1983 Budgets; (6) Consideration of Establishing new Special Committees; (7) Approval of Special Committee 146 Report on Minimum Operational Performance Standards for Automatic Direction Finding (ADF) Equipment; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 13, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-11019 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Honolulu, Hawaii

AGENCY: Federal Highway Aministration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to the Environmental Impact Statement (EIS) will be prepared for a proposed highway project in the City and County of Honolulu, State of Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. H. Kusumoto, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546–5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare a supplement to the approved Environmental Impact Statement (EIS) for Interstate Route H–3, Halawa Interchange to Halekou Interchange.

This Supplement is being prepared pursuant to a recent April 8, 1982, U.S. District Court Order, which orders the supplementation of the project's approved Final EIS through circulation of documents that contain new and insignificant information.

The proposed action involves the construction of a four-lane divided interstate facility, approximately 10.3 miles long, through North Halawa Valley, Haiku Valley, and portions of the Kaneohe-Kamooalii area with termini at the Halawa Interchange on leeward (south) Oahu, and near the Halekou Interchange on windward (northest) Oahu.

H–3 will provide a needed connection between windward and leeward Oahu and will service many of the windward-leeward trips with origins and/or destinations in the urban fringe areas of Kailua to Kaneohe/Ahuimanu. The facility will be designed to interstate standards and will exhibit travel service characteristics normally associated with such projects.

Many alternatives have been evaluated in past Trans-Koolau transportation studies, particularly in the approved Final EIS. As ordered by the U.S. District Court, the supplement will discuss the following facilities/documents:

1. Pali Golf Course;
2. Ho'omaluhia Park;
3. U.S. Coast Guard Omega Station;
4. FHWA Region IX Staff Analysis.

FHWA will solicit comments on these impacted facilities/documents from appropriate Federal, State, and County agencies, and private organizations and citizens. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing. The draft supplement to the EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the supplement to the EIS should be directed to the FHWA at the address provided above.

Issued on April 15, 1982.

H. Kusumoto,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 82-11001 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Columbus, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a local major arterial roadway and a new crossing of the East Fork of the White River in southern Columbus, Bartholomew County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Breitwieser, Staff Environmentalist, Federal Highway Administration, Room 254 Federal Office Building, 575 North Pennsylvania Street, Indianapolis, Indiana 46204. Telephone: (317) 269–7481.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the Indiana Department of Highways and the City of Columbus will be preparing as EIS on a proposal to construct a local major arterial roadway and a new crossing of the East Fork of the White River from the S.R. 46—U.S. 31A intersection on the west to the State Street (S.R. 7)—Indiana Street intersection on the east. The total project length is approximately 1.6 miles. The project is located in southern Columbus, Indiana. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. The purpose of the project is to reduce the amount of traffic that presently uses the S.R. 46—U.S. 31A crossing of the East Fork of the White River and to facilitate traffic movement within the Central Business District and southern portions of Columbus. At present, all traffic must enter the Central Business District when traveling east-west through Columbus.

There are currently six alternates under consideration including the do-nothing alternate. There alternates largely on new alignment will provide four 12' driving lanes separated by a 16' median within a typical right of way of 150–200'. Two alternates utilize existing city streets that currently function as a one-way pair. The existing right of way varies from 50–80'. Impacts include the acquisition of 0–34 residences and 0–17 businesses. Approximately 0–33 acres of right of way will be acquired, most of which is undeveloped floodplain or residential or commerical land uses.

Thirty Federal, State and Local agencies have been contacted for early coordination. An informal public information meeting has been held. No formal scoping meeting will be held. The Draft EIS will be available for public and agency review and comment. A formal Corridor Location Public Hearing will be conducted and its time and location will be advertised to the public.

To insure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments, and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205 (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearing house review of Federal and Federally assisted programs and projects apply to this program)

Issued on April 14, 1982.

George D. Gibson,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 82-11000 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA-305-82-1, Notice No. 2]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals; Holyoke and Florence Secondaries; Correction

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Correction to notice.

SUMMARY: This document corrects a reference to the date on which an informal public meeting will be held to discuss transfer to a new operator of Consolidated Rail Corporation's Holyoke and Florence Secondaries in the Commonwealth of Massachusetts. The public meeting will be held on May 10, 1982, at the West Springfield Municipal Office Building, 26 Central Street, in West Springfield, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Robert Hunter, Office of Federal Assistance, FRA (202) 472-9060.

SUPPLEMENTARY INFORMATION: Notice No. 1 in Docket No. FRA-305-82-1 (47 FR 14646; April 5, 1982) contained two correct references to the public meeting of May 10, 1982, which has been called to assist the FRA in carrying out its responsibilities under section 305(g) of the Regional Rail Reorganization Act of 1973, as amended by the Northeast Rail Service Act of 1981. However, the reference to the date of the public meeting in the description of relevant "ADDRESSES" at column 1 on page 14646 was incorrect. The informal public meeting will be held on May 10, 1982.

Issued in Washington, D.C. on April 15, 1982.

Michael T. Haley,

Acting Chief Counsel.

[FR Doc. 82-10662 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-06-M

[Docket No. RSSI-82-1; Notice No. 1]

General Safety Inquiry; Rail Passenger Equipment

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of general safety inquiry.

SUMMARY: The FRA is initiating a General Safety Inquiry to obtain information from the public to assist in determining what safety standards may be necessary to ensure the safe construction, maintenance and operations of rail passenger equipment used to transport passengers in commuter, and intercity rail service.

DATES: (1) The first one-day public hearing will begin at 10 a.m. on May 24, 1982; additional one-day public hearings will begin at 10 a.m. on May 26, May 29, June 1, and June 3, 1982. (2) Prepared statements and comments to be made at a hearing should be submitted to the Docket Clerk at least seven days before the appropriate hearing date; the written comments should be submitted by June 11, 1982. (3) Persons desiring to participate in a hearing should notify the Docket Clerk at least seven days before the appropriate hearing.

ADDRESSES:

(1) May 24, 1982 hearing location—Room 3306, William J. Green Federal Building, 600 Arch Street, Philadelphia, PA 19106.

(2) May 26, 1982 hearing location—Washington Room, Doral Inn, 541 Lexington Avenue, New York, NY 10022.

(3) May 28, 1982 hearing location—Room 208, John W. McCormack Post Office and Court House Building, Post Office Square, Boston, MA 02109.

(4) June 1, 1982 hearing location—Room 2230, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(5) June 3, 1982 hearing location—Room 204A, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, IL 60605.

(6) Docket Clerk, Office of Chief Counsel (RCC-30), FRA, Washington, D.C. 20590. Phone 202-426-2760.

FOR FURTHER INFORMATION CONTACT: *Principal Program Person:* Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-0897.

Principal Attorney: Edward F. Conway, Jr., Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-8836.

SUPPLEMENTARY INFORMATION: *Statutory Mandate.* Section 14 of the Federal Railroad Safety Authorization Act of 1980 (Pub. L. 96-423) added a new subsection to section 202 of the Federal Railroad Safety Act (45 U.S.C. 431). This subsection mandates the issuance of initial rules, regulations, orders and standards as may be necessary to ensure the safe construction, maintenance and operation of rail passenger equipment. It defines the term "rail passenger equipment" as "all railroad equipment used for the transportation of passengers, whether in commuter or intercity service."

Subsection (h) further provides that these rules and standards shall concentrate on those areas that present the greatest opportunity for enhancing the safety of rail passenger equipment and that significant weight shall be given to the costs of retrofitting existing equipment and altering the specifications of equipment on order. It also authorizes consultation with the National Railroad Passenger Corporation (Amtrak) and other rail carriers that transport passengers, public authorities that operate psssenger service, and rail passenger and rail employee organizations.

FRA is initiating this Safety Inquiry to facilitate this consultation process and provide an opportunity for meaningful participation by all affected parties to assist in the assessment of need for and, if necessary, in the development of appropriate safety standards. Accordingly, public hearings will be held not only in Washington, D.C., but in four other centers of extensive rail commuter service.

Public Participation Requested. FRA requests that the National Railroad Passenger Corporation (Amtrak), the American Public Transit Association (APTA), the Association of American Railroads (AAR), public authorities that operate commuter rail passenger service, other rail carriers that transport passengers, rail passenger organizations, rail labor and employee organizations and other interested parties, participate actively in the hearings by providing knowledgeable witnesses and pertinent technical, manufacturing, safety and cost data. FRA asks that these witnesses be prepared to present detailed information to justify their positions.

Prepared statements should be submitted at least seven days before the appropriate hearing date to the Docket Clerk, Office of Chief Counsel (RCC-30), Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

Persons desiring to participate in a hearing should notify the Docket Clerk

at least seven days before the appropriate hearing and indicate the amount of time they will need to present their views.

(Secs. 202 and 208, Federal Railroad Safety Act of 1970 (45 U.S.C. 431 and 437), § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n))

Issued in Washington, D.C. on April 20, 1982.

Robert W. Blanchette,

Administrator.

[FR Doc. 82-11115 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-06-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Program Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in March 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicles, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582-P	DOT-E 2582	Ozark-Mohoning Co., Tulsa, OK	49 CFR 173.304(a)(2), 173.34(e)(16), 175.3.	To become a party to exemption 2582. (Modes 1, 2, 3, and 4.)
3992-X	DOT-E 3992	Linde Chemical & Plastics, Inc., Edison, NJ.	49 CFR 173.314	To authorize transport of anhydrous hydrogen chloride in a DOT Specification 105A600W tank car. (Mode 2.)
3992-X	DOT-E 3992	Union Carbide Corp. New York, NY	49 CFR 173.314	To authorize transport of anhyudrous hydrogen chloride in a DOT Specification 105A600W tank car. (Mode 2.)
4291-X	DOT-E 4291	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR 173.239a(a)(2)	To authorize use of a non-DOT specification aluminum portable tank for the shipment of a certain oxidizer. (Modes 1, 2.)
4291-X	DOT-E 4291	Pacific Engineering & Production Co., of Nevada, Henderson, NV.	49 CFR 173.239a(a)(2)	To authorize use of a non-DOT specification aluminum portable tank for the shipment of a certain oxidizer. (Modes 1, 2.)
4453-P	DOT-E 4453	Mesabi Powder Co., Hibbing, MN	49 CFR 173.114a(h)(3)	To become a party to exemption 4453. (Mode 1.)
5206-P	DOT-E 5206	Mesabi Powder Co., Hibbing, NM	49 CFR 173.114a	To become a party to exemption 5206. (Mode 1.)
5243-X	DOT-E 5243	Austin Powder Co., Cleveland, OH	49 CFR 173.103(a), 173.66(g)(1), 177.835(g).	To authorize specific packaging for the tailless MS connector. (Modes 1, 2 and 3.)
5951-X	DOT-E 5951	Ameri Gas, Inc., Carbon Dioxide Division, Dallas, TX.	49 CFR 173.314(c)	To authorize the transport of chlorine or sulphur dioxide in DOT specification 106A500 type tanks. (Modes 1 and 2.)
5951-X	DOT-E 5951	Ashland Chemical Co., Dublin, OH	49 CFR 173.314(c)	To authorize the transport of chlorine or sulphur dioxide in DOT specification 106A500 type tanks. (Modes 1 and 2).
6296-P	DOT-E 6296	Farmland Industries, Inc., St. Joseph, MO	49 CFR 173.377(g)	To become a party to exemption 6296. (Modes 1 and 2.)
6530-P	DOT-E 6530	Tri-State Supply Co., Bismarck, ND	49 CFR 173.302(c)	To become a party to exemption 6530 (Modes 1 and 2.)
6530-X	DOT-E 6530	Liquid Carbonic Corp., Chicago, IL	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in certain cylinders filled to 110% of its marked service pressures. (Modes 1 and 2.)
6614-X	DOT-E 6614	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6653-X	DOT-E 6653	Shell Oil Co., Houston, TX	49 CFR 172.101, 173.245, 173.358	To authorize shipment of an insecticide or a corrosive material in highly specialized inner and outer containers. (Modes 1, 2 and 3.)
6691-X	DOT-E 6691	Union Carbide Corp., Danbury, CT	49 CFR 107 Appendix B, (2), 173.34(e)(15)(i).	To authorize use of DOT Specification 3A or 3AA cylinders over 35 years old which can be retested every 10 years for the tramsportation of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4 and 5.)
6768-X	DOT-E 6768	PPG Industries, Inc., Pittsburgh, PA	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a flammable gas in non-DOT specification vacuum insulated cargo tanks. (Mode 1.)
6898-X	DOT-E 6898	Ashland Oil, Inc., Dublin, OH	49 CFR 178.150-4(a)(1)	To authorize shipment of certain corrosive and an oxidizer in DOT Specification 33A polystyrene cases closed with ½ inch polypropylene strapping instead of 1¼ inch tape. (Modes 1, 2 and 3.)
6898-X	DOT-E 6898	J. T. Baker Chemical Co., Phillipsburg, NJ	49 CFR 178.150-4(a)(1)	To authorize shipment of certain corrosive and an oxidizer in DOT Specification 33A polystyrene cases closed with ½ inch polypropylene strapping instead of 1¼ inch tape. (Modes 1, 2 and 3.)
6908-X	DOT-E 6908	U.S. Department of Defense, Washington, DC.	49 CFR 173.302(a)(1), 175.3	To authorize certain variances from the specifications for DOT Specification 39 cylinder for shipment of certain nonflammable gases. (Modes 1, 2 and 4.)
6908-X	DOT-E 6908	Garrett Pneumatic Systems Division, Phoenix, AZ.	49 CFR 173.302(a)(1), 175.3	To authorize certain variances from the specifications for DOT Specification 39 cylinder for shipment of certain nonflammable gases. (Modes 1, 2 and 4.)
7011-X	DOT-E 7011	Advanced Chemical Technology, City of Industry, CA.	49 CFR 173.239(a), 173.245b(a)(6)	To authorize transport of caustic soda bead, a corrosive solid and ammonium perchlorate in non-DOT specification blow-molded high molecular weight polyethylene container. (Modes 1, 2 and 3.)
7060-P	DOT-E 7060	Empire Aero Services, Inc., d.b.a. SAIR Aviation, Syracuse, NY.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to exemption 7060. (Mode 4.)
7208-X	DOT-E 7208	National Aeronautics and Space Administration, Greenbelt, MD.	49 CFR 172.101, 173.92, 175.3, 175.30(a)(1).	To authorize transport of Class B explosives in quantities exceeding present weight limitations. (Mode 4.)
7578-X	DOT-E 7578	U.S. Department of Defense, Washington, DC.	49 CFR 173.93(a)(10)	To authorize shipments of a certain Class B explosive in inside viscose rayon bags. (Mode 2.)
7607-X	DOT-E 7607	U.S. Department of Health, Education, and Welfare, Cincinnati, OH.	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in non-DOT specification seamless steel cylinders. (Mode 5.)
7793-X	DOT-E 7793	Hooker Chemical Co., Niagara Falls, NY	49 CFR 173.245	To authorize transport of a corrosive liquid, which is also a poison, in non-DOT specification portable tanks. (Modes 1, 2 and 3.)
7835-X	DOT-E 7835	Airco Industrial Gases, Murray Hill, NJ	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Union Carbide Corp., Danbury, NJ	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7835-X	DOT-E 7835	Liquid Carbonic Corp., Chicago, IL	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7883-X	DOT-E 7883	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.31(c)	To authorize transport of metallic sodium in DOT specification 105A300-W tank cars which have not been subjected to the hydrostatic retest requirements of 49 CFR 173.31(c)(2). (Mode 2.)
7883-X	DOT-E 7883	Ethyl Corp., Baton Rouge, LA	49 CFR 173.31(c)	To authorize transport of metallic sodium in DOT specification 105A300-W tank cars which have not been subjected to the hydrostatic retest requirements of 49 CFR 173.31(c)(2). (Mode 2.)
7883-X	DOT-E 7883	RMI Co., Ashtabula, OH	49 CFR 173.31(c)	To authorize transport of metallic sodium in DOT specification 105A300-W tank cars which have not been subjected to the hydrostatic retest requirements of 49 CFR 173.31(c)(2). (Mode 2.)
7946-X	DOT-E 7946	Westinghouse Electric Corp., Horseheads, NY.	49 CFR 173.306(b)(4), 175.3	To authorize the shipment of various nonflammable gases in non-DOT specification steel or aluminum pressure vessels contained in a radiation detector. (Mode 1, 2, 3, 4 and 5.)
8081-X	DOT-E 8081	National Aeronautics and Space Administration, Greenbelt, MD.	49 CFR 172.101, 175.30(a)(1), Column (b)(6).	To authorize the transport of a Class B rocket motor having a gross shipping weight not exceeding 3,000 lbs. by cargo-only aircraft. (Mode 4.)
8206-X	DOT-E 8206	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s. in two one-quart tin cans, overpacked in a modified 26-gauge, unlined DOT Specification 37A five-gallon drum, also containing a one-gallon tin can of non-hazardous resin mix. (Modes 1, 2, 3 and 4.)
8207-X	DOT-E 8207	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize shipment of certain corrosive liquids, n.o.s., in a one-quart tin can, placed in a molded polyethylene liner, overpacked in a modified 28 gauge unlined DOT Specification 37A 2-gallon drum, also containing a non-hazardous resin mix. (Modes 1, 2, 3 and 4.)
8264-X	DOT-E 8264	Hercules, Inc., Wilmington, DE	49 CFR 173.93	To authorize shipment of certain solid propellant explosives (Class B) and smokeless powers for small arms (flammable solids) in non-DOT specification fiber cans or tubes packed in fiberboard boxes. (Modes 1 and 2.)
8265-X	DOT-E 8265	Hercules, Inc., Wilmington, DE	49 CFR 173.197a, 173.93, 177.838(g)	To authorize shipment of certain solid propellant explosives (class B) in non-DOT specification fiber tubes packed in telescoping DOT Specification 12B fiberboard boxes, and certain smokeless powers for small arms (flammable solids) in DOT Specification 21C fiber drums packed in fiberboard boxes. (Modes 1 and 2.)
8284-P	DOT-E 8284	PVS Chemicals, Inc., Buffalo, NY	49 CFR 173.272(a)(i)22, 174.3, 179.202-12(b).	To become a party to exemption 8284. (Mode 2).
8285-X	DOT-E 8285	Radian Corp., Austin, TX	49 CFR 100-199	To authorize transport of small quantities of flammable liquids and ORM-A materials in heat-sealed glass ampules. (Modes 1, 2, 3, 4 and 5).
8288-X	DOT-E 8288	Alaska Explosives Limited, Anchorage, AK.	49 CFR 176.115(a)(2)	To authorize stowage of Class A explosives in portable magazines aboard ship at less than the 25-foot separation distance required to crew quarters. (Mode 3).
8318-X	DOT-E 8318	Texas Alkyls, Inc., Deer Park, TX	49 CFR 173.119, 173.134	To authorize the use of non-DOT specification portable tanks for the transportation of certain flammable liquids. (Modes 1, 2 and 3).
8324-X	DOT-E 8324	Rexnord, Inc., Milwaukee, WI	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize transportation of corrosive liquids, n.o.s., in a 1-gallon tin can, placed in molded polyethylene liner, overpacked in modified 26 gauge, unlined DOT Specification 37A five gallon drum, also containing non-hazardous resin mix. (Modes 1, 2, 3 and 4).
8324-X	DOT-E 8324	Cops Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245(a)(17), 175.3, 178.131	To authorize transportation of corrosive liquids, n.o.s., in a 1-gallon tin can, placed in molded polyethylene liner, overpacked in modified 26 gauge, unlined DOT Specification 37A five gallon drum, also containing non-hazardous resin mix. (Modes 1, 2, 3 and 4).
8329-X	DOT-E 8329	Texas Instruments, Inc., Dallas, TX	49 CFR 173.266	To authorize the use of DOT Specification 57 portable tanks in less than truckload quantities with other hazardous materials subject to Section 177.848 for the transportation of an oxidizing material. (Mode 1)
8385-X	DOT-E 8385	Hercules, Inc., Wilmington, DE	49 CFR 173.93(a)(10)	To authorize more than 225 pounds of a certain Class B explosive to be transported in a DOT Specification 21C400 fiber drum. (Mode 1).
8445-P	DOT-E 8445	Ace Service Corp., Philadelphia, PA	49 CFR Part 173, Subpart D, E, F, and H	To become a party to exemption 8445. (Mode 1).
8445-P	DOT-E 8445	Rohm and Haas Co., Philadelphia, PA	49 CFR Part 173, Subpart D, E, F, and H	To become a party to exemption 8445. (Mode 1).
8480-X	DOT-E 8480	Gillette Co., Boston, MA	49 CFR 173.24(a)(1), Parts 172 and 177	To authorize transport of a flammable gas in a device which allows a slow rate of leakage of the gas. (Modes 1, 2 and 3).
8526-P	DOT-E 8526	Helena Chemical Co., Memphis, TN	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526. (Mode 1).
8646-X	DOT-E 8646	Marshall Hyde Inc., Port Huron, MI	49 CFR 172.101, 173.100, 173.86	To authorize the transport of an explosive pest repellant device in limited quantities in non-DOT specification inner fiberboard cartons. (Modes 1 and 2).
8692-P	DOT-E 8692	Dow Chemical U.S.A., Midland, MI	49 CFR 173.154	To become a party to exemption 8692. (Modes 1, 2 and 3).
8705-X	DOT-E 8705	General Electric Co., San Jose, CA	49 CFR 173.395(b)(2), Part 172 Subpart D, E.	To authorize exclusive use vehicle transport of certain Type B quantities of radioactive materials in packages meeting Type A standards. (Mode 1).

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8702-N	DOT-E 8702	Inland Container Corp., Indianapolis, IN	49 CFR 173.154, 173.234, 173.245b, 173.365, 173.370, 173.373, 173.374, 173.375.	To authorize manufacture, marking and sale of a non-DOT specification fiberboard box for shipment of various hazardous materials (solids). (Modes 1 and 2.)
8718-N	DOT-E 8718	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a), 173.304(a), 175.3	To authorize manufacture, marking and sale of a non-DOT specification fiberglass reinforced plastic full cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4 and 5.)
8720-N	DOT-E 8720	Applied Environments Corp., Woodland Hills, CA.	49 CFR 173.302(a), 175.3	To authorize manufacture, marking and sale of a non-DOT specification welded high pressure non-refillable cylinder for shipment of nonflammable, nonliquefied gases. (Modes 1, 2 and 4.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8748-N	DOT-E 8748	Reuter-Stokes, Inc., Cleveland, OH	49 CFR 172.101, 173.302, 175.3	To authorize shipment of boron trifluoride, classed as a nonflammable gas in non-DOT specification cylinders when shipped as a component of a radiation detector. (Modes 1, 2, 3, 4 and 5.)
8751-N	DOT-E 8751	Delta Tech Service, Inc., Martines, CA	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.263(a), 173.346(a), 178.340-7, 178.343-5.	To authorize use of non-DOT Specification cargo tanks similar to DOT Specification MC-312 with certain exceptions, for shipment of certain hazardous materials. (Mode 1.)
8763-N	DOT-E 8763	Liquid Air Corp., San Francisco, CA	49 CFR 173.315(a), 173.316(a)	To authorize use of non-DOT specification vacuum insulated cargo tanks for shipment of liquefied hydrogen. (Mode 1.)
8767-N	DOT-E 8767	Hydraulic Research-Textron, Pacoima, CA.	49 CFR 173.302.(a), 175.3	To authorize manufacture, marking and sale of a non-DOT specification welded high pressure non-refillable cylinder for shipment of nonflammable, nonliquefied gases. (Modes 1, 2 and 4.)
8769-N	DOT-E 8769	Rockwell International Corp., Canoga Park, CA.	49 CFR 173.134	To authorize shipment of downhole steam generator igniter assemblies containing triethylborane in non-DOT specification pressure vessels. (Mode 1.)
8778-N	DOT-E 8778	Richmond Lox Equipment Co., Livermore, CA.	49 CFR 173.315(a), 175.316	To authorize manufacture, marking and sale of a non-DOT specification cargo tanks for shipment of liquefied hydrogen. (Mode 1.)
8779-N	DOT-E 8779	Acme Resin Corp., Forest Park, IL	49 CFR 173.349	To authorize use of DOT specification 57 portable tanks for shipment of liquid phenol. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of Exemption thereof
EE 8144-X	DOT-E 8144	Atlas Powder Co., Dallas, TX	49 CFR 173.133	To authorize transport of 10 percent nitroglycerin in propylene glycol or ethyl alcohol in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Mode 1).
EE 8673-X	DOT-E 8673	Alaska International Airline, Anchorage, AK.	49 CFR 172.101(6)(b), 175.30	To authorize limited shipment of non-DOT specification portable tanks for shipment of hydrochloric acid. (Mode 4).
EE 8746-N	DOT-E 8746	Challenge Air Transport, Miami, FL	49 CFR 172.101, 175.320(a)	To authorize transport of Class A explosives loaded on the same aircraft with Class C Explosives. (Mode 4).
EE 8797-N	DOT-E 8797	Global International Airways, Kansas City, MO.	49 CFR 172.101, column 6(b), 175.320(a)	To authorize transport of certain Class A and Class C explosives for oil well operations, loaded in the same aircraft. (Mode 4).

DENIALS

EE7060-P	Request by Empire Aero Services, Inc. d.b.a. SAIR Aviation, Syracuse, NY to authorize transport of radioactive isotopes aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met denied March 4, 1982.
7743-P	Request by Airco Industrial Gases, Murray Hill, NJ to authorize the use of a DOT Specification 51 portable tank for transportation of a certain flammable gas denied March 17, 1982.
8762-N	Request by O.I. Corporation, College Station, TX to authorize shipment of chromic acid solution, containing less than 35% chromic acid by weight, classed as corrosive liquid, n.o.s. contained in glass ampules packed in styrofoam containers overpacked in a fiberboard box denied March 12, 1982.
EE 8797-N	Request by Global International Airways, Kansas City, MO to authorize transport of certain Class A and Class C explosive to France denied March 17, 1982.

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

J. R. Grothe, Chief,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-10789 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-60-M

International Standards on the Transport of Dangerous Goods

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the venue and proposed agenda for a public meeting which will review the recent activities of the MTB relating to the development of international standards for the transport of dangerous goods.

DATE: May 20, 1982, 9:30 am to 4:00 pm.

ADDRESS: Room 4234, Nassif Building, 400 7th Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202-426-0656).

SUPPLEMENTARY INFORMATION: Particular topics to be reviewed at this meeting will include:

1. Result of the March 1982 meeting of the Group of Rapporteurs of the United Nations' Committee of Experts on the Transport of Dangerous Goods.

2. Status of the development of the International Civil Aviation Organization's (ICAO) dangerous goods regulations and results of the sixth meeting of the ICAO Dangerous Goods Panel.

3. Recent decisions of the RID/ADR Joint Meeting with respect to the transport of dangerous goods by rail and road in Europe.

Interested persons are invited to attend and participate in this meeting. Persons planning to attend the meeting are cautioned that this meeting is intended only to review the most recent activities and decisions of international organizations governing the transport of dangerous goods. Therefore, it is recommended attendees be familiar with these organizations, their functions and the standards issued by them.

Issued in Washington, D.C. on April 15, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-10788 Filed 4-21-82; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Administration, Maintenance, Chapel Buildings, and Related Site Work, Garrison State Veterans Cemetery, Owings Mills, Maryland; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impacts that may occur from the construction of administration, maintenance, and chapel buildings, and related site work for Phase 1 (approximately 20 acres) of the 90 acre Garrison State Veterans Cemetery. It is located in Baltimore County near Owings Mills aproximately 35 minutes from downtown Baltimore. This is a state operated veterans cemetery; the Veterans Administration is providing funding for the action from the state cemetery grant-in-aid program.

After evaluating and assessing a wide scope of environmental concerns related to the action, it was concluded that development of approximately 20 acres into a veterans cemetery will not generate significant and/or adverse impacts on the environment.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff (005B), Room A14, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmentas Assessment may be addressed to: Director, Environmental Affairs Staff (005B), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: April 15,1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-10988 Filed 4-21-82; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Availability of Supplemental Final Environmental Impact Statement; Federal Region IV

Notice is hereby given that a document entitled "Supplemental Final Environmental Impact Statement for Veterans Administration Federal Region IV National Cemetery," dated April 1982, has been prepared in accordance with § 1502.9(c) of the National Environmental Policy Act Regulations.

Since the decision by the Administrator of Veterans Affairs on July 24, 1981 to develop the Federal Region IV National Cemetery at Fort Mitchell, Alabama, new information regarding land use restrictions on the Fort Mitchell site has been brought to the attention of the Veterans Administration. The Supplemental FEIS documents and makes public these restrictions as well as other conditions which must be satisfied prior to the transfer of Fort Mitchell to the VA.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (005B), Room A14, Veterans Administration, 810, Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Supplemental Final Environmental Impact Statement may be obtained on request to the above office.

Dated: April 15, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-10989 Filed 4-21-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 78
Thursday, April 22, 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

CIVIL AERONAUTICS BOARD

[M–348, April 19, 1982]

Short Notice of Meeting for April 20, 1982

TIME AND DATE: 2 p.m., April 20, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Docket 40534, Joint application of Braniff Airways, Inc. and Pan American World Airways, Inc. for approval of an agreement and for other relief. (Memo 1232, 1232–A, For Information Memoranda, dated April 12, 1982 and April 14, 1982, BIA.)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–594–82 Filed 4–20–82; 3:55 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD

[M–347, Amdt. 4, April 15, 1982]

Notice of Addition to the April 15, 1982 Board Meeting

TIME AND DATE: 9 a.m. (closed), 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

5c. Discussions with Venezuela.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–595–82 Filed 4–20–82; 3:55 pm]

BILLING CODE 6320–01–M

3

CIVIL AERONAUTICS BOARD

[M–347, Amdt. 5, April 16, 1982]

Notice of Addition to the April 15, 1982 Board Meeting

TIME AND DATE: 9 a.m. (closed), 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

4a. Discussions with Japan. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–596–82 Filed 4–20–82; 3:55 pm]

BILLING CODE 6320–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 30, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

* * * * *

TIME AND DATE: 11 a.m., Friday, May 7, 1982.

PLACE: 2033 K Street, NW., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–585–82 Filed 4–20–82; 9:59 am]

BILLING CODE 6351–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 19, 1982, the Corporation's Board of Directors determined, on motion Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,188–SR—The Metro Bank of Huntington, Inc., Huntington, West Virginia

Memorandum and Resolution re: Franklin National Bank, New York, New York

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act; (5 U.S.C. 552b(c)(9)(B)).

Dated: April 19, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S–587–82 Filed 4–20–82; 2:09 pm]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 27, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, April 29, 1982 at 2 p.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1982–19: Ronald C. Peterson, Treasurer, Cranston Presidential Advisory Committee
Draft AO 1982–27: Lee E. Holt, City Attorney, City of Dallas
Draft AO 1982–29: Janet M. Lashendock, Treasurer, The United Telecom PAC
Ballot Access Exemptions
Appropriations and budget
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S–592–82 Filed 4–20–82; 3:06 pm]
BILLING CODE 6715–01–M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 28, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on Notation Items disposed of during March 1982.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during March 1982.
3. Report of the Secretary on Applications for Admission to Practice approved during March 1982, pursuant to delegated authority.
4. Agreement No. 9925–3: Extension of the Pacific America Container Express Cooperative Working Arrangement.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–593–82 Filed 4–20–82; 3:54 pm]
BILLING CODE 6730–01–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 14, 1982.

TIME AND DATE: 10:00 a.m., Wednesday, April 21, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Penn Allegh Coal Company, Docket No. PITT 76X241–P; IBMA 76–60. (In this case, arising under the 1969 Coal Act, the issues include whether the judge properly found a violation of 30 CFR 75.1403 dealing with safe transportation of miners and materials.)
2. Amax Lead Company of Missouri, Docket No. CENT 81–63–M. (In this case, on interlocutory review, the issues include whether the judge properly rejected the parties' proposed settlement agreement.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–586–82 Filed 4–20–82; 9:59 am]
BILLING CODE 6735–01–M

9

METRIC BOARD

Administrative and Budget Committee Meeting

TIME AND DATE: 10:30 to 11:30 a.m., Wednesday, May 5, 1982.

PLACE: 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Two Briefings on Administrative and Budget Matters: (1) Summary Briefing on appropriation on matters and (2) Summary Briefing on internal personnel policies and ongoing personnel actions.

CONTACT PERSON FOR FURTHER INFORMATION: Mr. Jerry Manolatos; 703/235–2918.

Louis F. Polk,
Chairman, Metric Board.

[S–590–82 Filed 4–20–82; 2:08 pm]
BILLING CODE 8260–01–M

10

METRIC BOARD

Bimonthly Board Meeting

TIME AND DATE: 9 a.m. to 5:30 p.m., Thursday, May 6, 1982; 9 a.m. to 12 noon, Friday, May 7, 1982.

LACE: The Twin Bridge Marriott, Commonwealth Ballroom, Second Floor, Convention Center, U.S. 1 and I–395, Washington, D.C. 20024.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Agenda—Approval of agenda for this meeting.
Review/Approval of Minutes of the Board Meeting held on March 4, 1982 in Arlington, Virginia.
Committee Reports—Committee Chairmen who wish to report to the Board will be recognized.
Operating Plan Status Report—Program by program review of modified Operating Plan indicating status of major deliverables and reporting schedule/completion schedule for May/July USMB meetings.
Medical Industry Panel—A prototype panel of industry decisionmakers assembled to provide the Board insight into the status and outlook for metric conversion in their industry.
Report on Metric Education Program—A report on the status of the metrication program in the Department of Education.
Metric Use in the Machine Tool Industry—This study assesses the status of metrication in the American machine tool industry. The comprehensive study covers the entire metalworking sector. The contractor will present an information briefing on the study.
Federal Procurement Metrication: Appropriateness and Methods—A study designed to provide the USMB with a clearer understanding of the basic relatioinships between the Federal procurement process and private sector suppliers. The contractor will present an information briefing on the study.
USMB Research Program Overview and Implications—A presentation which will consist of the major findings, conclusions and implications of all completed USMB research.
Recommendations for the Worker Safety Study—The third in a series of studies on the impact of metrication on workers focused on the potential safety problems associated with metric conversion.
Agenda Items for the July Board Meeting—Discussion of agenda items for the bimonthly meeting of the Board to be held in Arlington, Virginia on July 8–9, 1982.
State Program Report—The report will provide the Board with a progress report on FY–82 activities being pursued to achieve effective program continuity.
Summary Report—Design and schedule for printing and distributing of the report.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall; 703/235–1696.

Louis F. Polk,
Chairman, Metric Board.

[S–591–82 Filed 4–20–82; 2:10 pm]
BILLING CODE 8260–01–M

11

METRIC BOARD—

Planning and Coordination Committee Meeting

TIME AND DATE: 10 a.m., Wednesday, May 5, 1982.

PLACE: 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Briefing on Medical Industry Panel
Approval of Staff Reports on Standards
Approval of State Program Status Report
Approval of Federal Program Status Report

CONTACT PERSON FOR FURTHER INFORMATION: Mr. Alan Whelihan; 703/235–2919.

Louis F. Polk,
Chairman, Metric Board.

[S–589–82 Filed 4–20–82 2:08 pm]
BILLING CODE 8260–01–M

12

METRIC BOARD

Research Committee Meeting

TIME AND DATE: 10 a.m. to 1 p.m., Wednesday, May 5, 1982.

PLACE: 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Portions of the meeting will be open to the public and portions of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Two Briefings on Research Activities: (1) General Status Briefing on Research Projects, Research Overview, and Status of Metrication in the U.S. Machine Tool Industry. This is the first agenda item of the meeting and will be Open to the Public. (2) Detailed report of two research projects, The Effects of Metrication on Safety in the Workplace and Federal Procurement Metrication, and their preliminary findings and recommendations will be made. This portion of the meeting will be closed under exemption 5 U.S.C. 552(b)(c)(9) because premature release of this information would have significant adverse impact on the successful completion of the three projects under review by the Committee.

CONTACT PERSON FOR FURTHER INFORMATION: Mr. G. Edward McEvoy; 703/235–1697.

Louis F. Polk,

Chairman, Metric Board.

[S–588–82 Filed 4–20–82; 2:07 pm]

BILLING CODE 8260–01–M

13

POSTAL RATE COMMISSION

TIME AND DATE: 10 a.m., Tuesday, April 27, 1982

PLACE: Conference Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Open.

MATTER TO BE CONSIDERED: Election of a Vice Chairman.

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268; telephone (202) 254–5614.

[S–578–82 Filed 4–19–82; 10:24 am]

BILLING CODE 7715–01–M

federal register

Thursday
April 22, 1982

Part II

Department of Transportation

Federal Aviation Administration

United States National Aviation Standard; Traffic Alert and Collision Avoidance System II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Aviation Standard; Traffic Alert and Collision Avoidance System II

AGENCY: Federal Aviation Administration (FAA), Transportation (DOT)

ACTION: Invitation for public comment on the Final U.S. National Aviation Standard for the Traffic Alert and Collision Avoidance System II (TCAS II).

SUMMARY: TCAS is an assembly of airborne equipment that makes use of air-to-air transmissions for the purpose of aircraft separation assurance in all airspace. It is intended to satisfy the operational need for an airborne separation assurance service and to ensure compatibility with all other elements of the National Airspace System. Its operation does not depend upon the existence of any of these other elements except altitude reporting Air Traffic Control Radar Beacon System (ATCRBS) or Mode S transponders in other aircraft. The standard defines the system and the performance characteristics, including technical parameters, of its subsystems. While not regulatory, the standard may provide the basis for later rule making concerning airborne collision avoidance equipment.

FOR FURTHER INFORMATION CONTACT: T. A. Morgan, Separation Systems Branch, ARD–242, Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–426–9382. Additional copies of this notice may be obtained from the same address.

Invitation of Public Comments

Interested persons are invited to submit written data and comments on this U.S. National Aviation Standard. Communications should identify the notice number and be submitted in duplicate to: Director, Systems Research and Development Service, Attn: ARD–10, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue, Washington, D.C., 20591, on or before June 15, 1982. Copies of comments received will be available through ARD–10 for examination before and after the closing date for comments.

Description

TCAS II is an important element of the engineering and development program for Aircraft Separation Assurance (ASA) that includes Automatic Traffic Advisory Service (ATAS), Conflict Alert, and Conflict Resolution. It is intended to be a stand-alone development which is independent of the other elements of the ASA program but which will operate compatibly and cooperatively with the other elements should any or all of them be implemented. Use of Mode S signal formats has been selected tor TCAS II to provide for high quality system communications and to allow evolutionary transition to the enhanced performance capabilities of that system as it is implemented.

History

The announcement of the selection of the TCAS concept was made on June 23, 1981. This concept includes and expands upon earlier aircraft separation assurance systems development, especially the development of the Beacon Collision Avoidance System (BCAS) concept. The objective of the TCAS program is to provide a range of equipment affording maximum protection throughout either selected or all airborne environments.

Since TCAS II is an improvement of the earlier development of the BCAS concept, it follows that the TCAS II standard is a revision and update of the proposed BCAS National Aviation Standard (see the **Federal Register**, October 27, 1980). During the process of rewriting and editing, applicable comments regarding the published BCAS standard were reviewed and considered for incorporation. Thus, this TCAS II standard is a product of earlier collision avoidance system development, public response to such development, and improvements accreditable to the advent of the TCAS concept.

Definition of U.S. National Aviation Standard

U.S. National Aviation Standards are system standards embodying descriptions of system characteristics. They are issued by the Administrator of the Federal Aviation Administration in accordance with Section 312(c)) of the Federal Aviation Act (49 U.S.C. 1353(c). They describe the performance characteristics (the technical parameters, tolerances and techniques) of major elements of the system to the extent necessary to assure proper operation and interface compatibility among elements of the National Airspace Systems (NAS). U.S. National Aviation Standards generally are limited to cooperative air-to-ground subsystems involving government owned ground equipment and private airborne equipment. They are neither equipment specifications nor standards pertaining to planning, programming, siting, installation, availability, reliability or maintainability.

Relationship of the U.S. National Aviation Standard to Federal Regulations

U.S. National Aviation Standards issued by the Administrator in agency orders are binding only on FAA organizational elements. They establish the technical basis and description of the NAS and component subsystems. A National Aviation Standard is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedures Act (5 U.S.C. 551). There is no requirement that a National Aviation Standard be published as a notice of proposed rule making in the **Federal Register**. However, U.S. National Aviation Standards may serve as the basis for subsequent rule making actions. Because of the relationship between the standards and possible subsequent regulatory actions, the FAA publishes such standards in the **Federal Register** and solicits public comment prior to their approval by the Administrator.

The Standard

Accordingly, the Federal Aviation Administration proposes to adopt the following TCAS II Standard.

Issued in Washington, D.C., on April 19, 1982.

Robert W. Wedan,

Director, Systems Research and Development Service, Engineering and Development, Federal Aviation Administration, Department of Transportation.

Traffic Alert and Collision Avoidance System II, National Aviation Standard, April 19, 1982

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U. S. National Aviation Standard for the Traffic Alert and Collision Avoidance System II

1. General

The Traffic Alert and Collision Avoidance System II (TCAS II) is an assembly of airborne equipment that makes use of air-air beacon transmissions for the purpose of aircraft separation assurance with respect to appropriately equipped aircraft in all airspace. As a minimum, airborne TCAS II equipment is capable of providing aircraft with collision resolution advisories in the vertical dimension without reliance on any ground-based equipment. Enhanced airborne TCAS II equipment will be capable of providing resolution advisories in both the vertical and the horizontal dimensions in all airspace, again without reliance on any ground-based equipment. This standard applies only to the minimum capability TCAS II and, unless otherwise noted, TCAS II will mean the minimum capability TCAS II hereafter in this Standard. A separate standard for the Enhanced TCAS II will be published at a later time.

1.1 System Features

1.1.1 The Functions of TCAS II

The principal functions of a TCAS II unit installed on an aircraft are:

a. Detect the presence of other aircraft flying in the vicinity and make position measurements. A TCAS II unit is

capable of detecting and tracking in range, bearing, and altitude aircraft that are equipped with Air Traffic Control Radar Beacon System (ATCRBS) transponders with altitude encoders or with Mode S transponders with altitude encoders.

b. Display to the pilot information on the position of detected intruder aircraft.

c. Determine if any of these aircraft represents a collision threat.

d. Determine an appropriate aircraft vertical maneuver to resolve an encounter if a threat is detected.

e. Coordinate the maneuver decision with the threat aircraft if it is equipped with an applicable TCAS capability so that the resulting maneuvers are compatible.

f. Communicate the maneuver decision (resolution advisory) to the pilot.

g. Alter intruder equipped with the appropriate Mode S transponders and associated capabilities (TCAS I) of the presence of own aircraft by crosslinking maneuver and traffic advisory information when TCAS II determines that a collision threat exists.

1.1.2 Rationale for the TCAS II National Aviation Standard

1.1.2.1 Legal Rationale

Under the Federal Aviation Act, the Department of Transportation has the responsibility for the development and operation of a common system of air traffic control and navigation for both military and civil aircraft. Explicitly, Section 312(c) of the Act (49 U.S.C. 1353(c)) requires the Secretary to develop, modify, test and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation, except for those needs of military agencies which are peculiar to air warfare and primarily of military concern. The promulgation of a national aviation standard for TCAS II is in keeping with this directive, as it will permit uniformity among aircraft collision avoidance systems, promoting greater efficiency and safety in aviation.

1.1.2.2 Technical Rationale

This U.S. national aviation standard contains a description of a system selected for implementation. This system is the result of development modification, tests, and evaluation efforts which have culminated in required characteristics, including technical parameters, to ensure proper operation and compatibility among elements of the National Airspace System.

1.2 Compatibility of TCAS II With Other Elements of the National Airspace System

TCAS II is compatible with other existing and proposed elements of the National Airspace System, and the operation of TCAS II may be automatically coordinated with the operation of these other elements.

1.2.1 Compatibility With ATCRBS and Mode S Surveillance Systems

TCAS II is designed for full operational compatibility with ATCRBS and Mode S equipment. TCAS II provides surveillance of both ATCRBS and Mode S transponders and includes safeguards to prevent interference with the operation of ATCRBS and Mode S ground surveillance systems.

1.2.2 Interface With Mode S Ground Sensors

The operation of TCAS II does not require ground equipment. Its airborne operation can, however, be automatically interfaced with a Mode S ground sensor (sensitivity level control and communication of TCAS II resolution advisories) in areas of Mode S coverage. The Mode S transponder onboard the TCAS II aircraft can be used for these purposes in communicating with Mode S ground sensors.

1.2.3 Compatibility With ATCRBS IFF Mark XII System (AIMS)

TCAS II is designed for full operational compatibility with AIMS including Mode 4.

1.2.4 Compatibility With TCAS I

TCAS I is a limited capability Traffic Alert and Collision Avoidance System. It provides traffic advisories to the pilot on nearby ATCRBS and Mode S transponder equipped aircraft. In addition TCAS I can alert the pilot to the presence of a TCAS II equipped collision threat using maneuver and traffic advisory information received over the Mode S air-air crosslink from the TCAS II threat. TCAS II is designed for full operational compatibility with TCAS I.

1.2.5 Compatibility With Enhanced TCAS II

Enhanced TCAS II is an extended capability Traffic Alert and Collision Avoidance System designed to operate in all airspace. It provides the pilot traffic advisories as well as resolution advisories in both the vertical and horizontal dimensions. TCAS II is designed for full operational compatibility with Enhanced TCAS II.

1.3 Scope of This Standard

This document describes and standardizes those characteristics of TCAS II that must be controlled to provide compatibility among components of the system and to prevent impairment of services to other users of the airspace. Specifically, it:

a. Defines the data link messages, formats, and protocols to be used in transmissions among airborne TCAS equipments, airborne Mode S transponders and Mode S sensors.

b. Provides limits on radiated energy.

c. Standardizes certain aspects of the collision avoidance algorithms.

All applications of TCAS II messages are standardized and no experimental or ad hoc applications should be implemented without prior approval of the Federal Aviation Administration.

1.3.1 Relationship to Other U.S. National Aviation Standards

Since TCAS II interests with other systems and subsystems which are also part of the National Airspace System, the standards governing pertinent other systems are referenced herein (1.6).

1.3.1.1 Relationship Between TCAS II and ATCRBS National Aviation Standard

TCAS II adheres to all of the provisions of the ATCRBS National Aviation Standard (ref. A). In the event of conflict between the ATCRBS Standard and the TCAS II Standard, the TCAS II Standard takes lower precedence.

1.3.1.2 Relationship Between TCAS II and Mode S National Aviation Standard

TCAS II adheres to all of the provisions of the Mode S National Aviation Standard (ref. B). In the event of conflict between the Mode S Standard and the TCAS II Standard, the TCAS II Standard takes lower precedence.

1.3.2 Items Not Covered

This Standard does not prescribe the detailed technical features and capabilities of airborne TCAS II equipment nor the minimum performance standards that must be met for operation in the National Airspace System. Other documentation will prescribe such minimum performance standards for the airborne equipment. This Standard does not define or constrain the media, devices or formats for cockpit display of TCAS II resolution advisories or traffic information.

1.4 Overall System Capability

The TCAS II system is an assembly of airborne equipment. The principal functions of this equipment are described below.

1.4.1 Functional Elements

The principal elements of airborne TCAS II equipment are Mode S and ATCRBS surveillance subsystems, a conflict resolution logic function and a pilot display. Every TCAS II aircraft has a Mode S transponder with a capability to process specified uplink and downlink messages to provide air-air maneuver coordination and to coordinate with Mode S sensors.

1.4.2 TCAS II Operation

1.4.2.1 Coverage

By alternating between Mode S and ATCRBS surveillance modes, the airborne TCAS II equipment performs surveillance of all aircraft equipped with altitude reporting Mode S or ATCRBS transponders within its line-of-sight coverage airspace. Airborne TCAS II equipment can be designed, in accordance with this Standard, to provide serviceable surveillance at air-air ranges of up to 14 nmi. Serviceable surveillance corresponds to a link margin of 6 dB given nominal equipment and antenna parameters.

1.4.2.2 Mode S Surveillance

The Mode S surveillance subsystem detects and tracks Mode S equipped aircraft. TCAS II listens to squitters and replies generated by Mode S transponders in response to ground and air-air interrogations in order to determine the altitudes and Mode S addresses of proximate Mode S equipped aircraft.

After TCAS II has received replies from a new aircraft, it compares the altitude of the aircraft against its own altitude to determine whether the aircraft should be interrogated to determine its range. If the measured range and the reported maximum airspeed capability indicate that it is or could soon be a collision threat, the aircraft is regularly interrogated and the resulting track data are fed to the conflict detection and resolution algorithms.

1.4.2.3 ATCRBS Surveillance

ATCRBS surveillance may be accomplished by the transmission of modified ATCRBS Mode C interrogations at regular intervals. These interrogations elicit replies from ATCRBS transponders but, to minimize interference, Mode S transponders do not reply.

ATCRBS synchronous interference may be controlled by alternating Mode C interrogations and ATCRBS suppression transmissions at varying power levels to reduce the population of ATCRBS transponders replying to each interrogation. Steerable narrow interrogation sectors may also be used in conjunction with the above technique in controlling ATCRBS synchronous interference.

1.4.2.4 Traffic Advisories

TCAS II uses antennas with direction-finding capability for intruder bearing measurements. Intruder bearing data along with other surveillance track data is used in displaying the positions of proximate aircraft. These traffic advisories may include the ranges, range rates, altitudes, altitude rates, and bearings of such aircraft. Traffic advisories may be provided for intruding aircraft, either alone if resolution advisories are unnecessary, or they may be accompanied by resolution advisories if needed.

1.4.2.5 Conflict Resolution

The TCAS II collision avoidance algorithms perform conflict resolution in the vertical dimension only.

Note.— Enhanced TCAS II will provide resolution advisories in both the horizontal and vertical dimensions.

TCAS II generates the following types of vertical resolution advisories:

a. Positive advisories.

b. Negative advisories.

c. Vertical speed limit advisories.

d. Vertical speed minimum advisories.

An advisory is generated for each aircraft whose tracked range, range rate, altitude and altitude rate indicate that its projected separation is within predefined bounds. These threat boundaries may vary according to local traffic and airspace conditions. Such variations are either based on external inputs, pilot inputs, or aircraft altitude. If the threat aircraft is equipped with a TCAS capability that generates resolution advisories, a coordination procedure via the air-air Mode S data link is performed before displaying the advisory to the pilot to assure that the aircraft maneuvers are compatible.

1.4.2.6 Display

The display(s) indicate to the pilot the resolution advisories generated by the conflict resolution function and the traffic advisories generated by the traffic advisory function. The display(s) may also provide additional information including equipment failure indication.

1.4.2.7 Maneuver and Traffic Advisory Crosslink

When a Mode S aircraft that is not equipped with a TCAS capable of generating on-board resolution advisories is declared by TCAS II to be a collision threat requiring conflict resolution, TCAS II alerts the threat with crosslink advisories. A maneuver advisory is automatically crosslinked to all such collision threats. In addition, TCAS II crosslinks a traffic advisory if such a threat is requesting crosslink traffic advisory service. The maneuver advisory informs the threat of the projected relative altitude (above or below) of the TCAS II aircraft at the point of closest approach that will result from the conflict resolution maneuver that TCAS II has selected. The traffic advisory informs the threat of the TCAS II aircraft's current position with respect to it with relative range, relative altitude and bearing data. Both of these advisories are crosslinked to the threat using the Mode A air-air data link.

TCAS I requests crosslink traffic advisory service, and TCAS II therefore transmits traffic advisory information to TCAS I equipped threat aircraft. TCAS II aircraft do not request crosslink traffic advisory service. These aircraft rely upon their own capability to generate traffic and resolution advisories in lieu of displaying crosslinked advisories in the cockpit. A Mode S equipped aircraft with no on-board resolution capability automatically receives a maneuver advisory from TCAS II which indicates whether TCAS II intends to pass above or below the Mode S aircraft.

1.5 Acronyms and Abbreviations

1.5.1 Acronyms

ASA: Aircraft Separation Assurance
ATC: Air Traffic Control
ATCRBS: Air Traffic Control Radar Beacon System
TCAS: Traffic Alert and Collision Avoidance System

1.5.2 Abbreviations

ABS(X): absolute value of X
fpm: feet per minute
fps^2: feet per second per second
.GE.: is greater than or equal to
.GT.: is greater than
.LE.: is less than or equal to
LSB: least significant bit
.LT.: is less then
MAX(X): the maximum of the elements of the set X
MIN(X): the minimum of the elements of the set X
MSB: most significant bit
.NE.: not equal to
VSL: Vertical Speed Limit

VSM: Vertical Speed Minimum

1.6 References

Reference A: "U.S. National Standard for the IFF Mark X (SIF)/Air Traffic Control Radar Beacon System Characteristics", Attachment 1 to DOT/FAA Order 1010.51A, 8 March 1971.

Reference B: "U.S. National Aviation Standard for the Mode S System", Appendix 1 to FAA Order 6365.1, 9 December 1980.

Note.—In referring to references, paragraph numbers are usually specified. For example, a reference to paragraph 4.1 of reference B would be shown herein as ref. B: 4.1.

2. Signals in Space

2.1 RF Characteristics

The radio frequency characteristics of all signals employed by TCAS II conform to either ref. A or ref. B.

3. Signal Content

TCAS II uses a number of specified Mode S air-air transmissions for surveillance and air-air communications. The communications functions include the means by which resolution advisory decisions are coordinated with TCAS threat aircraft and the means by which maneuver and traffic advisory information is crosslinked to appropriately equipped intruders (TCAS I). A limited number of transmissions are specified for coordination with ground air traffic control in regions where applicable capabilities are implemented in Mode S sensors.

Note.—Ref. B describes the message format structures and coding that are used in specified Mode S transmissions. This section further defines Mode S formats and information coding used for the transmission of TCAS II messages.

3.1 Data Blocks

The Mode S interrogation and reply data blocks can contain either 56 or 112 bits.

3.2 Format Structure

Mode S transmission formats consist of 56 or 112 bits of which 24 bits are used as the address while the rest are used for information transfer. The interrogation and reply formats that can contain TCAS II information are presented in Figures 3.2–1 and 3.2–2 respectively.

3.2.1 Bit Numbering and Sequence

In the description of the information fields (3.2.2) contained in Mode S transmissions, bits are numbered consecutively with bit 1 being the first bit transmitted in the Mode S interrogation or reply. Numerical values encoded by groups of bits are encoded with the MSB transmitted first. Bits designated as "not assigned" are transmitted as all zeroes, and are reserved for assignment in future national aviation standards.

3.2.2 Fields

Information is coded in fields which consist of one or more bits. In this document the decimal equivalent of the binary code formed by the bit sequence within a field is used as the designator of the field function.

Note.—As an example, the 5-bit UF field is used to designate the uplink format type. A surveillance interrogation with identity has in its UF field position the bit sequence 00101. Since $00101_2 = 5_{10}$, this format is designated as UF=5.

BILLING CODE 4910-13-M

Format No.	UF							
0	(0 0000)	--3--	(RL:1)	(AQ:1)	(AV:4)	--18--	(AP:24)	. . . . . .Short Special Surveillance
4	(0 0100)	(PC:3)	(RR:5)	(DI:3)	(SD:16)	(AP:24)		. . . . . .Surveillance, Altitude Request
5	(0 0101)	(PC:3)	(RR:5)	(DI:3)	(SD:16)	(AP:24)		. . . . . .Surveillance, Identity Request
16	(1 0000)	--3--	(RL:1)	(AQ:1)	(AV:4)	-18--	(MU:56)	(AP:24). .Long Special Surveillance
20	(1 0100)	(PC:3)	(RR:5)	(DI:3)	(SD:16)	(MA:56)		(AP:24). .Comm-A, Altitude Request
21	(1 0101)	(PC:3)	(RR:5)	(DI:3)	(SD:16)	(MA:56)		(AP:24). .Comm-A, Identity Request

Note: (1) (XX:M) denotes a field designated "XX" which is assigned M bits.
(2) ---N--- denotes unassigned coding space, N bits; must be set to all zeroes.
(3) The format number in the above uplink formats (UF) corresponds to the binary code in the first 5 bits of the interrogation.

Fig. 3.2-1. Mode S Interrogation or Uplink Formats Used for TCAS II Messages.

Format No.	DF								
0	(0 0000)	(FS:3)	---1---	(RI:4)	(SL:3)	(AR:2)	---1---	(AC:13)	(AP:24). . . . . Short Special Surveillance
4	(0 0100)	(FS:3)	(DR:5)	(UM:6)	(AC:13)			(AP:24). . . . . Surveillance, Altitude	
5	(0 0101)	(FS:3)	(DR:5)	(UM:6)	(ID:13)			(AP:24). . . . . Surveillance, Identity	
16	(1 0000)	(FS:3)	---1---	(RI:4)	(SL:3)	(AR:2)	---1---	(AC:13)	(MV:56) (AP:24) . .Long Special Surveillance
20	(1 0100)	(FS:3)	(DR:5)	(UM:6)	(AC:13)			(MB:56) (AP:24) . .Comm-B, Altitude	
21	(1 0101)	(FS:3)	(DR:5)	(UM:6)	(ID:13)			(MB:56) (AP:24) . .Comm-B, Identity	

Note: (1) (XX:M) denotes a field designated "XX" which is assigned M bits.
(2) ---N--- denotes unassigned coding space, N bits; must be set to all zeroes.
(3) The format number in the above downlink formats (DF) corresponds to the binary code in the first 5 bits of the reply.

Fig. 3.2-2. Mode S Reply or Downlink Formats Used for TCAS II Messages.

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Codes designated as "not assigned" are reserved for assignment in future national aviation standards. Fields containing numeric data are encoded in positive binary notation unless otherwise noted. The LSB value and the allowed range of values are included for all numeric quantities. Unless otherwise noted, when the value of a numeric quantity is outside the indicated range of values, it will be encoded as equal to the nearest end point of the range. Unless otherwise noted, the coded value of a numeric quantity is the quantized value nearest the actual value of the quantity (i.e., the value of rounded off rather than truncated).

3.2.2.1 Essential Fields.

Each Mode S transmission contains two essential fields. The first essential field is a 5-bit format descriptor which occurs at the beginning of the transmission. This field is designated UF (Uplink Format) for interrogations and DF (Downlink Format) for replies. The UF and DF codes pertinent to this Standard are given in Figs. 3.2–1 and 3.2–2 respectively. The second essential field is a 24-bit field which contains a Mode S address and carries parity information according to ref. B: 4.1. This field is designated AP (Address/Parity) and is located at the end of the transmission.

Note.—In the air-air transmissions used by TCAS, interrogations transmitted at 1030 MHz are uplink transmissions and contain UF (Uplink Format) codes. Replies transmitted at 1090 MHz are downlink transmissions and contain DF (Downlink Format) codes.

3.2.2.2 Mission Fields

The remaining coding space is used to transmit the mission fields. For specific missions, a specific set of fields is prescribed.

Note.—All mission fields are labeled with two-letter designators in this Standard.

3.2.2.3 Subfields

Subfields may appear within mission fields. The name, length (number of bits) and coding of a defined subfield are the same wherever it appears; however, the location and protocol for use may vary.

Note.—Subfields of mission fields are labeled with three-character alphanumeric designators in this Standard. Subfields of three-character designator subfields are labeled with four-character alphanumeric designators in this Standard.

3.3 Field Descriptions

For all mission fields and subfields which are processed by the airborne TCAS II equipment, the relevant characteristics (location and coding) are described in this section. In some cases this description duplicates the description found in other national aviation standards; in other cases it introduces new information that is not found elsewhere. Mission fields and subfields used by TCAS II and defined by ref. B are described in 3.3.1. All other mission fields and subfields are described in 3.3.2. Table 3.3–1 provides an index of all described mission fields and the three-character designator subfield groups (if any) within them. Appendix A provides an alphabetically ordered index of all essential fields, mission fields, three-character designator subfields and four-character designator subfields described in this Standard.

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Table 3.3-1

Field Index

Field	Sub Field	Bits No.	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
AC		13	20-32		X	3.3.1.1	4.2.1;4.2.3
AQ		1	10	X		3.3.1.2	4.2.2.1;4.2.2.2
AR		2	17-18		X	3.3.2.1	4.2.3;4.3.1 4.4
AV		4	11-14	X		3.3.2.2	
	Subfields of AV:						
	VMA	2	11-12			3.3.2.2.1	4.4.1
	HMA	1	13			3.3.2.2.1	4.4.1
	(-n-)	1	14				
	Note: The notation (-n-) is used to denote bits that are not assigned.						
DR		5	9-13		X	3.3.1.3	4.5.1
FS		3	6-8		X	3.3.1.4	4.2.1;4.2.3
MA		56	33-88	X		3.3.1.5	
	TCAS Sensitivity Level Command Message subfields of MA:						4.5.3
	ADS	8	33-40			3.3.2.3.1	
	SLC	3	41-43			3.3.2.3.1	
	(-n-)	45	44-88				
MB		56	33-88		X	3.3.1.6	
	Extended Capability Report subfields of MB:						4.5.2
	(-n-)	2	42-43				
	ACS	16	45-60			3.3.1.6.2	
	(-n-)	7	61-67				
	CRS	1	68			3.3.2.4.2	
	ORC	2	69-70			3.3.2.4.2	
	ECS	16	71-86			3.3.1.6.2	
	Resolution Advisories Messsage subfields of MB:						4.5.1
	BDS	8	33-40			3.3.2.4.1	
	ARA	14	41-54			3.3.2.4.1	
	RAC	4	55-58			3.3.2.4.1	
	CLS	1	59			3.3.2.4.1	
	(-n-)	29	60-88				

Table 3.3-1 (cont'd)

Field Index

Field	Sub Field	Bits No.	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
MU		56	33-88	X		3.3.1.7	
	TCAS Resolution Advisories Request and TCAS Resolution Message subfields of MU:						4.3.1;4.3.1.1;
	UDS	8	33-40			3.3.2.5.1	4.3.1.2
	LCK	1	41			3.3.2.5.1	
	MTB	1	42			3.3.2.5.1	
	CVC	2	43-44			3.3.2.5.1	
	VRC	2	45-46			3.3.2.5.1	
	CHC	2	47-48			3.3.2.5.1	
	HRC	2	49-50			3.3.2.5.1	
	(-n-)	14	51-64				
	MID	24	65-88			3.3.2.5.1	
	TCAS Crosslink Traffic Advisory Message subfields of MU:						4.4;4.4.2
	UDS	8	33-40			3.3.2.5.2	
	RRG	6	41-46			3.3.2.5.2	
	RAL	6	47-52			3.3.2.5.2	
	BTI	2	53-54			3.3.2.5.2	
	BRG	6	55-60			3.3.2.5.2	
	(-n-)	4	61-64				
	MID	24	65-88			3.3.2.5.2	
MV		56	33-88		X	3.3.1.8	
	Coordination Reply Message subfields of MV:						4.3.2
	VDS	8	33-40			3.3.2.6.1	
	ARA	14	41-54			3.3.2.6.1	
	RAC	4	55-58			3.3.2.6.1	
	CLI	1	59			3.3.2.6.1	
	(-n-)	29	60-88				

Table 3.3-1 (concluded)

Field Index

Field	Sub Field	Bits No.	Bits Position	Formats Up	Formats Down	Reference Paragraph(s) Content	Reference Paragraph(s) Protocol
RI		4	10-13		X	3.3.1.9	4.2.3.1; 4.2.3.2
RL		1	9	X		3.3.1.10	4.2.2.1; 4.2.2.2; 4.2.3.1; 4.2.3.2
RR		5	9-13	X		3.3.1.11	4.5.1
SD		16	17-32	X		3.3.1.12	
	Subfield of SD: IIS	4	17-20			3.3.1.12.1	4.5.3
SL		3	14-16		X	3.3.2.7	4.2.3

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Note.—Duplicate mission filed subfield descriptions aid in identifying those areas in which the various national aviation standards must be coordinated with respect to future modifications or additions.

3.3.1 Fields and Subfields Defined by Ref. B

Location and coding of mission fields and subfields that are required for transmission of TCAS II information and that are specified by ref. B are described in alphabetical order in the following paragraphs.

Note.—Certain codes in the mission fields described below that are designated "not assigned" in ref. B are assigned for TCAS use and are specified in this section.

3.3.1.1 AC Altitude Code

Downlink, 13 bits, 20 through 32. Appears in special surveillance, surveillance and Comm-B formats DF=0, 4, 16, 20. This field contains the altitude code. If bit 26 (M bit) is zero, the pattern of ref. A: 2.7.13.2.5 is used in the remaining bits in the sequence C1, A1, C2, A2, C4, A4, M=0, B1, D1=0, B2, D2, B4, D4. Zero is transmitted in each of the 13 bits if altitude information is not available. Metric altitude is contained in this field if bit 26 (M bit) is set to '1'.

Note 1.—Metric altitude codes are not included in this Standard.

Note 2.—Bit 28 contains the D1 bit which is zero in all altitude codes.

3.3.1.2 AQ Acquisition, Special

Uplink, 1 bit, 10. Appears in special surveillance formats UF=0, 16. This field is used to designate the UF=0 or 16 interrogation as an acquisition transmission (4.2.2).

Coding:
0=Non-acquisition interrogation
1=Acquisition interrogation

3.3.1.3 DR Downlink Request

Downlink, 5 bits, 9 through 13. Appears in surveillance and Comm-B formats DF=4,5,20,21. This field is used to request extraction of downlink messages from the transponder by the interrogator.

Coding:
0=No downlink request
1=B bit set
2=TCAS bit set
3=TCAS bit set and B bit set
4–15=Not assigned
16–31=Comm-D protocol (ref. B; 4.11.2.

Note.—The B bit is explained in ref. B: 4.11.2.

Whenever either a TCAS resolution advisory or a TCAS resolution advisory complement (received from other TCAS aircraft) or both exist, code DR=2 or 3 is set as appropriate (4.5.1). Requests associated with codes 1–15 take priority over requests associated with codes 16–31.

3.3.1.4 FS Flight Status

Downlink, 3 bits, 6 through 8. Appears in downlink special surveillance, surveillance and Comm-B formats DF=0,4,5,16,20,21. This field reports the flight status of the aircraft.

Coding:
0=Airborne and no ALERT and no SPI
1=Airborne and no ALERT and no SPI and TCAS unit interrogating
2=ALERT
3=Not assigned
4=SPI
5=Not assigned
6=ALERT and SPI
7=On the ground and no ALERT and no SPI

Whenever the TCAS II unit is airborne and is operating at sensitivity levels 2 through 7 and no ALERT and no SPI conditions exist, code FS=1 is set.

Notes.—The meaning of ALERT and SPI are explained in ref. B: 4.5.

3.3.1.5 MA Message, Comm-A

Uplink, 56 bits, 33 through 88. Appears in Comm-A formats UF=20,21. This field is used by a Mode S sensor to transmit a TCAS Sensitivity Level Command Message to airborne TCAS II equipment. Contains 8-bit ADS (Comm-A Definition) subfield.

3.3.1.5.1 Subfield in MA: ADS, A—Definition Subfield

Uplink, 8 bits, 33 through 40, subfield in MA. This subfield defines the data contained in the remainder of MA. For convenience in coding, ADS is expressed in two groups of 4 bits each, ADSI, 33 through 36, and ADS2, 37 through 40. A TCAS Sensitivity Level Command Message uses ADS1=3 and ADS2=0.

3.3.1.6 MB Message, Comm-B

Downlink, 56 bits, 33 through 88. Appears in Comm-B formats DF=20,21. This field is used by airborne TCAS II equipment to transmit TCAS resolution advisories and extended capability information (ref. B: 4.6.3) to Mode S sensors. Contains 8-bit BDS (Comm-B Definition) subfield.

3.3.1.6.1 Subfield in MB: BDS, B—Definition Subfield

Downlink, 8 bits, 33 through 40, subfield in MB. This subfield defines the data contained in the remainder of MB. For convenience in coding, BDS is expressed in two groups of 4 bits each, BDS1, 33 through 36, and BDS2, 37 through 40. Comm-B messages originating from airborne TCAS II equipment use BDS1=3.

3.3.1.6.2 Subfields in MB for an Extended Capability Report

The following subfields defined by ref. B appear in MB for an Extended Capability Report and are related to TCAS II.

ACS: A-Capability, 16 bits, 45 through 60. This subfield contains the identity (ADS1 values) of all on-board operative A-sinks (Comm-A destinations).

Coding:
To report the presence of the A-sink with ADS1 = x, bit 45 + x is set to '1'.

Note.—The airborne TCAS II equipment is a destination for Comm-A messages containing the ADS1 = 3 code in MA. Hence, operative airborne TCAS II equipment sets bit 48 in ACS to '1'.

ECS: Extended Capability, 16 bits, 71 through 86. This subfield contains the identity (BDS1 values) of all on-board operative B-sources (Comm-B sources).

Coding:
To report the presence of the B-source with BDS1 = x, bit 71 + x is set to '1'.

Note.—The airborne TCAS II equipment is a source of Comm-B messages containing the BDS1 = 3 code in MB. Hence, operative airborne TCAS II equipment sets bit 74 in ECS to '1'.

Note.—The following table provides a complete summary of the structure of MB for an Extended Capability Report as defined by ref. B and this Standard.

STRUCTURE OF MB FOR AN EXTENDED CAPABILITY REPORT

Position	No. of Bits	Subfield	Remarks
33–36	4	BDS1	= 1.
37–40	4	BDS2	= 0.
41	1	CBS	—
42–43	2	—	Not assigned.
44	1	FDS	—
45–60	16	ACS	—
61–67	7	—	Not assigned.
68	1	CRS	—
69–70	2	ORC	—
71–86	16	ECS	—
87–88	2	EDS	—

The BDS1, BDS2, CBS, FDS and EDS subfields are defined in ref. B: 4.6.3.1 and are not related to TCAS II. The CRS and ORC subfields are defined by this Standard in 3.3.2.4.2.

3.3.1.7 MU Message, Comm-U

Uplink, 56 bits, 33 through 88. Appears in long special surveillance format UF=16. This field is used by airborne TCAS II equipment to transmit air-air maneuver coordination information and

to crosslink traffic advisory information to aircraft requesting crosslink traffic advisory service. This message field does not use the Comm-A protocol (ref. B: 4.10).

3.3.1.8 MV Message, Comm-V

Downlink, 56 bits, 33 through 88. Appears in long special surveillance format DF=16. This field is used by airborne TCAS II equipment to transmit air-air maneuver coordination information to requesting TCAS equipped aircraft. This message field does not use the Comm-B protocol (ref. B: 4.11).

3.3.1.9 RI Air-Air Reply Information

Downlink, 4 bits, 10 through 13. Appears in special surveillance formats DF=0, 16. This field contains information pertaining to replying aircraft. Where airspeed is reported (4.2.3.1), the maximum true airspeed flown in normal operations is given using the coding shown below.

Coding:

0=No on-board Enhanced TCAS II capability and no request for crosslink traffic advisory service
1=No on-board Enhanced TCAS II capability and requesting crosslink traffic advisory service with magnetic bearing contained in the traffic advisory
2=No on-board Enhanced TCAS II capability and requesting crosslink traffic advisory service with track bearing contained in the traffic advisory
3=On-board Enhanced TCAS II capability
4-7=Not assigned
8=No maximum airspeed data available
9=Airspeed is up to 75 knots
10=Airspeed is between 75 knots and 150 knots
11=Airspeed is between 150 knots and 300 knots
12=Airspeed is between 300 knots and 600 knots
13=Airspeed is between 600 knots and 1200 knots
14=Airspeed is more than 1200 knots
15=Not assigned

Note.—Crosslink maneuver and traffic advisories are not provided to aircraft with an on-board resolution capability (AR.GT.0), see 1.4.2.7. Therefore, codes RI=1 or RI=2 are not set by these aircraft.

3.3.1.10 RL Reply Length

Uplink, 1 bit, 9. Appears in special surveillance formats UF=0, 16. This field commands a specific air-air reply format (short or long).

Coding:

0=Reply with short special surveillance format DF=0
1=Reply with long special surveillance format DF=16

3.3.1.11 RR Reply Request

Uplink, 5 bits, 9 through 13. Appears in surveillance and Comm-A formats UF=4,5,20,21. This field contains length and content of the reply requested by the interrogator. The RR code that airborne TCAS II equipment responds to is RR=19. This RR code elicits a Comm-B reply whose entire MB field content is provided by the TCAS II equipment.

Coding:

RR code	Requested MB content
19	Resolution Advisories Message (3.3.2.4.1)

Note.—If the first bit of the RR code is one, the last four bits of the 5-bit RR code, if transformed into their decimal equivalent, designate the number (BDS1) of the requested source. BDS2 is assumed to be zero if not specified (ref. B: 4.11.1.1).

3.3.1.12 SD Special Designator

Uplink, 16 bits, 17 through 32. Appears in surveillance and Comm-A formats UF=4,5,20,21. This field can contain control codes affecting transponder protocol. The content of this field is specified by the DI field (ref. B: 3.3.8).

Airborne TCAS II equipment examines the contents of SD for interrogator identification information.

3.3.1.12.1 Subfield in SD

The following subfield defined by ref. B appears in all SD fields regardless of DI code and is related to TCAS II.

IIS: Interrogator Identifier, 4 bits, 17 through 20. This subfield contains the self-identification code of the interrogator and is numerically identical to the II code (ref. B: 3.3.13) transmitted by the same interrogator in the Mode S Only All-Call (ref. B: 4.2.1.3).

Coding:

An interrogator is assigned an IIS code which may take on a value of 1 through 15. IIS=0 is not a valid interrogator identifier code.

3.3.2 TCAS II Fields and Subfields

The following paragraphs describe the location and coding of those mission fields and subfields required for the transmission of TCAS II information and that are not defined in ref. B.

3.3.2.1 AR ASA Capability Report

Downlink, 2 bits, 17 through 18. Appears in special surveillance formats DF=0, 16. This field reports the ASA capability of the aircraft.

Coding

0=No on-board resolution capability
1=On-board resolution capability, range .LE. 4 nmi
2=On-board resolution capability, 4 nmi .LT. range .LE. 10 nmi
3=On-board resolution capability, 10 nmi .LT. range .LE. 14 nmi

Note.—The TCAS II threat detection and resolution logic distinguishes between intruders that are equipped to generate on-board resolution advisories and those that are not (5.2). An airborne Enhanced TCAS I equipment may have the ability to generate resolution advisories but have a surveillance range limited to 4 nmi. Such a unit could generate timely resolution advisories in many of the low speed encounters pertinent to general aviation applications. However, in high speed encounters that can occur between TCAS II aircraft and such an Enhanced TCAS I aircraft above 10,000 feet, the TCAS I aircraft lacks sufficient surveillance range to participate in timely conflict resolution. Similarly, the surveillance range of TCAS II equipment may be reduced dynamically because of interference limiting or surveillance overload in high density airspace. A TCAS II with reduced surveillance range is effectively unequipped if involved in an encounter with another aircraft whose TCAS range has not been reduced by a comparable amount. When the intruder's AR code indicates that his TCAS surveillance range is currently less than own TCAS surveillance range, the intruder is treated as if it were unequipped. (See 5.2.1 and 5.2.2.1).

3.3.2.2 AV TCAS Maneuver Advisory

Uplink, 4 bits, 11 through 14. Appears in special surveillance formats UF=0, 16. This field provides a conflict resolution maneuver advisory to the interrogated threat aircraft.

3.3.2.2.1 Subfields in AV

The following subfields appear in AV.

VMA: Vertical Maneuver Advisory, 2 bits, 11 through 12. This subfield indicates the projected relative altitude of the TCAS II aircraft with respect to the interrogated threat at the point of closest approach that will result from the vertical conflict resolution maneuver that TCAS II has selected.

Coding

0=No vertical resolution has been selected
1=Above
2=Below
3=Not assigned

HMA: Horizontal Maneuver Advisory, 1 bit, 13. This subfield indicates whether horizontal resolution has been selected by Enhanced TCAS II with respect to the interrogated threat aircraft.

Coding

0=No horizontal resolution has been selected
1=Enhanced TCAS II has selected horizontal resolution

Note.—Structure of AV.

Position	No. of bits	Subfield	Remarks
11-12	2	VMA	
13	1	HMA	(1)

Position	No. of bits	Subfield	Remarks
14	1	.....	.....

[1] Not assigned.

3.3.2.3 MA Fields Used by TCAS II

Mode S sensors may use the MA field of Comm–A interrogations (3.3.1.5) to transmit a TCAS Sensitivity Level Command Message to airborne TCAS II equipment.

3.3.2.3.1 Subfields in MA for a TCAS Sensitivity Level Command Message

ADS: A–Definition Subfield, 8 bits, 33 through 40 (3.3.1.5.1). A TCAS Sensitivity Level Command Message is identified by ADS1=3 and ADS2=0, the combination of which is equivalent to ADS=48.

SLC: TCAS II Sensitivity Level Command, 3 bits, 41 through 43. This subfield contains a sensitivity level command for the TCAS II aircraft.

Coding

0=No command issued
1=Set TCAS II sensitivity level to 1
2=Set TCAS II sensitivity level to 2
3=Set TCAS II sensitivity level to 3
4=Set TCAS II sensitivity level to 4
5=Set TCAS II sensitivity level to 5
6=Set TCAS II sensitivity level to 6
7=Set TCAS II sensitivity level to 7

Note.—Structures of MA for a TCAS Sensitivity Level Command Message.

Position	No. of bits	Subfield	Remarks
33–36	4	ADS1	=3
37–40	4	ADS2	=0
41–43	3	SLC	.....
44–88	45	.....	[1]

[1] Not assigned.

3.3.2.4 MB Fields Used by TCAS II

Airborne TCAS II equipment uses the MB field (3.3.1.6) of the Comm–B replies to transmit a Resolution Advisories Message and an Extended Capability Report to Mode S sensors.

3.3.2.4.1 Subfields in MB for a Resolution Advisories Message

BDS: B–Definition Subfield, 8 bits, 33 through 40 (3.3.1.6.1). A Resolution Advisories Message is identified by BDS1=3 and BDS2=0, the combination of which is equivalent to BDS=48.

ARA: Active Resolution Advisories, 14 bits, 41 through 54. This field contains the currently active resolution advisories (if any) generated by own on-board TCAS II unit against one or more threat aircraft.

Coding

Each bit in the ARA subfield is a dedicated bit respresenting a specific resolution advisory.

The bits in ARA have the following meaning:

Bit	Resolution advisory
41	Climb.
42	Don't descend.
43	Don't descend faster than 500 fpm.
44	Don't descend faster than 1000 fpm.
45	Don't descend faster than 2000 fpm.
46	Descend.
47	Don't climb.
48	Don't climb faster than 500 fpm.
49	Don't climb faster than 1000 fpm.
50	Don't climb fater than 2000 fpm.
51	Turn left.
52	Turn right.
53	Don't turn left.
54	Don't turn right.

A bit set to '1' indicates that the associated resolution advisory is active. A bit set '0' indicates that the associated resolution advisory is inactive.

Note.—When CLS=1, the ARA subfield has no meaning.

RAC: Resolution Advisory Complements, 4 bits, 55 through 58. This subfield contains the currently active resolution advisory complements (if any) received from all other TCAS aircraft equipped with an on-board resolution capability.

Coding

Each bit in the RAC subfield is a dedicated bit representing a specific resolution advisory complement.

The bits in RAC have the following meaning:

Bit	Resolution advisory complement
55	Don't climb.
56	Don't descend.
57	Don't turn left.
58	Don't turn right.

A bit set to '1' indicates that the associated resolution advisory complement is active. A bit set to '0' indicates that the associated resolution advisory complement is inactive.

Note.—When CLS=1, the RAC subfield has no meaning.

CLS: Coordination Lock State Bit, 1 bit, 59. This subfield indicates current coordination lock state (5.2.3.1) of own TCAS aircraft.

Coding

0=Own TCAS aircraft is not currently in a coordination lock state
1=Own TCAS aircraft is currently in a coordination lock state

Note.—Structure of MB for a Resolution Advisories Message.

Position	No. of bits	Subfield	Remarks
33–36	4	BDS1	=3
37–40	4	BDS2	=0
41–54	14	ARA	.....
55–58	4	RAC	.....
59	1	CLS	.....
60–88	29	.....	[1]

Not assigned.

3.3.2.4.2 Subfields in MB for an Extended Capability Report

The following subfields appear in MB for an Extended Capability Report.

Note.—A summary of the complete MB subfield structure for an Extended Capability Report is given in 3.3.1.6.2.

CRS: Crosslink Request Status Bit, 1 bit, 68. This subfield indicates whether or not aircraft is requesting crosslink traffic advisory service.

Coding

0=Aircraft is not requesting crosslink traffic advisory service
1=Aircraft is requesting crosslink traffic advsiory service

ORC: On-Board Resolution Capability Bit, 2 bits, 69 through 70. This subfield indicates aircraft's on-board resolution advisory generation capability.

Coding

0=No on-board resolution advisory generation capbility
1=An on-board vertical-only resolution advisory generation capability exists
2=An on-board vertical and horizontal resolution advisory generation capability exists
3=Not assigned

3.3.2.5 MU Fields Used by TCAS II

TCAS II uses the MU field (3.3.1.7) of a long special surveillance interrogation to transmit both a TCAS Resolution Advisories Request Message and a TCAS Resolution Message for air-air maneuver coordination. The MU field is also used by TCAS II to transmit a TCAS Crosslink Traffic Advisory Message to aircraft requesting crosslink traffic advisory service.

3.3.2.5.1 Subfields in MU for a TCAS Resolution Advisories Request Message and TCAS Resolution Message

The TCAS Resolution Advisories Request Message and the TCAS Resolution Message share a common MU message format and are distinguished by the setting of the LCK subfield.

UDS: U-Definition Subfield, 8 bits, 33 through 40. This subfield defines the data content and coding in the remainder of MU. For convenience in coding, UDS is expressed in two groups of 4 bits each, UDS1, 33 through 36, and

UDS2, 37 through 40. TCAS Resolution Advisories Request Messages and TCAS Resolution Messages are identified by UDS1=3 and UDS2=0, the combination of which is equivalent to UDS=48.

LCK: Coordination Lock Bit, 1 bit, 41. When set to '1', LCK instructs the interrogated equipped threat aircraft to enter the coordination lock state and maintain the lock state until a second coordination interrogation (TCAS Resolution Message) is received.

Coding

0=Do not maintain coordination lock state for a second coordination interrogation
1=Enter and maintain coordination lock state until a second coordination interrogation is received

Note.—The LCK subfield implicitly distinguishes a TCAS Resolution Advisories Request Message from a TCAS Resolution Message because LCK is always set to '1' in a TCAS Resolution Advisories Request Message while it is always set to '0' in a TCAS Resolution Message.

MTB: Multiple Threat Bit, 1 bit, 42.

Coding

0=Interrogating TCAS II has no more than one threat
1=Interrogating TCAS II has more than one threat

CVC: Cancel Vertical Resolution Advisory Complement, 2 bits, 43 through 44. This subfield is used by airborne TCAS II equipment to cancel a vertical resolution advisory complement sent to an equipped threat aircraft.

Coding

0=No cancellation
1=Cancel don't descend
2=Cancel don't climb
3=Not assigned

VRC: Vertical Resolution Advisory Complement, 2 bits, 45 through 46. This subfield is used by airborne TCAS II equipment to send a vertical resolution advisory complement (don't climb or don't descend) to the equipped threat aircraft.

Coding

0=No vertical resolution advisory complement sent
1=Don't descend
2=Don't climb
3=Not assigned

CHC: Cancel Horizontal Resolution Advisory Complement, 2 bits, 47 through 48. This subfield is used by Enhanced TCAS II equipment to cancel a horizontal resolution advisory complement sent to an equipped threat aircraft. In TCAS Resolution Advisories Request Messages and TCAS Resolution Messages transmitted by minimum TCAS II, horizontal resolution is not used and CHC is set to the zero code.

Coding

0=No cancellation
1=Cancel don't turn left
2=Cancel don't turn right
3=Not assigned

HRC: Horizontal Resolution Advisory Complement, 2 bits, 49 through 50. This subfield is used by Enchanced TCAS II equipment to send a horizontal resolution maneuver complement (don't turn left or don't turn right) to the equipped threat aircraft. In TCAS Resolution Advisories Request Messages and TCAS Resolution Messages transmitted by minimum TCAS II, horizontal resolution is not used and HRC is set to the zero code.

Coding

0=No horizontal resolution advisory complement sent
1=Don't turn left
2=Don't turn right
3=Not assigned

MID: Mode S Address, 24 bits, 65 through 88. This subfield contains the discrete address of the interrogating TCAS aircraft.

Note.—Structure of MU for a TCAS Resolution Advisories Request Message and a TCAS Resolution Message.

Position	No. of bits	Subfield	Remarks
33-36	4	UDS1	=3
37-40	4	UDS2	=0
41	1	LCK	
42	1	MTB	
43-44	2	CVC	
45-46	2	VRC	
47-48	2	CHC	
49-50	2	HRC	
51-64	14		(1)
65-88	24	MID	

[1] Not assigned.

3.3.2.5.2 Subfields in MU for a TCAS Crosslink Traffic Advisory Message

The following subfields appear in MU for a TCAS Crosslink Traffic Advisory Message.

UDS: U-Definition Subfield, 8 bits, 33 through 40 (3.3.2.5.1). A TCAS Crosslink Traffic Advisory Message is identified by UDS1=3 and UDS2=1, the combination of which is equivalent to UDS=49.

RRG: Relative Range, 6 bits, 41 through 46. This subfield contains the current slant range of the TCAS 11 aircraft from the interrogated threat.

Coding

Range is expressed as two-way range delay with an LSB of 2 μsec. The minimum and maximum values are 0 μsec and 126 μsec respectively.

Note.—All TCAS II range codes are expressed in terms of two-way range delay. Nominal transponder reply delays are not included in the range delay. To obtain the one-way range, multiply the two-way range delay by c/2, where c is the speed of light. For example, using $c=3*10^8$ m/sec, a 2 μsec two-way range delay is equivalent to a range of 300 meters.

RAL: Relative Altitude, 6 bits, 47 through 52. This subfield contains the current relative altitude of the TCAS II aircraft with respect to the interrogated threat.

Coding

The relative altitude is transmitted in two's complement notation with an LSB of 100 feet. The minimum and maximum values are −3,300 feet and +3,200 feet respectively. Relative altitude is defined to be positive when the TCAS II aircraft is above the interrogated threat.

BTI: Bearing Type Indicator, 2 bits, 53 through 54. This subfield defines the type of bearing contained in the BRG subfield.

Coding

0=No bearing reported
1=Magnetic bearing
2=Track bearing
3=Not assigned

BRG: Bearing, 6 bits, 55 through 60. This subfield contains the current magnetic or track bearing, as determined by the BTI subfield, of the TCAS II aircraft with respect to the interrogated threat aircraft.

Coding

Bearing is transmitted with an LSB=5.625 degrees. The minimum and maximum values are 0 degrees and 354.375 degrees respectively. Magnetic and track bearing are rounded off to the nearest 5.625 degrees. Magnetic bearing is measured positive clockwise from Magnetic North as viewed from above. Track bearing is measured positive clockwise from the threat aircraft flight vector as viewed from above.

Note.—When BTI=0, the BRG subfield has no meaning.

MID: Mode S Address, 24 bits, 65 through 88. This subfield contains the discrete address of the interrogating TCAS aircraft.

Note.—Structure of MU for a TCAS Crosslink Traffic Advisory Message.

Position	No. of bits	Subfield	Remarks
33-36	4	UDS1	=3
37-40	4	UDS2	=1
41-46	6	RRG	
47-52	6	RAL	
53-54	2	BTI	
55-60	6	BRG	
61-64	4		(1)
65-88	24	MID	

[1] Not assigned.

3.3.2.6 MV Fields Used by TCAS II

TCAS II uses the MV field of a long special surveillance reply (3.3.1.10) to transmit a Coordination Reply Message to requesting TCAS aircraft for air-air maneuver coordination.

3.3.2.6.1 Subfields in MV for a Coordination Reply Message

The following subfields appear in MV for a Coordination Reply Message.

VDS: V-Definition Subfield, 8 bits, 33 through 40. This subfield defines the data content and coding in the remainder of MV. For convenience in coding, VDS is expressed in two groups of 4 bits each, VDS1, 33 through 36, and VDS2, 37 through 40. The airborne TCAS II equipment is a source of long special surveillance reply MV messages containing the VDS1=3 code. A Coordination Reply Message is identified by VDS1=3 and VDS2=0, the combination of which is equivalent to VDS=48.

ARA: Active Resolution Advisories, 14 bits, 41 through 54. The content and coding of this subfield is as defined in 3.3.2.4.1.

Note.—When CLI=1, the ARA subfield has no meaning.

RAC: Resolution Advisory Complements, 4 bits, 55 through 58. The content and coding of this subfield is as defined in 3.3.2.4.1.

Note.—When CLI=1, the RAC subfield has no meaning.

CLI: Coordination Lock State Initiator Bit, 1 bit, 59. This subfield indicates if interrogated TCAS aircraft is currently in a coordination lock state initiated by the interrogating TCAS aircraft eliciting this reply or, by own aircraft or a threat TCAS aircraft other than the one eliciting this reply.

Coding

0=Interrogated TCAS aircraft is currently in a coordination lock state initiated by the interrogating aircraft eliciting this reply
1=Interrogated TCAS aircraft is currently in a coordination lock state initiated by an aircraft other than the interrogating aircraft

Note.—Structure of MV for a Coordination Reply Message.

Position	No. of bits	Subfield	Remarks
33-36	4	VDS1	=3
37-40	4	VDS2	=0
41-54	14	ARA	
55-58	4	RAC	
59	1	CLI	
60-88	29		(1)

[1] Not assigned.

3.3.2.7 SL TCAS II Sensitivity Level Report

Downlink, 3 bits, 14 through 16. Appears in special surveillance formats DF=0,16. This field reports the sensitivity level at which the TCAS II unit is currently operating.

Coding

0=No TCAS II sensitivity level reported
1=TCAS II is operating at sensitivity level 1
2=TCAS II is operating at sensitivity level 2
3=TCAS II is operating at sensitivity level 3
4=TCAS II is operating at sensitivity level 4
5=TCAS II is operating at sensitivity level 5
6=TCAS II is operating at sensitivity level 6
7=TCAS II is operating at sensitivity level 7

Note.—The SL field has no meaning for aircraft that set AR=0 (no on-board capability to generate resolution advisories).

3.3.2.8 Unassigned Coding Space

Unassigned coding space as indicated in Figures 3.2–1 and 3.2–2 contains all zeroes as transmitted by interrogators and transponders. Coding space currently unassigned is reserved for possible future use.

Note.—This rule assures that future assignments in this coding space define a "zero-block" as a default code, i.e., no message is sent and/or no capability exists.

4. Protocol

4.1 ATCRBS Surveillance

4.1.1 ATCRBS Interrogation

4.1.1.1 ATCRBS-Only All-Call

For surveillance of aircraft equipped with ATCRBS transponders, the ATCRBS-Only All-Call interrogation may be used (ref. B: 2.3.2).

Note 1.—This interrogation format causes all ATCRBS-only equipped aircraft to reply and all Mode S equipped aircraft to not reply. The absence of replies from Mode S transponders is desirable since such replies would add to the interference environment. Absence of these replies from the TCAS II synchronous in interference environment is particularly beneficial.

Note 2.—An ATCRBS-Only All-Call can be in Mode A or Mode C. A TCAS II transmits Mode C interrogations to obtain range and altitude surveillance information. Mode A interrogations may also be used.

4.1.1.2 Control of Synchronoius Interference by Transmitter Power

To control ATCRBS synchronous interference and facilitate TCAS II operation in airspace with higher traffic densities, a feature called "whisper-shout" may be used. In this feature, a single interrogation is replaced by a sequence of interrogations at different power levels. Each of these interrogations, other than the one at lowest power, is preceded by a suppression pair (a pair of pulses spaced by 2 μs, with characteristics the same as the 2-pulse SLS control transmission defined in ref. A: 2.4.4). The suppression pair is transmitted at a power level lower than that of the accompanying interrogation. The suppression pair begins at a time typically 4 μs before the beginning of the interrogation.

Note—Figure 4.1–1 shows an example of a whisper-shout sequence with 4 interrogations from the top antenna and 4 interrogations from the bottom antenna. The four power levels are spaced uniformly by 6 dB, and each suppression pair is 8 dB below its accompanying interrogation (other combinations of interrogation and suppression power may be used also). The intended mechanism is that each aircraft replies to one, or at most two, of the four interrogations in a group. Given a situation in which several aircraft are near enough in range to synchronously interfere with each other, it is unlikely they would all reply to the same interrogation (due to variations in link margin) and, as a result, the severity of synchronous interference is reduced. Use of whisper-shout has additional benefits in reducing the severity of the effects of multipath on the interrogation link.

4.2 Mode S Surveillance

Note—This section describes the interactions between an airborne TCAS II and a Mode S equipped aircraft required for the proper functioning of the TCAS II Mode S surveillance tasks.

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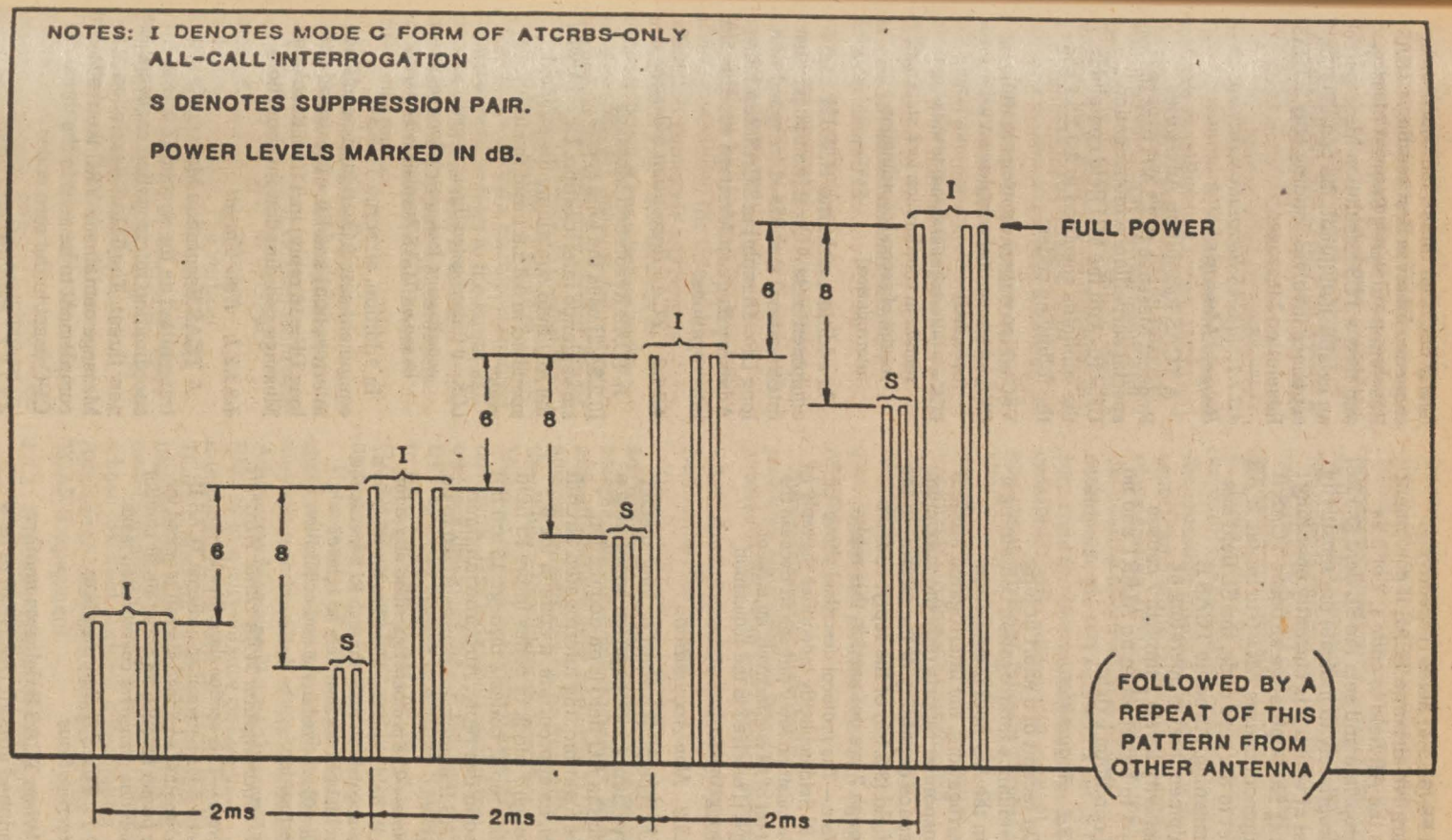

FIG. 4.1-1. EXAMPLE OF WHISPER-SHOUT SEQUENCE

4.2.1 Detection

TCAS II detects the presence of Mode S equipped by listening at 1090 MHz to Mode S transmissions with DF=4 (surveillance reply with altitude) and DF=0 (short special surveillance). Mode S transponder transmissions with DF=4 may occur in response to Mode S sensor discrete interrogations or as squitters. Mode S transponder transmissions with DF=0 may occur in response to UF=0 or 16 interrogations from airborne TCAS interrogators.

TCAS II derives the discrete address and altitude of the Mode S equipped aircraft from the AP and AC fields, respectively. Additionally, TCAS II examines the Flight Status, FS, field in these transmissions to determine if the other aircraft has an interrogating TCAS unit (FS=1) or is on the ground (FS=7).

Note 1.—The fact that the other Mode S aircraft has an interrogating TCAS unit on-board is used for the computation of permissible interrogation rates (5.1.2).

Note 2.—If the other Mode S aircraft is on the ground, TCAS II does not need to track it.

4.2.2 Surveillance Interrogations

The response to the initial detection of a near-coaltitude Mode S aircraft is a

range acquisition interrogation. When the range, altitude, and maximum speed capabilities of the TCAS II aircraft and the detected Mode S aircraft indicate that the detected aircraft is or could soon become a collision threat, periodic surveillance interrogations (tracking) of the Mode S aircraft are made. Otherwise, interrogations to the Mode S aircraft are temporarily suspended.

4.2.2.1 Acquisition

When a Mode S aircraft is undergoing range acquisition, TCAS II uses the short special surveillance format UF=0 for an acquisition interrogation. TCAS II sets AQ=1 (3.3.1.2) in an acquisition interrogation. This serves as an aid in distinguishing the reply to own interrogation from replies elicited by other TCAS units (4.2.3). In addition, TCAS II sets RL=0 (3.3.1.10) in an acquisition interrogation to command a short acquisition reply DF=0.

4.2.2.2 Tracking

When a track has been established for a Mode S aircraft, TCAS II uses the short special surveillance format UF=0 for a tracking interrogation with the exception given in the next paragraph. TCAS II sets AQ=0 and RL=0 (to command a short reply DF=0) in a tracking interrogation.

If the tracked Mode S aircraft is requesting crosslink traffic advisory service (RI=1 or 2) from own TCAS II and is determined by own TCAS II to be a collision threat requiring the issuance of a resolution advisory, then as long as the resolution advisory remains active, TCAS II performs surveillance of the threat aircraft with a tracking interrogation that uses the long special surveillance format UF=16.

Note.—The use of the long interrogation, UF=16, in the situation described above allows the tracking interrogation to function both as a surveillance interrogation and as a carrier of the TCAS Crosslink Traffic Advisory Message (3.3.2.5.2). When the treat aircraft requesting crosslink traffic advisories is declared a non-threat and the resolution advisory with respect to it is dropped, TCAS II reverts to the use of normal tracking interrogations, UF=0.

4.2.3. Surveillance Replies

On receipt of a short special surveillance interrogation, UF=0, or a long special surveillance interrogation, UF=16, the interrogated Mode S transponder replies with a short special surveillance reply, DF=0, or a long special surveillance reply, DF=16, depending on the code contained in the RL field of the interrogation. In these replies, the altitude, the ASA capability and the flight status of the aircraft are reported in the AC (3.3.1.1), AR (3.3.2.1), and FS (3.3.1.4) fields respectively. Operative airborne TCAS II equipment sets the AR field to code 1, 2 or 3 as appropriate and sets the SL field (3.3.2.8) appropriately to indicate the sensitivity level at which it is currently operating (5.2.4). Non-operative airborne TCAS II equipment causes AR=0 to be set. If AR is set to the zero code, the SL field has no meaning. Airborne TCAS II equipment that is operating at sensitivity levels 2 through 7 causes FS=1 to be set when no ALERT and no SPI condition exists.

4.2.3.1 Acquisition

On recepit of a short or long surveillance interrogation containing a '1' in the AQ field (acquisition interrogation), the interrogated Mode S transponder reports only the maximum airspace capability of the aircraft in the RI field (3.3.1.9) of the reply; codes 0 through 7 are not used in this reply.

Note.—The protocol described above for the RI field implicitly indentifies the reply as an acquisition reply through RI because the first bit of RI is effectively an echo of AQ(=1) received in the acquisition interrogation.

4.2.3.2 Non-Acquisition

On receipt of a short or long special surveillance interrogation containing a '0' in the AQ field (non-acquisition interrogation), the interrogated aircraft sets, as appropriate, a code in the 0 through 7 block of codes in the RI field of the reply; codes 8 through 15 are not used in this reply. Airborne minimum TCAS II equipment causes RI=0 to be set.

Note.—The protocol described above for the RI field implicitly identifies the reply as a non-acquisition reply through RI because the first bit of RI is effectively an echo of AQ(=0) received in the non-acquisition interrogation

4.3 Coordination With Other Aircraft

Note.—This section describes the interactions between an airborne TCAS II and another equipped aircraft required for the proper functioning of the air-air conflict resolution maneuver coordination tasks.

4.3.1 TCAS II Coordination Interrogations

When TCAS II delcares another equipped aircraft (AR.NE.0) to be a collision threat, interrogations to it are transmitted for conflict resolution maneuver coordination (5.2.3.4). Coordination interrogations are periodically made to the other aircraft as long as it remains a collision threat. Two types of TCAS II coordination interrogations are transmitted: a TCAS Resolution Advisories Request Message and a TCAS Resolution Message. For a newly declared threat, the coordination sequence involves first sending a TCAS Resolution Advisory Request Message and then a TCS Resolution Message. For an established threat, the coordination sequence involves sending only a TCAS Resolution Message.

4.3.1.1. TCAS Resolution Advisories Request Message

A TCAS Resolution Advisories Request Message (5.2.3.4.1) uses the long special surveillance interrogation, UF=16, with the MU field containing the subfields specified in 3.3.2.5.1 and the following codes:

VRC=0 (no vertical complement sent)
CVC=0 (no vertical complement to be canceled)
LCK=1 (interrogated threat to enter and remain in coordination lock state until receipt of second coordination interrogation)

In addition, airborne TCAS II equipment sets AQ=0 (non-acquisition interrogation) and RL=1 (respond with long DF=16 reply) in TCAS Resolution Advisory Request Message coordination interrogations.

4.3.1.2. TCAS Resolution Message

A TCAS Resolution Message (5.2.3.4.2) uses the long special surveillance interrogation, UF=16, with the MU field containing the subfields specified in 3.3.2.5.1 and the following code:

LCK=0 (interrogated threat to end coordination lock state after update based on TCAS Resolution Message)

In addition, airborne TCAS II equipment sets AQ=0 (non-acquisition interrogation) and RL=1 (respond with long DF=16 reply) in TCAS Resolution Message coordination interrogations.

4.3.1.2.1. New Threat

A TCAS Resolution Message is transmitted as the second of a two-coordination interrogation sequence to a new threat. The TCAS Resolution Message contains in VRC the vertical complement to be sent to the threat. CVC is set to the zero code.

4.3.1.2.2 Established Threat

Coordination with established threats and with aircraft that have changed from a threat status to a non-threat status (dropped threats) involves only a single transaction, that is, transmission of a TCAS Resolution Message. The complements (if any) to be added (or continued) and/or canceled are coded in VRC and CVC respectively.

4.3.2 Coordination Reply to TCAS

Upon acceptance of a TCAS coordination interrogation from a threat TCAS aircraft, own Mode S transponder replies with a Coordination Reply Message derived from the own TCAS II equipment (5.2.3.4.3).

A Coordination Reply Message uses the long special surveillance reply, DF=16, with the MV field containing the subfields specified in 3.3.2.6.1. If CLI=1, the remaining subfields in the message (ARA and RAC) have no meaning and are ignored by the interrogating TCAS aircraft. Also, the protocol specified in 4.2.3 and 4.2.3.2 governing a non-acquisition DF=16 reply is followed.

Note.—Although a Coordination Reply Message is sent in response to receipt of a TCAS Resolution Message, the resolution advisories information in the reply is not used.

4.4 TCAS Maneuver and Traffic Advisory Crosslink

When TCAS II determines that criteria for the issuance of a resolution advisory against a Mode S threat with no on-board resolution capability (AR=0) have been satisfied, crosslink advisory service to the threat is initiated. A maneuver advisory is crosslinked to all such threats. In addition, TCAS II crosslinks a traffic advisory if such a threat is requesting crosslink traffic advisory service. These crosslink advisories serve to alert the threat to the presence of the own TCAS II aircraft executing a conflict resolution maneuver with respect to the threat and are transmitted in each tracking interrogation as long as the resolution advisory with respect to the threat remains active.

4.4.1 Crosslink to a Threat not Requesting Traffic Advisory Service

TCAS II transmits a vertical maneuver advisory to a collision threat that reports AR=0 and RI=0 in its surveillance replies. The vertical maneuver advisory is encoded in the VMA subfield of AV (3.3.2.2.1) of each tracking interrogation (4.2.2.2), UF=0, to the threat as long as the resolution advisory remains active. Otherwise, VMA is set to the zero code. The HMA subfield of AV is set to the zero code by airborne minimum TCAS II equipment in all tracking interrogations.

4.4.2 Crosslink to a Threat Requesting Traffic Advisory Service

TCAS II transmits a maneuver and traffic advisory to a collision threat that reports AR=0 and RI=1 or 2 in its surveillance replies. A TCAS Crosslink Traffic Advisory Message (3.3.2.5.2) is encoded in the MU field of each trakin interrgoation (4.2.2.2), UF=16, to the threat as long as the resolution advisory remains active. The type of bearing information (magnetic or track) reported in the TCAS Crosslink Traffic Advisory Message is determined by the code contained in the RI field of surveillance replies (non-acquisition) from the threat. If TCAS II does not have the capability to report the requested bearing type in the crosslink traffic advisory, it will report the bearing type that it is capable of generating. If TCAS II decides that the bearing information is of low confidence, the BTI subfield is set to the zero code (no bearing reported) in the crosslink traffic advisory. A vertical maneuver advisory, following protocol similar to that described in 4.4.1, is encoded in the AV field of the same tracking interrogation carrying the TCAS Crosslink Traffic Advisory Message.

4.5 Provisions for Coordination With Mode S Sensors

Note.—This section describes the provisions for interactions between an airborne TCAS II unit and a Mode S sensor.

4.5.1 Air-Initiated Downlink of TCAS Resolution Advisories

Whenever either a TCAS resolution advisory or a TCAS resolution advisory complement (received from other TCAS aircraft) or both exist, airborne TCAS II equipment indicates to the transponder that it has a Resolution Advisories Message (3.3.2.4.1) Comm-B awaiting downlink. This indication causes the transponder to set the DR field in DF=4,5,20,21 replies to a Mode S sensor to DR=2 (TCAS bit set) or DR=3 (TCAS bit set and B-bit set) as appropriate.

Upon receipt of a DF=4,5,20 or 21 reply with DR=2 or 3, a Mode S sensor may request downlink of the Resolution Advisories Message (3.3.2.4.1) by setting RR=19 in a surveillance or Comm-A interrogation, UF=4,5,20, or 21, to the TCAS II aircraft. When this request is received via own Mode S transponder, own transponder replies with a Comm-B whose MB field contains a Resolution Advisories Message provided by the TCAS II equipment.

4.5.2 Extended Capability Report

When operating TCAS II equipment is on-board an aircraft, the CA field (ref. B: 3.3.5) in an All-Call reply (DF=11, see ref. B) to a Mode S sensor is set to code 1, 2, or 3, as appropriate, to indicate extended capability. The Mode S sensor learns of the specific extended capabilities on-board the aircraft by using the extended capability report protocol specified in ref. B: 4.6.2. Operating TCAS II equipment indicates to the Mode S transponder for inclusion in an Extended Capability Report (3.3.1.6.2, 3.3.2.4.2) that it has the appropriate Comm-A message destination and Comm-B message source and ASA capabilities. These indications cause the transponder to set the following codes in an Extended Capability Report:

(1) CRS=0 (No request for full crosslink advisory service).
(2) ORC=1 (On-board vertical-only resolution advisory generation capability).
(3) ACS: bit 48=1.
(4) ECS: bit 74=1.

4.5.3 TCAS II Sensitivity Level Control

Control of the TCAS II sensitivity level can be accomplished by Mode S sensors through the transmission of a Comm-A interrogation, UF=20,21, containing a TCAS Sensitivity Level Command Message (3.3.2.3.1) to the TCAS II aircraft. The interrogator identification information required to correlate the sensitivity level command with the originating Mode S sensor site is contained in the IIS subfield (3.3.1.12.1) of SD of the same Comm-A. After receipt of a TCAS Sensitivity Level Command Message from a given Mode S sensor, the sensitivity level command associated with that sensor: a) may be modified by a subsequent TCAS Sensitivity Level Command Message from that Mode S sensor, and b) is automatically refreshed if it has not timed out (5.2.3.6) by reception of any UF=4,5,20 or 21 interrogation from that Mode S sensor. TCAS II determines the source of a UF=4,5,20 or 21 ground-air interrogation by the IIS code contained in the SD field of the interrogation.

5. Characteristics of Airborne TCAS II Equipment

5.1 Interference Control

5.1.1 RF Maximum Output Power

The maximum root mean square effective radiated power of each pulse of a TCAS II airborne transmission at any point in space does not exceed 34 dBW.

Note.—A nominal value of 24 dBW is sufficient for effective performance at closing speeds up to 1200 knots. The higher limit given here allows for nonuniformities in airborne antenna patterns and transmitter manufacturing tolerances.

5.1.1.1 Unwanted Output Power

When the airborne TCAS II equipment is not transmitting an interrogation, the RF output effective radiated power at any point in space does not exceed −25 dBm at

frequencies between 1027 MHz and 1033 MHz.

Note.—This constraint assures that aircraft flying near the airborne TCAS II equipment (as close as 0.1 nmi) do not receive interference that would prevent their being tracked by another interrogator. If internal TCAS signals exist that may affect the receiving performance of own aircraft's Mode S transponder, additional provisions may be necessary to ensure that one Mode S transponder performance is not degraded.

5.1.2 Interference Limiting

Each TCAS II airborne interrogator controls its interrogation rate or power or both to minimize interference effects. The interrogator conforms to the following specific inequalities, which are a means for ensuring that all interference effects resulting from these interrogations together with the interrogations from all other TCAS airborne interrogators in the vicinity are kept to a low level. The limits on interrogation rate and power are functions of the local airborne environment. In the process of checking for compliance with the limits, the TCAS II unit counts the number of other TCAS airborne interrogators in the vicinity. This count is obtained by monitoring Mode S transmissions with DF=4 and DF=0. Receptions that contain FS=1 indicate that the transmitting aircraft is equipped with a TCAS interrogator, currently interrogating, and by counting these aircraft the subject TCAS II obtains a value NT. The reception for monitoring Mode S transmissions is omnidirectional, and uses a variable threshold level, MTL, that is adjusted automatically to keep the received ATCRBS fruit rate less than 10,000 replies per sec. At any time, the current value of MTL is used to obtain an adjusted estimate of the number of TCAS II aircraft within 30 nmi range, denoted NTA.

$$NTA = NT * 10^{a}$$

$$a = \frac{MTL + 74}{10} \quad \text{(for MTL in dBm referred to the antenna)}$$

The three inequalities below are associated with the following physical mechanisms: (1) Reduction in reply ratio of transponders installed on other aircraft, (2) reduction in reply ratio of own transponder due to mutual supression during transmission of interrogations, and (3) ATCRBS fruit due to TCAS interrogations.

$$\sum_{i=1}^{I} \frac{P(i)}{250 \text{ watts}} \text{ .LE. } \frac{280}{1 + NTA} \quad (1)$$

$$\sum_{i=1}^{I} M(i) \text{ .LE. } 0.01 \text{ second} \quad (2)$$

$$\frac{1}{BS} \cdot \sum_{k=1}^{K} \frac{PA(k)}{250 \text{ watts}} \text{ .LE. } \frac{80}{1 + NTA} \quad (3)$$

The variables, in these inequalities are defined as follows.

I=total number of interrogations transmitted in a 1-second period.
i=index number of the current interrogation; i=1, 2, . . . I.
P(i)=total radiated power from the antenna for the ith interrogation.
M(i)=duration of the mutual suppression interval for own transponder associated with the ith interrogation.
K=total number of ATCRBS interrogations transmitted in a 1-second period.
k=index number of the current ATCRBS interrogation; k=1, 2, . . . K.
PA(k)=total radiated power from the antenna for the kth ATCRBS interrogation.
BS=beam sharpening factor (3 dB beamwidth÷effective beamwidth).

For TCAS II interrogators that employ transmit sidelobe suppression (SLS), effective beamwidth is the extent in azimuth angle of the ATCRBS replies from one transponder as limited by SLS, averaged over the transponder population.

When interrogation rate and power vary as functions of time, it is admissible to exceed these bounds, inequalities (1)–(3), briefly, provided the averages over 32-second periods are kept within the bounds.

5.1.3 Suppression of Own Aircraft Transponder

The Mode S transponder on board the aircraft is suppressed during each TCAS II transmission.

Note.—The purpose of this suppression is to assure that the TCAS II does not interrogate its own transponder.

5.2 Collision Avoidance Algorithms

Airborne TCAS II equipment contains algorithms that implement the following functions as illustrated in Figure 5.2–1. The equipment executes these functions in sequence on each cycle of operation. The term "logic cycle" used in this section refers to the sequence of functions represented by c. through e.

a. Surveillance
b. Tracking
c. Threat Detection
d. Threat Resolution
e. Coordination

Certain of these functions or subfunctions must be standardized to ensure that airborne TCAS II units interface satisfactorily with other TCAS units, with Mode S sensors and with the conventional air traffic control (ATC) system. Parameters used in the algorithms are adjusted automatically to maintain collision avoidance protection with minimal interference to normal ATC operations. Each of the functions or subfunctions which is standardized is discussed in a paragraph below. Appendix B provides an alphabetically ordered index of all variables used in the collision avoidance algorithms described in this section.

5.2.1 Threat Detection

All aircraft tracked by TCAS II are considered intruders and potential collision threats. The characteristics of an intruder that are used to define a threat are:

Tracked Altitude—ZINT
Tracked Rate of Change in Altitude—ZDINT
Tracked Slant Range—R
Tracked Rate of Change in Slant Range—RD
TCAS Equipage—BEQ
Sensitivity Level of TCAS II Operation—SLINT

BEQ is set to the value reported by the intruder in the AR field (3.3.2.1) unless the intruder reports an inhibited resolution function, SL=1 or 2 in a TCAS II sensitivity level report (3.3.2.9). When this condition is reported, BEQ is set to −1. In addition, the following characteristics of own TCAS II aircraft are used in threat definition:

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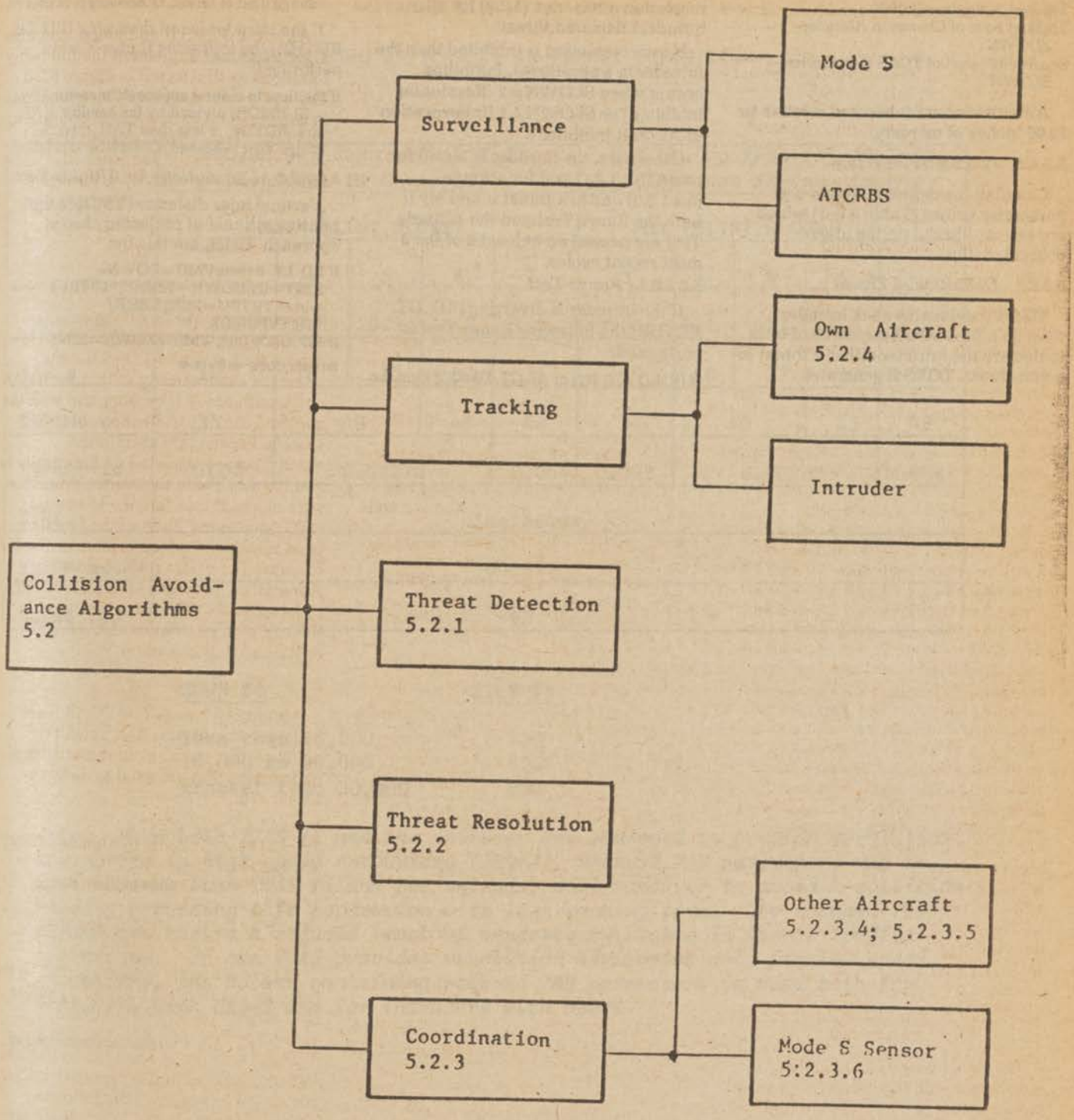

Fig. 5.2-1. Functional Elements of TCAS II Collision Avoidance Algorithms.

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Tracked Altitude—ZOWN
Tracked Rate of Change in Altitude—ZDOWN
Sensitivity Level of TCAS II Operation—SLOWN

All altitudes are measured relative to 29.92 inches of mercury.

5.2.1.1 Parameter Selection

Calculations defining threats use parameter values (Table 5.2–1) which are selected based on the above characteristics.

5.2.2.1 Definition of Threat

TCAS II evaluates each intruder through a prescribed sequence of tests to declare the intruder either a threat or a non-threat. TCAS II generates resolution advisories (5.2.2) for all intruders declared threats.

If own resolution is inhibited then the intruder is a non-threat. Inhibition occurs when SLOWN=2 (Resolution Inhibited) or SLOWN=1 (Interrogation of Aircraft Inhibited).

Otherwise, the intruder is tested for range (5.2.1.2.1) and for altitude (5.2.1.2.3) and is a threat if and oly if both the Range Test and the Altitude Test are passed on at least 2 of the 3 most recent cycles.

5.2.1.2.1 Range Test

If the intruder is diverging (RD .GT. RDTHR) the following Range Test is performed:

If (R*RD .GT. H1) or (R .GT. DMOD) then the Range Test is failed. Otherwise it is passed.

If the intruder is not diverging (RD .LE. RDTHR) the following Range Test is performed:

If the time to closest approach, measured by −(R-DMOD) divided by the smaller of RD and -RDTHR, is less than TAU, then the Range Test is passed. Otherwise it is failed.

5.2.1.2.2 Calculations for Altitude Test

Vertical miss distance (VMD) is the relative altitude at projected closest approach. Calculate this by:

If RD .LT. 0 then VMD=ZOWN−ZINT+((ZDOWN−ZDINT)*TRTRU) where TRTRU=MIN(ABS(R/RD),TVPCMD)
If RD .GE. 0 then VMD=ZOWN−ZINT.

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TABLE 5.2-1

PARAMETERS USED BY TCAS II IN THREAT DEFINITION

Parameter	BEQ.GE.Own Reported AR Code (Intruder is Equipped)					BEQ.LT.Own Reported AR Code (Intruder is Unequipped)				
	MAX (SLINT,SLOWN)					MAX (SLINT,SLOWN)				
	3	4	5	6	7	3	4	5	6	7
DMOD nmi	0.075	0.1	0.3	1.0	1.3	0.075	0.1	0.3	1.0	1.3
TAU s	16	18	25	30	35	18	20	25	30	35
TVPCMD s	35	40		45	48	35	40		45	48
H1 nmi^2/s	0.002	0.00278			0.004	0.002	0.00278			0.004
ZTHR	See below									
RDTHR nmi/s	.00167									
ZDTHR fpm	-60									

ZOWN ft	ZTHR ft
less than 18,000	750
18,000 to 30,000	850
greater than 30,000	950

Note: When both TCAS II and the intruder are equipped to provide resolution advisories in high speed encounters (BEQ=3), reduced TAU parameters may be used because both TCAS II and the intruder will maneuver to avoid a collision thereby providing safe separation with less warning time. The reduced TAU parameters assure a reduced level of unnecessary alarms in normal traffic operations. If own TCAS provides resolution advisories only for low speed encounters, the column containing reduced TAU parameters is used both for intruders with BEQ=3 and for intruders with BEQ=2.

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Calculate vertical divergence rate (ADOT) by:

IF ZOWN–ZINT .GE. 0 then ADOT=ZDOWN=ZDINT.

IF ZOWN–ZINT .LT. 0 then ADOT=ZDINT–ZDOWN.

Horizontal miss distance (HMD) is the projected range at coaltitude. Calculate this by:

If ADOT .LT. ZDTHR then HMD=R—(RD*(ABS(ZOWN–ZINT)/ADOT))

IF ADOT .GE. ZDTHR then HMD is undefined.

5.2.1.2.3 Altitude Test

If ABS(ZOWN–ZINT) .LT. ZTHR (relative altitude is small) then perform the following Altitude Test:

If ABS(VMD) .LT. ZTHR then the Altitute Test is passed.

Otherwise the Altitude Test is failed.

If ABS(ZOWN–ZINT) .GE. ZTHR, then perform the following Altitude Test:

If ADOT .GE. ZDTHR (vertical divergence) then the Altitude Test is failed.

Otherwise, if—ABS(ZOWN–ZINT)/ADOT .GE. TAU (time to coaltitude is large) then the Altitude Test is failed.

Otherwise, if HMD .LT. DMOD or ABS(VMD) .LT. ZTHR then the Altitude Test is passed.

Otherwise, the Altitude Test is failed.

5.2.2 Computation of Resolution Advisories

TCAS II considers the resolution advisory options of Table 5.2–2 in resolving collision threats. Each threat is processed individually for selection of a resolution advisory. The sequence of resolution processing is as follows:

a. Enter coordination lock state (5.2.4.1)
b. Communicate with new threat (5.2.3.2.1)
c. Select sense of advisory for new threat (5.2.2.1)
d. Select magnitude of advisory (5.2.2.2)
e. Evaluate mutli-aircraft situation (5.2.2.3)
f. Update resolution advisories (5.2.3.2)
g. End coordination lock state (5.2.3.1)
h. Communicate with threat (5.2.3.4.2)

Note.—Items (a), (f), (g), and (h) of this sequence are also executed once for each newly declared non-threat that was previously a threat.

TABLE 5.2–2. RESOLUTION ADVISORY OPINIONS

Down sense	Up sense
	Positive Advisories
Descend	Climb.
	Vertical Speed Minimums
Maintain descent faster than 500 fpm.	Maintain climb faster than 500 fpm.
Maintain Descent faster than 1000 fpm.	Maintain climb faster than 1000 fpm.
Maintain descent faster than 2000 fpm.	Maintain climb faster than 2000 fpm.

TABLE 5.2–2. RESOLUTION ADVISORY OPINIONS—Continued

Down sense	Up sense
	Negative Advisories
Don't climb	Don't descend.
	Vertical Speed Limits
Don't climb faster than 500 fpm.	Don't descend faster than 500 fpm.
Don't climb faster than 1000 fpm.	Don't descend faster than 1000 fpm.
Don't climb faster than 2000 fpm.	Don't descend faster than 2000 fpm.

5.2.2.1 Selection of Sense

When an intruder is first declared a threat, TCAS II selects the sense (climb or descend) of the maneuver. Following the selection, which is only performed once, this sense remains unchanged throughout the encounter.

TCAS II evaluates maneuver options by modeling the corresponding altitude separations after an escape maneuver, at time of closest approach TESC, where TESC=MIN(ABS(R/RD), TVPESC); (Table 5.2–3). Options evaluated are climb and descend unless either is not compatible with active resolution advisories. The resolution advisory complements received from other TCAS aircraft are not used in testing the compatibility of maneuver options. If the climb option is not compatible, a don't descend option is evaluated in its place; if the descend option is not compatible, don't climb is substituted. Climbs and descends are modeled at nominal rates of 1500 fpm unless the magnitude of the current rate exceeds that level in which case the current rate is used. Don't climb and don't descend are modeled as level flight.

TCAS II provisionally selects the sense of the maneuver which is projected to achieve the greater altitude separation. If the threat is unequipped (BEQ .LT. Own AR Code) and the difference in separation resulting from a climb maneuver versus separation resulting from a descend maneuver is small (e.g., 150 ft or less), TCAS II notes that its provisional sense selection is not significant.

5.2.2.1.1 Exception for Threats in a Multi-Aircraft Conflict

If the threat has the capability to generate on-board resolution advisories (BEQ.GE.1) and is in a multi-aircraft conflict, if own TCAS II is not in a multi-aircraft conflict, and if own TCAS II has received a message conveying maneuver sense from the threat (5.2.3.4.3), own TCAS II selects the sense opposite that selected by the threat. Otherwise, TCAS II makes no exception for multi-aircraft conflict conditions in selecting the sense of the resolution advisory other than that provided in 5.2.2.3.

5.2.2.1.2 Yielding to Prior Sense Selection by Threat

If the threat has already selected and communicated a vertical sense selection to TCAS II which is incompatible with the TCAS II preferred sense, TCAS II selects the sense opposite to (i.e., compatible with) that selected by the threat if the compatible sense is projected to achieve an altitude separation at the time of closest approach (TESC, 5.2.2.1) greater than 400 ft or if it provides at least 66% of the separation provided by own preferred sense.

5.2.2.1.3 Path Prediction

TCAS II models its own and the threat's trajectory based on threat's active resolution advisories and own vertical maneuver options. The model of each aircraft's altitude profile is a projection with one maneuver at constant acceleration to a new altitude rate (equations below).

TABLE 5.2–3.—PARAMETERS USED IN RESOLUTION ADVISORY SELECTION

Parameter	MAX (SLINT, SLOWN)				
	3	4	5	6	7
TVPESC s	25	30	30	35	40
ALIM	See below				
ILEV	1000 fpm				

ZOWN ft	ALIM ft
Less than 10,000	340
10,000 to 18,000	440
18,000 to 30,000	640
Greater than 30,000	740

If the threat's current altitude rate (ZDINT) satisfies the active resolution advisories obtained from its Coordination Reply Message (3.3.2.6.1), the threat is modeled as continuing at its current altitude rate. Otherwise, the threat is modeled as accelerating to a rate which satisfies its active resolution advisories with minimum change in vertical rate.

If TCUR.LT.T.LE.DELAY+TCUR, Z(T)=Z(TCUR)+(ZD(TCUR)*(T–TCUR))

If DELAY+TCUR.LT.T.LE.DELAY+TCUR+(ABS(SENSE*ZDGOAL–ZD(TCUR))/VACCEL), Z(T)=Z(TCUR)+(ZD(TCUR)*(T–TCUR))+(SENSE*.5*VACCEL*(T–DELAY–TCUR)^2),

If
T.GT.DELAY+TCUR+(ABS((SENSE *ZDGOAL)- ZD(TCUR))/VACCEL),
Z(T)=Z+ZD*DELAY+.5*(ZD+Z DGOAL)*(ABS(ZDGOAL-ZD)/ VACCEL)+ZDGOAL*((T-DELAY-TCUR)-ABS(ZDGOAL-ZD)/VACCEL).

TCUR=Current Time
T=Time of Prediction
DELAY=Pilot Response Time
(=8 Sec for New Advisories)
(=1 Sec for Changed Advisories)
Z(X)=Altitude at Time X
ZD(X)=Altitude Rate at Time X
ZDGOAL=Altitude Rate Objective of Resolution Advisory
(=MAX(1500 fpm, ABS(ZDOWN)) for Positive Advisories)
(=0 fpm for Negative Advisories)
(=−500 fpm: if ABS(VSL)=500)
(=−1000 fpm: if ABS(VSL)=1000)
(=−2000 fpm: if ABS(VSL)=2000)
SENSE=Sense Selection
(=+1 for 'Up' Sense)
(=−1 for 'Down' Sense)
VACCEL=Vertical Accelertion
(=8 fps²)

5.2.2.2 Selection of Advisory Magnitude

TCAS II selects a resolution advisory which results in a predicted safe altitude separation at time of closest approach (TESC, 5.2.2.1) with the least impact on the current flight path by following the sequence of tests described below. Certain parameter values used in the prediction of safe altitude separation are selected based on the characteristics of own and threat aircraft.

If the intruder has failed either the Range Test or the Altitude Test (5.2.1.2.1, 5.2.1.2.2) or both but is still a threat, the advisory selected by the previous cycle is maintained and the tests in 5.2.2.2.1 through 5.2.2.2.3 are not performed.

5.2.2.2.1 Selection of Immediate Positive Advisory if Warranted

If the intruder is unequipped (BEQ .LT. Own AR Code) and not level (ABS(ZDINT) .GE. ILEV) or if the current separation is small (ABS(ZOWN-ZINT) .LT. ALIM), a positive advisory of the selected sense is generated depending upon the results of the following test on vertical miss distance (VMD) where VMD=(ZOWN-ZINT) + ((ZDOWN-ZDINT)*TRTRU) and TRTRU=MIN(ABS(R/RD), TVPCMD).

If the selected sense is climb, a positive advisory is generated if VMD .LT. ALIM. If the selected sense is descend, a positive advisory is generated if VMD .GT. −ALIM. When none of the cases in this paragraph apply, the tests in 5.2.2.2.2. are performed next.

5.2.2.2.2 Extension of Own Vertical Rate

If own vertical rate is compatible with the sense selected and if extending own vertical rate will resolve the encounter, the vertical speed minimum test (5.2.2.2.2.1) is performed. Otherwise, the vertical speed limit test (5.2.2.2.3) is performed. Extending own vertical rate will resolve the encounter if the predicted vertical separation (5.2.2.1.3) at time TESC (5.2.2.1) is greater in magnitude than ALIM for all rates in the direction of ZDOWN (5.2.1) that are equal to or which exceed the magnitude of ZDOWN.

5.2.2.2.2 Vertical Speed Minimum

TCAS II selects the lowest magnitude Vertical Speed Minimum (VSM) (Table 5.2–2) of the selected sense which provides a vertical rate for own TCAS II resulting in a predicted vertical separation (5.2.2.1.3) at time TESC (5.2.2.1) greater in magnitude than ALIM. If no such Vertical Speed Minimum exists, TCAS II selects a positive advisory of the selected sense (5.2.2.1).

5.2.2.2.3 Vertical Speed Limit

TCAS II selects the highest magnitude Vertical Speed Limit (VSL) (Table 5.2–2) that provides a vertical rate for own TCAS II resulting in a predicted vertical separation (5.2.2.1.3) at time TESC (5.2.2.1) greater in magnitude than ALIM. If the lowest magnitude Vertical Speed Limit does not result in a predicted vertical separation at time TESC greater in magnitude than ALIM TCAS II selects a negative advisory of the established sense (5.2.2.1).

5.2.2.3 Multi-Aircraft Conflicts

TCAS II converts existing resolution advisories as illustrated in Table 5.2–4 when it determines that own TCAS II has more than one simultaneous threat. Sense selections which were noted to be not significant (5.2.2.1) do not constrain multi-aircraft resolution advisory selection, and may be changed as a result of multi-aircraft resolution. If the sense selected for every threat is not significant, the last one processed is declared significant before performing the conversion. After conversion, the senses of all resolution advisories are declared significant.

TABLE 5.2–4.—CONVERSION OF RESOLUTION ADVISORIES FOR MULTI-AIRCRAFT CONFLICTS

Existing resolution advisory		Converted resolution advisory		
Sense	Magnitude	One or more 'downward' sense selections but no significant 'upward' sense selections	one or more 'upward' sense selections but no significant 'downward' sense selections	Significant 'upward' and 'downward' sense selections
Upward	VSM	Descend	No change	Don't descend.
Upward	Climb	Descend	No change	Don't descend.
Upward	Don't descend	Descend	Climb	No change.
Upward	VSL	Descend	Climb	No change.
Downward	VSL	Descend	Climb	No change.
Downward	Don't climb	Descend	Climb	No change.
Downward	Descend	No change	Climb	Don't climb.
Downward	VSM	No change	Climb	Don't climb.

Each resolution advisory will be converted from the list on the left hand side to the advisory shown.

5.2.2.4 Sense Significance

On each cycle of equipment operation, all resolution advisories are assigned significant sense at the conclusion of resolution advisory processing.

5.2.3 Coordination

Airborne TCAS II equipment coordinates conflict resolution with other TCAS aircraft having the ability to generate on-board resolution advisories. In addition, airborne TCAS II equipment is capable of coordinating with Mode S aircraft not having the ability to generate on-board resolution advisories with crosslink maneuver and traffic advisories, and with Mode S sensors.

5.2.3.1 Coordination Lock State

If own TCAS II aircraft is not already involved in coordination processing, initiation of resolution processing against a threat aircraft by own TCAS II aircraft or receipt of a coordination interrogation from another TCAS aircraft causes own TCAS II aircraft to enter a coordination lock state for the duration of coordination processing. While own TCAS II aircraft is in a coordination lock state, only the initiator of the lock state (own or another TCAS aircraft) can interrupt the coordination processing except as provided in 5.2.3.4.3. In order to avoid an extend coordination lock state due to a communication failure, the maximum duration of a lock state is 0.1. seconds.

5.2.3.2 Update of Own TCAS II Resolution Advisories for Coordination Messages

All resolution advisories selected by own TCAS II are made available for encoding in the Coordination Reply Message (3.3.2.6.1) and the Resolution Advisories Message (3.3.2.3.1). For these messages, a vertical speed minimum is converted to a positive advisory of the same sense. The advisory data to be encoded in the above messages is updated each time a resolution advisory is added (new threat resolved) or a resolution advisory for an existing threat is modified or deleted. Unchanged data is refreshed each logic cycle. If the current resolution advisory for a threat is to be deleted, TCAS II enters a '0' in the appropriate bit of the ARA subfield (3.3.2.4.1, 3.3.2.6.1) if that advisory is not also posted for another threat. If a resolution advisory is to be added or refreshed for some threat, TCAS II enters a '1' in the appropriate bit of the ARA subfield. If a threat's bit in the ARA subfield has not been refreshed for an interval of 6 seconds, the bit is set to '0' if it has not also been set for another threat.

5.2.3.3 Update of Other TCAS Resolution Advisory Complements for Coordination Messages

The resolution advisory complements (Table 5.2–5) received from all other TCAS aircraft (5.2.3.4.2) are made available for encoding in the Coordination Reply Message and the Resolution Advisories Message. If there is a complement to delete (own TCAS II dropped as a threat), TCAS II enters a '0' in the appropriate bit of the RAC subfield (3.3.2.4.1, 3.3.2.6.1) if that complement is not also posted for another aircraft. If there is a complement to add or to be refreshed, TCAS II enters a '1' in the appropriate bit of the RAC subfield. If a threat's bit in the RAC subfield has not been refreshed for an interval of 6 seconds, that bit is set to '0' if it has not also been set to '1' for another threat.

Table 5.2–5.—Complements of Resolution Advisories

Resolution advisory	Complement
Maintain climb faster than 500 fpm.	Don't climb.
Maintain climb faster than 1000 fpm.	Don't climb.
Maintain climb faster than 2000 fpm.	Don't climb.
Climb	Don't climb.
Don't descend	Don't climb.
Don't descend faster than 500 fpm.	Don't climb.
Don't descend faster than 1000 fpm.	Don't climb.
Don't descend faster than 2000 fpm.	Don't climb.
Maintain descent faster than 500 fpm.	Don't descend.
Maintain descent faster than 1000 fpm.	Don't descend.
Maintain descent faster than 2000 fpm.	Don't descend.
Descend	Don't descend.
Don't climb	Don't descend.
Don't climb faster than 500 fpm.	Don't descend.
Don't climb faster than 1000 fpm.	Don't descend.
Don't climb faster than 2000 fpm.	Don't descend.

5.2.3.4 Coordination of Conflict Resolution With Other Aircraft

TCAS II coordinates conflict resolution with other appropriately equipped aircraft, indicated by BEQ.NE.0. The sequence of messagse is illustrated in Figure 5.2–4.

5.2.3.4.1 Transmission of TCAS Resolution Advisories Request Message

TCAS II enters the coordination lock state and transmits the TCAS Resolution Advisories Request Message (4.3.1) to an appropriately equipped newly declared threat and waits for a reply (4.3.2). If TCAS II receives a Coordination Reply Message with CLI=1, TCAS II retransmits the TCAS Resolution Advisories Request Message.

5.2.3.4.2 Transmission of TCAS Resolution Message

After receiving a Coordination Reply Message with CLI=0 from a new threat and after selecting a resolution advisory for either a new or established threat, TCAS II updates own resolution advisories, ends own coordination lock state and then transmits the TCAS Resolution Message (4.3.1.2) to the threat. The TCAS Resolution Message includes a resolution advisory complement selected in accordance with the resolution advisory TCAS II has selected for the threat and Table 5.2–5. If TCAS II receives a Coordination Reply Message with CLI=1, TCAS II retransmits the TCAS Resolution Message.

5.2.3.4.3 Coordination Reply to TCAS

If own transponder receives a TCAS Resolution Advisories Request Message (4.3.1.1) from a TCAS aircraft and own TCAS is not in a coordination lock state, TCAS II enters the coordination lock state reserving access only to the interrogating TCAS aircraft and replies with a Coordination Reply Message (4.3.2.1) with CLI=0. If own transponder receives a TCAS Resolution Advisories Request Message (4.3.1.1) while own TCAS is in a coordination lock state due to own TCAS processing the interrogating aircraft as a threat, and the Mode S address code of the interrogating aircraft is less than the Mode S address code of own TCAS II, then own TCAS II maintains the coordination lock state, reassigns the locking source to be the interrogating aircraft and replies with a Coordination Reply Message with CLI=0 (4.3.2). In all other situations when own TCAS II is in a coordination lock state when a TCAS Resolution Advisories Request Message is received, own transponder replies with a Coordination Reply Message with CLI=1.

Note.—If TCAS II relinquishes access to the coordination lock state in favor of an interrogating aircraft, TCAS II reacquires access when the interrogating aircraft ends the coordination lock state.

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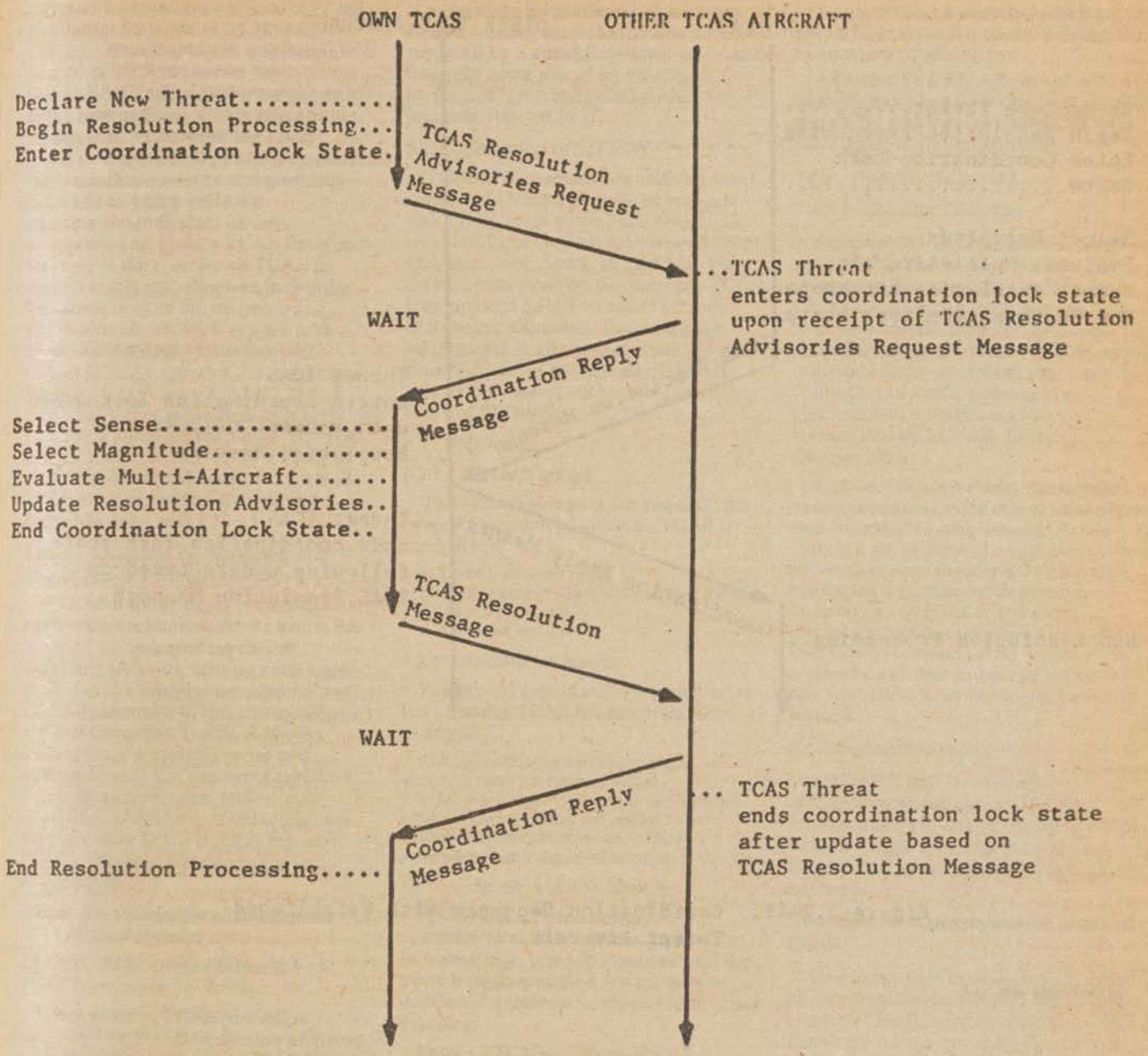

Figure 5.2-4a. Coordination Sequence With New Threat Aircraft.

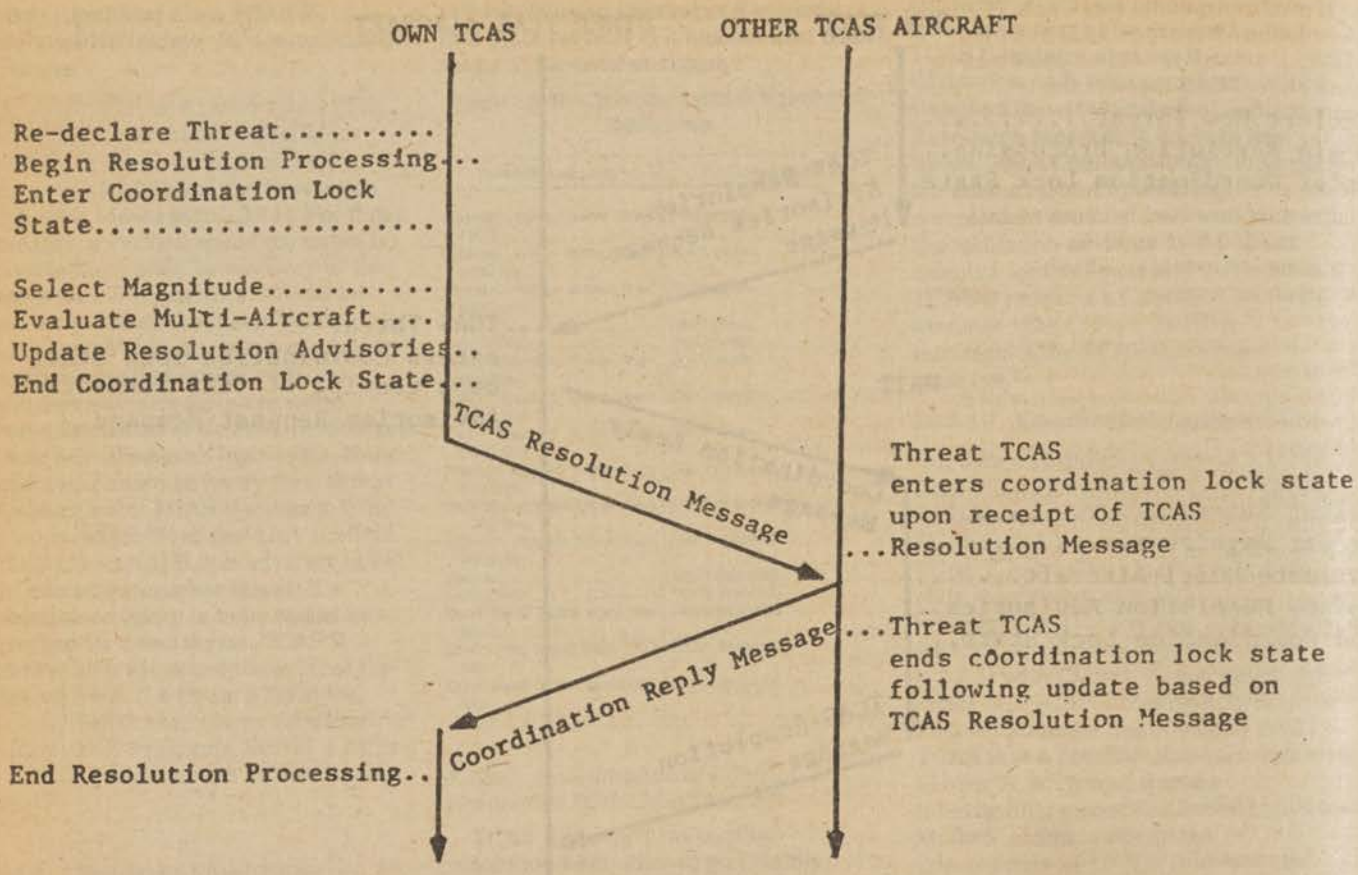

Figure 5.2-4b. Coordination Sequence with Established Threat Aircraft.

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If own transponder receives a TCAS Resolution Message (4.3.1.2) and own TCAS II aircraft is not in a coordination lock state, TCAS II enters the coordination lock state for access only to the interrogating TCAS aircraft, replies with a Coordination Reply Message with CLI=0 (4.3.2.1), updates the resolution advisory complements (5.2.3.1.2) and then ends the coordination lock state. If own transponder receives a TCAS Resolution Message (4.3.1.2) and own TCAS II aircraft is in a coordination lock state for access only to the interrogating TCAS aircraft, TCAS II replies with a Coordination Reply Message with CLI=0 (4.3.2.1), updates the resolution advisory complements (5.2.3.1.2) and then ends the coordination lock state. In all other situations when own TCAS is in a coordination lock state when a TCAS Resolution Message is received, TCAS II replies with a Coordination Reply Message with CLI=1.

5.2.3.5 Crosslink of Maneuver and Traffic Advisory Information

If TCAS II generates a resolution advisory for a Mode S threat which has reported no on-board resolution capability (AR=0), then on each logic cycle that the intruder remains a threat, TCAS II transmits to this threat either a) a TCAS Crosslink Traffic Advisory Message and a vertical maneuver advisory (4.4.2) if it has reported RI=1 or 2 in its surveillance replies (non-acquisition), or b) a vertical maneuver advisory only (4.4.1) if it has reported RI=0 in its surveillance replies (non-acquisition).

5.2.3.6 Provisions for Coordination With Mode S Sensors

5.2.3.6.1 Air-Initiated Downlink of TCAS Resolution Advisories

When either a TCAS resolution advisory or a TCAS resolution advisory complement or both exist, TCAS II provides an indication to the transponder to initiate the downlink of a Comm-B containing a Resolution Advisories Message to the Mode S sensor (4.5.1).

5.2.3.6.2 Command of Sensitivity Level

TCAS II can accept a sensitivity level command from a Mode S sensor (4.5.3). A sensitivity level command received from a sensor remains effective until replaced by a sensitivity level command from the same site. If an existing command is not refreshed within 14 seconds, it is set to '0'.

5.2.4 Selection of SLOWN

TCAS II may receive sensitivity level commands from a number of sources. Sensitivity level commands may be received from Mode S sensors (5.2.3.6.2) and from pilot inputs. In addition, they may be generated by the airborne TCAS II equipment based on radar altitude, barometric altitude or flap and gear settings. From all these individual sensitivity level commands, TCAS II selects the lowest nonzero value as the value of SLOWN.

5.3 Interfaces

5.3.1 Aircraft Inputs

The following inputs are required for proper operation of airborne TCAS II equipment:

a. Mode S address code.
b. Own maximum operating airspeed code.
c. Pressure altitude.
d. Magnetic heading.

5.3.2 Additional Inputs

Additional inputs may be provided to the airborne TCAS II equipment. For example:

a. A manual input for generating a sensitivity level command (5.2.4).
b. An input signal from a radar altimeter which allows descend advisories to be inhibited at low altitudes and which generates sensitivity level commands (5.2.4).

5.4 Airborne Antenna System

A TCAS II unit transmits interrogations and receives replies via two antennas, one top mounted and the other bottom mounted. These may be dedicated antennas or shared with other avionics.

Note.—A TCAS II unit and Mode S transponder may share a single pair of antennas.

5.4.1 Polarization

The antennas are vertically polarized.

5.4.2 Radiation Pattern

The radiation pattern in elevation of each antenna when installed on an aircraft is nominally equivalent to that of a quarter-wave monopole on a ground plane. This gives a nominal 3 dB vertical beamwidth of 30 degrees.

Airborne TCAS II equipment uses one or more antennas with direction finding capability and may use antennas with directional radiation patterns.

5.4.3 Antenna Selection

5.4.3.1 Squitter Listening

Airborne TCAS II equipment receives squitters via the top and bottom antennas. This can take the form of simultaneous reception using multiple receivers and decoders or switched reception using one receiver. If reception is switched, the switching times are controlled to avoid undesirable synchronism with the squitters transmitted by Mode S diversity transponders.

Note.—A Mode S diversity transponder transmits squitters at the rate of nominally 1 each second alternating between its two antennas. An example of a switching pattern by which an omnidirectional TCAS II unit can listen for squitters while avoiding undesirable synchronism is to switch receiving antennas once every 2 seconds; then in each 4-second period, squitters are received via all four antenna pairs (top-to-top, top-to-bottom, bottom-to-top, bottom-to-bottom).

5.4.3.2 Interrogation

A TCAS II unit transmits each ATCRBS interrogation and Mode S interrogation via one or the other of the two antennas. Interrogations are not transmitted simultaneously via both antennas.

Appendix A—Comprehensive Index of Fields

This index lists in alphabetical order all essential fields, mission fields, three-character designator subfields and four-character designator subfields for which coding is given in this Standard. The "Location" column indicates the mission field or three-character designator subfield in which the three-character or four-character designator subfield listed under the "Designator" column appears. Content of all four-character designator subfields can be found by referring to the three-character subfields in which they appear.

Designator	Downlink/uplink	Name	Location	References	
				Content	Protocol
AC	D	Altitude Code		3.3.1.1	4.2.1 and 4.2.3.
ACS	D	A—Capability	MB	3.3.1.6.2	4.5.2.
ADS	U	A—Definition Subfield	MA	3.3.1.5.1	
ADS1	U	A—Definition Subfield 1	ADS		
ADS2	U	A—Definition Subfield 2	ADS		
AP	U/D	Address/Parity		3.2.2.1	

Designator	Downlink/uplink	Name	Location	References	
				Content	Protocol
AQ	U	Acquisition, Special		3.3.1.2	4.2.2.1 and 4.2.2.2.
AR	D	ASA Capability Report		3.3.2.1	4.2.3, 4.3.1, and 4.4.
ARA	D	Active Resolution Advisories	MB and MV	3.3.2.4.1	
AV	U	TCAS Maneuver Advisory		3.3.2.2	4.4.1.
BDS	D	B—Definition Subfield	MB	3.3.1.8	
BDS1	D	B—Definition Subfield 1	BDS		
BDS2	D	B—Definition Subfield 2	BDS		
BRG	U	Bearing	MU	3.3.2.5.2	4.4.2.
BTI	U	Bearing Type Indicator	MU	3.3.2.5.2	4.4.2.
CA	D	Capability			4.5.2.
CHC	U	Cancel Horizontal Resolution Advisory Complement	MU	3.3.2.5.1	
CLI	D	Coordination Lock State Initiator Bit	MV	3.3.2.6.1	4.3.2.
CLS	D	Coordination Lock State Bit	MB	3.3.2.4.1	
CRS	D	Crosslink Request Status Bit	MB	3.3.2.4.2	4.5.1.
CVC	U	Cancel Vertical Resolution Advisory Complement	MU	3.3.2.5.1	4.3.1.
DF	D	Downlink Format		3.2.2.1	
DR	D	Downlink Request		3.3.1.3	4.5.1.
ECS	D	Extended Capability	MB	3.3.1.6.2	4.5.2
FS	D	Flight Status		3.3.1.4	4.2.1.
HMA	U	Horizontal Maneuver Advisory	AV	3.3.2.2.1	4.4.1.
HRC	U	Horizontal Maneuver Advisory Complement	MU	3.3.2.5.1	
IIS	U	Interrogator Identifier	SD	3.3.1.10.1	4.5.3.
LCK	U	Coordination Lock Bit	MU	3.3.2.5.1	4.3.1.1 and 4.3.1.2.
MA	U	Message, Comm-A		3.3.1.5 and 3.3.2.3	
MB	D	Message, Comm-B		3.3.1.6 and 3.3.2.4	
MID	U	Mode S Address	MU	3.3.2.5.1 and 3.3.2.5.2	
MTB	U	Multiple Threat Bit	MU	3.3.2.5.1	
MU	U	Message, Comm-U		3.3.1.7 and 3.3.2.5	
MV	D	Message, Comm-V		3.3.1.8 and 3.3.2.6	
ORC	D	On-board Resolution Capability Bit	MB	3.3.2.4.2	4.5.2.
RAC	D	Resolution Advisory Complements	MB and MV	3.3.2.4.1	
RAL	U	Relative Altitude	MU	3.3.2.5.2	
RI	D	Air-Air Reply Information		3.3.1.9	4.2.3.1 and 4.2.3.2.
RL	U	Reply Length		3.1.1.10	4.2.2.1 and 4.2.2.2.
RR	U	Reply Request		3.3.1.11	4.5.1.
RRG	U	Relative Range	MU	3.3.2.5.2	
SD	U	Special Designator		3.3.1.12	4.5.3.
SL	D	TCAS II Sensitivity Level Report		3.3.2.7	4.2.3.
SLC	U	TCAS II Sensitivity Level Command	MA	3.3.2.3.1	4.5.3.
UDS	U	U—Definition Subfield	MU	3.3.2.5.1	
UDS1	U	U—Definition Subfield 1	UDS		
UDS2	U	U—Definition Subfield 2	UDS		
UF	U	Uplink Format		3.2.2.1	
VDS	D	V—Definition Subfield	MV	3.3.2.6.1	
VDS1	D	V—Definition Subfield 1	VDS		
VDS2	D	V—Definition Subfield 2	VDS		
VMA	U	Vertical Maneuver Advisory	AV	3.3.2.2.1	4.4.1.
VRC	U	Vertical Resolution Advisory Complement	MU	3.3.2.5.1	4.3.1.

Appendix B.—Index of Variables Used in Collision Avoidance Algorithms

This index lists in alphabetical order all variables used in the collision avoidance algorithms described in this Standard.

Variable	Reference
ADOT	5.2.1.2.2.
ALIM	Table 5.2-3.
BEQ	5.2.1.
DMOD	Table 5.2-1.
HMD	5.2.1.2.2.
H1	Table 5.2-1
ILEV	Table 5.2-3.
R	5.2.1.
RD	5.2.1.
RDTHR	Table 5.2-1.
SENSE	5.2.2.1.3.
SLINT	5.2.1.
SLOWN	5.2.1, 5.2.4.
T	5.2.2.1.3.
TAU	Table 5.2-1.
TCUR	5.2.2.1.3.
TESC	5.2.2.1.
TRTRU	5.2.1.2.2.
TVPCMD	Table 5.2-1.
TVPESC	Table 5.2-3.
VACCEL	5.2.2.1.3.
VMD	5.2.1.2.2.
Z	5.2.2.1.3.
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ZDGOAL	5.2.2.1.3.
ZDINT	5.2.1.
ZDOWN	5.2.1.
ZDTHR	Table 5.2-1.
ZINT	5.2.1.
ZOWN	5.2.1.
ZTHR	Table 5.2-1.

[FR Doc. 82-10622 Filed 4-21-82; 8:45 am]

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federal register

Thursday
April 22, 1982

Part III

Department of Education

Consolidated Grant Applications for Insular Areas; Regulations and Request for Comments

DEPARTMENT OF EDUCATION

34 CFR Part 76

Consolidated Grant Applications for Insular Areas

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues new final regulations for Consolidated Grant Applications for Insular Areas. These new regulations are required because the Education Consolidation and Improvement Act of 1981 modifies the Federal education programs that an Insular Area may consolidate under Title V of Pub. L. 95–134. The Consolidated Grant Applications for Insular Areas permit the Insular Areas to consolidate two or more educational programs listed in these regulations. Consolidated applications are intended to simplify application and reporting procedures and to give the Insular Areas greater flexibility in the use of Federal education funds.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mrs. Shirley A. Jackson, Director, Office of State and Local Educational Programs, U.S. Department of Education, Room 2079, 400 Maryland Avenue, S.W., Washington, D.C., 20202; Telephone: (202) 245–8094.

SUPPLEMENTARY INFORMATION: Under Chapter 2 of the Education Consolidation and Improvement Act of 1981 (Pub. L. 97–35) (ECIA) several programs Insular Areas are authorized to consolidate under the Consolidated Grant Applications for Insular Areas, (Pub. L. 95–134), are folded into a block grant. Therefore, an amended list of programs an Insular Area may consolidate is presented in these regulations. Through these regulations, the Secretary also waives all requirements for matching funds for Insular Areas participating in the Consolidated Grant Applications Program.

In addition, these regulations clarify the eligibility of an Insular Area to consolidate grant funds; the disposition of carryover of funds from previous fiscal years; and those Federal education programs under which consolidated grant funds may be spent.

Background

Title V of Pub. L. 95–134 allows Federal agencies to consolidate grants to the Insular Areas—Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands. This consolidation is intended to reduce the administrative and financial burdens associated with the Federal assistance programs.

Overview of These Regulations

These regulations differ from the regulations for the Consolidated Grant Applications Program, which were published in the **Federal Register** on April 3, 1980, (45 FR 22648) in the following respects:

- Section 76.125 of these regulations includes a revised list of the programs that an Insular Area may consolidate.
- Section 76.130(d) clarifies that the eligibility of an Insular Area to receive grant funds under a Federal education program is determined under the specific statute and regulations for that program.
- Section 76.135 waives all requirements for matching funds for programs that an Insular Area consolidates.
- Section 76.136 indicates that an Insular Area may only use and administer funds under programs listed in § 76.125(c) for which funds have been appropriated by the Congress.
- Section 76.137 provides guidance regarding the expenditures of carryover funds.
- Many of the section headings have been modified, the term Secretary has been substituted for Commissioner; section numbers have been changed; and references to programs that have been changed by Pub. L. 97–35 (ECIA) have been revised.

Waiver of Proposed Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on those proposed rules. However, these new regulations for the Consolidated Grant Applications for Insular Areas are published as final regulations because they do not differ substantially from the final regulations published on April 3, 1980, with the exception of the change in the list of Federal education programs an Insular Area may consolidate and the waiver of requirements for matching funds.

These regulations are being published at this time so that regulations reflecting the changes made by Pub. L. 97–35 and the Secretary's decision to waive requirements for matching funds will be in effect in time to avoid delays in soliciting and approving consolidated grant applications for funding prior to the beginning of fiscal year 1983.

For the reasons discussed above, the publication of these new regulations for the Consolidated Grant Applications for Insular Areas as a notice of proposed regulations would be impractical and contrary to the public interest, under 5 U.S.C. 553(b), if consolidated grants are to be made in a timely manner. Therefore, these regulations—which differ substantially from the April 3, 1980 regulations in only a few respects—are published as final regulations.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations. The Department is also interested in receiving suggestions from interested persons concerning how these regulations may be improved.

Comments or suggestions concerning the regulations should be sent to Dr. O. Ray Warner at the address given at the beginning of the preamble.

Executive Order 12291

These regulations have been reviewed by the Department in accordance with Executive Order 12291. They are classified as non-major regulations because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations concern only consolidated grant applications for Insular Areas. None of the Insular Areas is classified as a small entity.

Citations of Legal Authority:

A citation of statutory authority or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

List of Subjects in 34 CFR Part 76

Education, Grant programs—education, Grants administration,

Intergovernmental relations, State—administered programs.

(Catalog of Federal Domestic Assistance Number not applicable.)

Dated: April 15, 1982.

T. H. Bell,

Secretary of Education.

PART 76—STATE ADMINISTERED PROGRAMS

The Secretary revises §§ 76.125 through 76.137 of Part 76 of Title 34 of the Code of Federal Regulations to read as follows:

* * * * *

Consolidated Grant Applications for Insular Areas

Sec.

76.125 What is the purpose of these regulations?
76.126 What regulations apply to the consolidated grant applications for insular areas?
76.127 What are the purposes of a consolidated grant?
76.128 What is a consolidated grant?
76.129 How does a consolidated grant work?
76.130 How are consolidated grants made?
76.131 How does an insular area apply for a consolidated grant?
76.132 What assurances must be in a consolidated grant application?
76.133 What is the reallocation authority?
76.134 What is the relationship between consolidated and non-consolidated grants?
76.135 Are there any requirements for matching funds?8
76.136 Under what programs may consolidated grant funds be spent?
76.137 How may carryover funds be used under the consolidated grant application?

* * * * *

Authority: Title V, Pub. L. 95–134, 91 Stat. 1159 (48 U.S.C. 1469a).

Consolidated Grant Applications for Insular Areas

§ 76.125 What is the purpose of these regulations?

(a) Sections 76.125 through 76.137 of this part contain requirements for the submission of an application by an Insular Area for the consolidation of two or more grants under the programs listed in paragraph (c) of this section.

(b) For the purpose of §§ 76.125–76.137 of this part the term "Insular Area" means the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

(c) The Secretary may make an annual consolidated grant to assist an Insular Area in carrying out one or more of the following programs—

CFDA No. and name of program	Authorizing legislation	Implementing regulations, Title 34 CFR (Part)
Library Programs		
84.034 Public Library Services State Grant Program	Title I, Library Services and Construction Act (20 U.S.C. 351–354).	770
84.035 Interlibrary Cooperation	Title III, Library Services and Construction Act (20 U.S.C. 355e–355e–2).	770
Postsecondary Education Programs		
84.001 Grants for Construction, Reconstruction, and of Undergraduate Academic Facilities.	Title VII, Part E of the Higher Education Act (20 U.S.C. 1132b–1132b–2).	617
84.046 Education Outreach Programs	Title I, Part B of the Higher Education Act (20 U.S.C. 1011–1019).	610
84.135 Aid to Land-Grant Colleges	Second Morrill Act of 1890 (7 U.S.C. 322 and 323)	621
Vocational and Adult Education Programs		
84.002 Adult Education—State-administered Programs.	Adult Education Act (except) Sections 309, 316 and 318) (20 U.S.C. 1201 et seq.).	426
84.048 Vocational Education—Basic Grants to States.	Title I, Part A of the Vocational Education Act (20 U.S.C. 2301–2380).	400
84.049 Vocational Education—Consumer and Homemaking Education.	Title I, Part A, Section 150 of the Vocational Education Act (20 U.S.C. 2380).	400
84.050 Vocational Education—Program Improvement and Services.	Title I, Part A, Section 130–136 of the Vocational Education Act (20 U.S.C. 2350–2356).	400
84.052 Vocational Education—Special Programs for the Disadvantaged.	Title I, Part A, Section 140 of the Vocational Education Act (20 U.S.C. 2370).	400
84.053 Vocational Education—State Advisory Council.	Title I, Part A, Section 105 of the Vocational Education Act (20 U.S.C. 2305).	400
84.121 Vocational Education—State Planning and Evaluation.	Title I, Part A, Sections 102 and 111 of the Vocational Education Act (20 U.S.C. 2302 and 2311).	400
Education for the Handicapped Programs		
84.009 Program for Education of Handicapped Children in State Operated or Supported Schools.	Section 554(a)(2)(B), of Chapter 1 of the Education Consolidation & Improvement Act of 1981 (20 U.S.C. 3803 and 20 U.S.C. 2771–2772).	302
84.027 Handicapped Preschool and School Programs—State Grant Programs.	Education of Handicapped Act Part B (except Section 619) (20 U.S.C. 1411–1418; 1420).	300
84.027 Handicapped Preschool and School Program—Incentive Grants.	Section 619 of the Education of the Handicapped Act (20 U.S.C. 1419).	301
Other Elementary and Secondary Programs		
84.010 Educationally Deprived Children—Local Educational Agencies.	Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801–3807).	200
84.011 Migrant Education Programs State Formula Grant Program.	Section 554(a)(2)(A) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3803 and 20 U.S.C. 2781).	204
84.012 Educationally Deprived Children—State Administration.	Chapter I of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801–3807).	200
84.013 Educationally Deprived Children in State Administered Institutions Serving Neglected and Delinquent Children.	Section 554(a)(2)(C) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3803 and 20 U.S.C. 2781).	203
84.068 Indochinese Refugee Children Assistance Act.	Subpart C of the Consolidated Refugee Assistance Act (8 U.S.C. 1522).	537
84.150 Chapter 2—Consolidation of Federal Programs for Elementary and Secondary Education.	Chapter 2 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 2811–3862).	298

§ 76.126 What regulations apply to the consolidated grant applications for insular areas?

The following regulations apply to those programs included in a consolidated grant:

(a) The regulations in §§ 76.125 through 76.137; and

(b) The regulations that apply to each specific program included in a consolidated grant for which funds are used.

(48 U.S.C. 1469a)

§ 76.127 What is the purpose of a consolidated grant?

An Insular Area may apply for a consolidated grant for two or more of the programs listed in § 76.125(c). This procedure is intended to—

(a) Simplify the application and reporting procedures that would otherwise apply for each of the programs included in the consolidated grant; and

(b) Provide the Insular Area with flexibility in allocating the funds under the consolidated grant to achieve any of the purposes to be served by the programs that are consolidated.

(48 U.S.C. 1469a)

§ 76.128 What is a consolidated grant?

A consolidated grant is a grant to an Insular Area for any two or more of the programs listed in § 76.125(c). The amount of the consolidated grant is the sum of the allocations the Insular Area receives under each of the programs

included in the consolidated grant if there had been no consolidation.

Example. Assume the Virgin Islands applies for a consolidated grant that includes programs under the Adult Education Act, Vocational Education Act, and Chapter 1 of the Education Consolidation and Improvement Act. If the Virgin Islands' allocation under the formula for each of these three programs is $150,000; the total consolidated grant to the Virgin Islands would be $450,000.

(48 U.S.C. 1469a)

§ 76.129 How does a consolidated grant work?

(a) An Insular Area shall use the funds it receives under a consolidated grant to carry out, in its jurisdiction, one or more of the programs included in the grant.

Example. Assume that Guam applies for a consolidated grant under the Vocational Education Act, the Handicapped Preschool and School Programs-Incentive Grants, and the Adult Education Act and that the sum of the allocations under these programs is $700,000. Guam may choose to allocate this $700,000 among all of the programs authorized under the three programs. Alternatively, it may choose to allocate the entire $700,000 to one or two of the programs; for example, the Adult Education Act Program.

(b) An Insular Area shall comply with the statutory and regulatory requirements that apply to each program under which funds from the consolidated grant are expended.

Example. Assume that American Samoa uses part of the funds under a consolidated grant for the State program under the Adult Education Act. American Samoa need not submit to the Secretary a State plan that requires policies and procedures to assure all students equal access to adult education programs. However, in carrying out the program, American Samoa must meet and be able to demonstrate compliance with this equal access requirement.

(48 U.S.C. 1469a)

§ 76.130 How are consolidated grants made?

(a) The Secretary annually makes a single consolidated grant to each Insular Area that meets the requirements of §§ 76.125 through 76.137 and each program under which the grant funds are to be used and administered.

(b) The Secretary may decide that one or more programs cannot be included in the consolidated grant if the Secretary determines that the Insular Area failed to meet the program objectives stated in its plan for the previous fiscal year in which it carried out the programs.

(c) Under a consolidated grant, an Insular Area may use a single advisory council for any or all of the programs that require an advisory council.

(d) Although Pub. L. 95–134 authorizies the Secretary to consolidate grant funds that the Department awards to an Insular Area, it does not confer eligibility for any grant funds. The eligibility of a particular Insular Area to receive grant funds under a Federal education program is determined under the statute and regulations for that program.

(48 U.S.C. 1469a)

§ 76.131 How does an Insular Area apply for a consolidated grant?

(a) An Insular Area that desires to apply for a grant consolidating two or more programs listed in § 76.125(c) shall submit to the Secretary an application that—

(1) Contains the assurances in § 76.132; and

(2) Meets the application requirements in paragraph (c) of this section.

(b) The submission of an application that contains these requirements and assurances takes the place of a separate State plan or other similar document required by this part or by the authorizing statutes and regulations for programs included in the consolidated grant.

(c) An Insular Area shall include in its consolidated grant application a program plan that—

(1) Contains a list of the programs in § 76.125(c) to be included in the consolidated grant;

(2) Describes the program or programs in § 76.125(c) under which the consolidated grant funds will be used and administered;

(3) Describes the goals, objectives, activities, and the means of evaluating program outcomes for the programs for which the Insular Area will use the funds received under the consolidated grant during the fiscal year for which it submits the application, including needs of the population that will be met by the consolidation of funds; and

(4) Contains a budget that includes a description of the allocation of funds—including any anticipated carryover funds of the program in the consolidated grant from the preceding year—among the programs to be included in the consolidated grant.

(48 U.S.C. 1469a)

§ 76.132 What assurances must be in a consolidated grant application?

(a) An Insular Area shall include in its consolidated grant application assurances to the Secretary that it will—

(1) Follow policies and use administrative practices that will insure that non-Federal funds will not be supplanted by Federal funds made available under the authority of the programs in the consolidated grant;

(2) Comply with the requirements (except those relating to the submission of State plans or similar documents) in the authorizing statutes and implementing regulations for the programs under which funds are to be used and administered, (except requirements for matching funds);

(3) Provide for proper and efficient administration of funds in accordance with the authorizing statutes and implementing regulations for those programs under which funds are to be used and administered;

(4) Provide for fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, Federal funds received under the consolidated grant;

(5) Submit an annual report to the Secretary containing information covering the program(s) for which the grant is used and administered, including financial and program performance information required under 34 CFR Part 74, Subparts I and J;

(6) Provide that funds received under the consolidated grant will be under control of, and that title to property acquired with these funds will be in, a public agency, institution, or organization. The public agency shall administer these funds and property;

(7) Keep records, including a copy of the State Plan or application document under which funds are to be spent, which show how the funds received under the consolidated grant have been spent.

(8) Adopt and use methods of monitoring and providing technical assistance to any agencies, organizations, or institutions that carry out the programs under the consolidated grant and enforce any obligations imposed on them under the applicable statutes and regulations.

(9) Evaluate the effectiveness of these programs in meeting the purposes and objectives in the authorizing statutes under which program funds are used and administered;

(10) Conduct evaluations of these programs at intervals and in accordance with procedures the Secretary may prescribe; and

(11) Provide appropriate opportunities for participation by local agencies, representatives of the groups affected by the programs, and other interested institutions, organizations, and individuals in planning and operating the programs.

(b) These assurances remain in effect for the duration of the programs they cover.

(48 U.S.C. 1469a)

§ 76.133 What is the reallocation authority?

(a) After an Insular Area receives a consolidated grant, it may reallocate the funds in a manner different from the allocation described in its consolidated grant application. However, the funds cannot be used for purposes that are not authorized under the programs in the consolidated grant under which funds are to be used and administered.

(b) If an Insular Area decides to reallocate the funds it receives under a consolidated grant, it shall notify the Secretary by amending its original application to include an update of the information required under § 76.131.

(48 U.S.C. 1469a)

§ 76.134 What is the relationship between consolidated and non-consolidated grants?

(a) An Insular Area may request that any number of programs in § 76.125(c) be included in its consolidated grant and may apply separately for assistance under any other programs listed in § 76.125(c) for which it is eligible.

(b) Those programs that an Insular Area decides to exclude from consolidation—for which it must submit separate plans or applications—are implemented in accordance with the applicable program statutes and regulations. The excluded programs are not subject to the provisions for allocation of funds among programs in a consolidated grant.

(48 U.S.C. 1469a)

§ 76.135 Are there any requirements for matching funds?

The Secretary waives all requirements for matching funds for those programs that are consolidated by an Insular Area in a consolidated grant application.

(48 U.S.C. 1469a)

§ 76.136 Under what programs may consolidated grant funds be spent?

Insular Areas may only use and administer funds under programs listed in § 76.125(c)(1) during a fiscal year for which the Insular Area is entitled to receive funds under an appropriation for that program.

(48 U.S.C. 1469a)

§ 76.137 How may carryover funds be used under the consolidated grant application?

Any funds under any applicable program which are available for obligation and expenditure in the year succeeding the fiscal year for which they are appropriated must be obligated and expended in accordance with the consolidated grant application submitted by the Insular Area for that program for the succeeding fiscal year.

(20 U.S.C. 1225(b); 48 U.S.C. 1469a)

[FR Doc. 82-10929 Filed 4-21-82; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 76

Consolidated Grant Applications for Insular Areas; Request for Comments

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking; Cross-reference.

SUMMARY: The Secretary proposes regulations for the Consolidated Grant Applications for Insular Areas. The regulations on which the Secretary invites comments are published in the Rules and Regulations section of this issue of the **Federal Register.** They have been adopted as final regulations and will govern this program until the Secretary issues new regulations based on public comment.

DATES: All comments, suggestions, or objections must be received on or before June 7, 1982.

ADDRESSES: Comments should be addressed to Dr. O. Ray Warner, U.S. Department of Education, Room 2079, 400 Maryland Avenue, SW., Washington, D.C. 20202–6263.

FOR FURTHER INFORMATION CONTACT: Dr. O. Ray Warner, Telephone: (202) 245–7793.

For additional details on how to comment, see the Preamble of the final regulations published in this issue of the **Federal Register.**

(Catalog of Federal Domestic Assistance Number not applicable.)

Dated: April 15, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-10930 Filed 4-21-82; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
April 22, 1982

Part IV

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62015B; TSH-FRL-2095-5]

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On February 12, 1981, the U.S. Court of Appeals for the District of Columbia Circuit issued an order requiring EPA to conduct a rulemaking concerning the use of Polychlorinated Biphenyl (PCBs) in electrical equipment. In response to the court's order, EPA proposes to amend the existing PCB rule to authorize the use of PCBs in capacitors and the use and servicing of PCBs in electromagnets, circuit breakers, voltage regulators, reclosers, cables, switches/ sectionalizers, and transformers other than railroad transformers. EPA also proposes to amend other parts of the PCB rule to provide for the disposal and distribution in commerce of this electrical equipment.

DATES: An informal hearing, if requested, will be held on June 7, 1982 in Washington, D.C. The exact time and location of the hearing will be available by calling the Industry Assistance Office toll free at 800-424-9065 or, in Washington, D.C., by calling 554-1404. Comments on this proposed rule and requests to participate in the informal hearing must be submitted by May 24, 1982. This comment period is being limited to thirty days because EPA is under court order to promulgate a final rule by August 19, 1982.

ADDRESS: Comments should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Room E-401, 401 M St., SW., Washington, D.C. 20460.

EPA requests that comments be submitted in triplicate. Comments should inlude the docket number, OPTS 62023. Comments received on this proposed rule will be available for review from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Room E-107, Environmental Protection Agency, 401 M St. SW., Washington, D.C.

Requests to participate in the informal hearing should be made in writing to the Industry Assistance Office (see address listed under **"FOR FURTHER INFORMATION CONTACT"**). All requests for participation must include at least an outline of the topics to be addressed in the opening statement(s), the amount of time requested for the statement(s), and the names of the participants. Statements should not repeat information already presented in written comments, but should address additional information or issues. All hearings will be conducted in accordance with EPA's "Procedures For Rulemaking Under Section 6 of the Toxic Substances Control Act" (40 CFR Part 750).

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C. (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) generally prohibits the use of PCBs after January 1, 1978. The statute sets forth two exceptions under which EPA may, by rule, allow a particular use of PCBs to continue. Under section 6(e)(2) of TSCA, EPA may allow PCBs to be used in a "totally enclosed manner." A "totally enclosed manner" is defined, by TSCA to be "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant, as determined by the Administrator by rule." TSCA also allows EPA to authorize the use of PCBs in a manner other than a "totally enclosed manner" if the Agency finds that the use "will not present an unreasonable risk of injury to health or the environment."

EPA promulagated a rule, which was published in the **Federal Register** of May 31, 1979 (44 FR 31514), to implement sections 6(e) (2) and (3) of TSCA. This rule is listed in the Code of Federal Regulations under 40 CFR Part 761. The rule designated all intact, nonleaking electrical capacitors, electromagnets, and transformers other than railroad transformers as "totally enclosed," thus permitting their use without specific authorization or conditions. The Environmental Defense Fund (EDF) petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review that portion of the PCB rule that designated the use of intact, nonleaking capacitors, electromagnets and transformers other than railroad transformers as "totally enclosed". (*Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 636 F.2d 1267). On October 30, 1980, the court decided that there was no substantial evidence in the record to support the Agency's classification of transformers, capacitors, and electromagnets as totally enclosed. The court invalidated this portion of the rule and remanded it to EPA for further action. The effect of this decision would have been to make the use of capacitors, electromagnets, and transformers other than railroad transformers, containing any concentration of PCBs a violation of section 6(e) of TSCA. An immediate ban of these uses would not only disrupt electric service, but also cause severe economic hardship for the public and U.S. industry. EPA believed, and still believes, that it is completely impractical to take no action and allow a total ban on the use of this equipment to go into effect immediately.

On January 21, 1981, EPA, EDF, and certain industry intervenors in *EDF* v. *EPA* filed a joint motion with the court. The motion asked for an eighteen-month stay of the court's mandate setting aside the classification of transformers, capacitors, and electromagnets as totally enclosed. During the period of the stay, EPA agreed to conduct a rulemaking on the use of PCBs in electrical equipment beginning with an Advance Notice of Proposed Rulemaking (ANPR). In addition, the Edison Electric Institute (EEI) through the Utility Solid Waste Activities Group (USWAG) agreed to develop some of the factual material necessary for the rulemaking. The parties also agreed on interim risk-reduction measures (the Interim Measures Program) for transformers containing PCBs at 50 ppm or greater. They suggested that the court make these measures a condition of the eighteen-month stay. On February 12, 1981, the court granted the requests of the joint motion and entered an order. The text of the court's order was published in the **Federal Register** of March 10, 1981, along with EPA's ANPR on the use of PCBs in electrical equipment (46 FR 16090 and 46 FR 16096, respectively). The court's order allows the totally enclosed classification (40 CFR 761.30), to remain in effect for the duration of the stay. Therefore, persons who use PCB-containing transformers, capacitors, and electromagnets may use this electrical equipment during the stay, providing that they comply with the PCB rule and the Interim Measures Program which is detailed in the court's order.

The court's order requires EPA to promulgate a final rule within six months of receipt of the study from EEI/ USWAG. Since the final report of the EEI/USWAG study was received on

February 19, 1982, EPA must promulgate a final rule on the use of PCBs in electrical equipment by August 19, 1982.

II. Electrical Equipment Containing PCBs

The rulemaking was initiated to deal with those uses of PCBs which EPA had formerly classified as totally enclosed (transformers other than railroad transformers, capacitors, and electromagnets). For the remainder of this notice any reference to transformers does not include transformers used on locomotives and self-propelled cars. While administering the existing PCB rule and while gathering information for this rulemaking, EPA has identified five additional types of oil-filled electrical equipment that contain PCBs. These are: voltage regulators, switches/sectionalizers, circuit breakers, reclosers, and cable. These uses were not addressed in the May 1979 PCB rule because EPA was not aware of their existence.

It is important to note that any use of PCBs not in a totally enclosed manner or specifically authorized by EPA is prohibited. EPA needs to identify all electrical equipment that contains PCBs and consider whether such uses should be allowed. Therefore, EPA requests comments regarding the exposures and benefits of all types of electrical equipment which contain PCBs, including any equipment types not covered by this proposed rule. The final rule may address additional uses of PCBs in electrical equipment that are brought to the Agency's attention.

While existing regulations technically do not permit the use of PCBs in voltage regulators, switches/sectionalizers, circuit breakers, reclosers and cables in concentrations greater than 50 ppm, EPA will not pursue enforcement action against persons who have used and are using such equipment while this rulemaking is pending, provided that such persons fully comply with the existing PCB rule and the requirements of the Interim Measures Program. If EPA were to prosecute such persons, a substantial portion of the electric service in the U.S. would be seriously affected. Furthermore, EPA does not believe that the current use of this oil-filled electrical equipment while the rulemaking is pending presents a serious problem for four reasons. First, the length of time until there will be rules covering the use of these electrical equipment types is short; EPA expects to promulgate these final rules by August 19 of this year. Second, the total number of pieces of equipment and the total quantity of PCBs in use in these electrical equipment types is comparatively small. The EEI/USWAG study estimates that utility-owned voltage regulators, switchers/sectionalizers, circuit breakers, cables, and reclosers contain a total of approximately 20,000 pounds of PCBs. This constitutes approximately 0.01 percent of the total number of pounds of PCBs used by utility companies. Third, based on the EEI/USWAG study, the concentration of PCBs in these electrical equipment types, the rates of leakage from them, and, consequently, the risks that may be presented appear to be no greater than the PCB concentration, leakage rate, and risks of oil-filled transformers which are permitted to be used under the current rule. Fourth, although the existing regulations do not allow the use of PCBs in these electrical equipment types, disposal of any item of electrical equipment containing PCBs in concentrations of 50 ppm or more is covered by existing PCB rules. Disposal of the liquid PCBs is covered under 40 CFR 761.10(a)(1) and disposal of the equipment is covered under 40 CFR 761.10(b)(4) in the existing rule. However, since the mineral oil contained in oil-filled electrical equipment is the same type of oil as that found in oil-filled transformers, this oil may also be disposed of in accordance with the provisions for mineral oil dielectric fluid from PCB-Contaminated Transformers (40 CFR 761.10(a)(2)) while this rule is pending.

III. The EEI/USWAG Study

The EEI/USWAG study gathered information on electrical equipment used in the electric utility industry, and did not gather information on nonutility equipment. Because the utility industry uses most of the types of equipment that contain PCBs and because EPA has no information indicating that utility and nonutility equipment is significantly different, EPA is using this study as a major source of data for this proposed rule. Persons who believe that their experience with this equipment is different, or who have information on any types of equipment not covered by the EEI/USWAG study should submit relevant data to EPA. Useful data would include: Identification of other types of equipment, the number of units, the distribution of PCB concentrations, the propensity of the equipment to leak, and measures that could be taken to reduce the exposures associated with the use of the equipment. All data should be sent to the Document Control Officer listed under **"ADDRESS"** at the beginning of this notice.

The EEI/USWAG study provides information on the usage of PCBs in equipment in the electric utility industry, the propensity of the electrical equipment to lead or rupture, and an analysis of the feasibility of various measures to reduce or eliminate the risk of exposure to PCBs from the use of the electrical equipment. Because this study represents a major portion of the data base for this rulemaking, EPA solicits comments concerning all data contained in the study. Copies of the EEI/USWAG study are available for review in the public record for the rulemaking from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. 107, East Tower, EPA, 401 M St., SW., Washington, D.C. Copies of the EEI/USWAG study are also available, for a fee, through the Edison Electric Institute which can be reached by calling 202-828-7630.

Data from the EEI/USWAG study concerning the number of electrical equipment types that contain PCBs, the amounts of PCBs contained within these units, and an estimate of the quantity of PCBs released annually through leaks and spills are summarized in the following Table 1.

The distribution of electrical equipment containing PCBs between utility and nonutility industries has been estimated from studies prepared for the May 1979 rule and the EEI/USWAG study. These data are summarized in the following Table 2.

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TABLE 1 SUMMARY OF EEI/USWAG DATA

	NUMBER OF UNITS IN UTILITY INDUSTRY	PERCENTAGE OF UNITS CONTAINING 50 PPM OR GREATER PCBS	PERCENTAGE OF UNITS CONTAINING 500 PPM OR GREATER PCBS	TOTAL POUNDS OF PCBS	PERCENTAGE OF TOTAL POUNDS	UPPER BOUND ESTIMATE OF ANNUAL POUNDS OF PCBS LEAKED/SPILLED
PCB TRANSFORMERS (ASKAREL)	39,640	100	100	74,597,283	45.92	20,448[b]
LARGE PCB CAPACITORS	2,800,619	100	100	87,552,960	53.90	369,251
MINERAL OIL TRANSFORMERS	20,227,428	11.8	1.1	262,230	0.16	826
MINERAL VOLTAGE REGULATORS	145,159	14.0	1.7	6,707	<0.01	5
MINERAL OIL SWITCHES	385,768	14.0	0	329	<0.01	80[c]
MINERAL OIL CIRCUIT BREAKERS	180,939	1.8	0	12,685	<0.01	51
MINERAL OIL RECLOSERS	170,158	0	0	410	<0.01	7[c]
MINERAL OIL ELECTROMAGNETS	76	-	-	0.64[a]	<0.01	-
MINERAL OIL CABLE	6,545 MILES	-	-	2,311[a]	<0.01	-

a. Assumes an average PCB concentration of 10 ppm.
b. Assumes moderate leakage rates equal to mineral oil transformers.
c. Assumes moderate leakage rates equal to mineral oil circuit breakers.

TABLE 2 ESTIMATED EQUIPMENT DISTRIBUTION

	PERCENTAGE OF EQUIPMENT OWNED BY UTILITY INDUSTRY	PERCENTAGE OF EQUIPMENT OWNED BY NON UTILITY INDUSTRY	ESTIMATED TOTAL NUMBER OF UNITS
PCB TRANSFORMERS (ASKAREL)	30[a]	70	132,133
LARGE PCB CAPACITORS	85[b]	15	3,294,846
MINERAL OIL TRANSFORMERS	80[a]	20	25,284,285
MINERAL VOLTAGE REGULATORS	85[c]	15	170,775
MINERAL OIL CIRCUIT BREAKERS	85[c]	15	212,869
MINERAL OIL RECLOSERS	85[c]	15	200,186
MINERAL OIL CABLE	85[c]	15	7700 MILES
PCB ELECTROMAGNETS	1	99	200
MINERAL OIL ELECTROMAGNETS	1[d]	99[d]	7600
SMALL PCB CAPACITORS	e	e	500,000,000[f]

a. Source: Microeconomic Impacts of the Proposed "PCB Ban Regulations", Versar, Inc., 1978.
b. As reported by the National Electrical Manufacturers Association and referenced in the EEI/USWAG study.
c. Assumes a distribution equal to that for large PCB Capacitors.
d. Assumes that electric utility industry rarely uses electromagnets.
e. Small capacitors are used by industry and by consumers. EPA has no information indicating that distribution.
f. Assumes 870 million existed in 1977 and 10 percent are removed from service annually due to equipment or appliance obsolescence and capacitor failure.

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IV. Use Authorizations

As previously described, section 6(e)(2) of the TSCA allows uses of PCBs in a totally enclosed manner to continue without restriction. Section 6(e)(2)(C) defines the term "totally enclosed" to mean "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule". In the May 31, 1979 rule, EPA defines insignificant exposure as "not measurable or detectable by any scientifically acceptable analytical method". After examining the information submitted in response to the ANPR, EPA has decided that no electrical equipment uses should be categorized as use in a totally enclosed manner. The leakage data contained in the EEI/USWAG study shows that all types of electrical equipment leak during normal operation. Since this leakage could result in some detectable exposure of humans and the environment to PCBs, EPA believes that it is not appropriate to classify the use of this equipment as use in a totally enclosed manner.

Alternatively, the use of electrical equipment could legally continue under an authorization granted by EPA using the provisions of section 6(e)(2)(B) of TSCA. In order to authorize a use of PCBs under this section, EPA must find that such use "will not present an unreasonable risk of injury to health or the environment." To determine whether a risk is unreasonable, EPA must balance the probability that harm will occur from the use, against the adverse effect on society of the proposed regulatory action. In determining whether an unreasonable risk is present, EPA has considered the following factors:

1. The effects of PCBs on human health and the environment.
2. The magnitude of PCB exposure to humans and the environment.
3. The benefits of using PCBs and the availability of substitutes for PCB uses.
4. The economic impact resulting from the rule's effect upon national economy, small business, technological innovation, the environment, and public health.

These are the same types of considerations listed in section 6(c) of TSCA, which describes factors EPA must consider in deciding whether a chemical presents an unreasonable risk under section 6(a) of TSCA.

A. EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT

In determining whether authorizations are warranted, EPA considered information regarding the effects of PCBs on human health and the environment. The adverse effects of PCBs were described in considerable detail in various documents which were part of the rulemaking record for the May 31, 1979 rule.

In addition, within the last six months, substantial comments have been submitted to EPA on the toxicity of PCBs. These recent comments were based, in part, on analyses by two consultants to industry—Drill, Friess, Hays, Loomis & Shaffer, Inc., and Ecology and Environment, Inc. These studies included a review of recently published information not available during the previous EPA rulemakings on PCBs. The comments contend that these studies show that PCBs do not pose any serious risk of injury to human health.

EPA is currently conducting an evaluation of this information and the recent literature on the effects of PCBs.

As would be expected, available information indicates that the risk of injury to human health and the environment is reduced as exposure to PCBs is reduced. EPA's analysis of alternative conditions for use authorizations includes examining the effectiveness of each condition in reducing exposure and thereby reducing the assoicated risk.

B. GENERAL BENEFITS OF USING ELECTRICAL EQUIPMENT

The electrical equipment being considered in this rulemaking is used extensively by electric utilities and other industries to provide efficient and reliable electrical energy. There are currently millions of pieces of electrical equipment containing PCBs in use. Although allowing the statutory ban to become effective is theoretically one available alternative, EPA believes an immediate ban on these uses would be unacceptable since it would disrupt electric service throughout the United States. An adequate supply of non-PCB replacement equipment and storage/disposal capacity is not immediately available. The resulting economic impact associated with an immediate ban has been conservatively estimated at about $175 billion in the Regulatory Impact Analysis prepared for this rulemaking.

The other factors that EPA considered to determine whether these uses warrant authorization, the balancing of these factors, and EPA's conclusions regarding unreasonable risks are discussed separately in this notice for each category of electrical equipment.

C. USE AND SERVICING OF TRANSFORMERS

Transformers are used extensively by electric utilities and other industries to transmit and distribute electric power efficiently. The use of PCBs in transformers has resulted in some transformers by design containing between 60 and 70 percent PCBs. It has also resulted in transformers designed to contain mineral oil dielectric fluid being contaminated with PCBs during past servicing and manufacturing activities.

From Table 2, there are 39,640 PCB Transformers in the electric utility industry and about 92,000 in all other applications. Many heavy industries, such as primary metals, use PCB Transformers in their plants. The table also shows that there are over 20 million mineral oil transformers in the electric utility industry and about 5 million in all other applications. Mineral oil transformers are used in a wide variety of places, including apartments, offices, and industry.

1. Magnitude of Exposure

Based on the initial inspections required by the Interim Measures Program, the EEI/USWAG study indicates that 12 percent of PCB Transformers show signs of "small" leaks and 4 percent show signs of "Moderate" leaks. A small leak is defined in the EEI/USWAG study as the presence of oil (fluid) on the surface of the equipment, without any oil running off the surface of the equipment. A moderate leak is defined as oil (fluid) running off the surface of the equipment. The EEI/USWAG study did not gather data from which an annual leakage rate could be calculated for PCB Transformers.

The EEI/USWAG study estimates that, on an annual basis, 0.15 percent of mineral oil transformers develop "small" leaks and that less than 0.09 percent develop "moderate" leaks. From electric utility records of PCB spills the study estimates that 0.007 percent of mineral oil transformers will develop a release of PCBs that results in 50 ppm or greater concentration in soil, gravel, fill rubble, other land base substance, or any release of PCBs into water.

From these data, the EEI/USWAG study estimates that 20,448 pounds of PCBs may be expected to leak annually from PCB transformers and less than 826 pounds of PCBs may be expected to leak annually from mineral oil transformers in the electic utility industry. In order to estimate leakage from PCB

Transformers, the study used the annual leakage rate for mineral oil transformers. Although projections from electric utility data to other kinds of transformer applications may be somewhat uncertain, EPA has extrapolated from utility industry leakage figures and used the percentage ownership figures of Table 2 to estimate the total PCB Leakage from transformers. EPA estimates that about 25,000 pounds of PCBs may be expected to leak annually from all PCB Transformers, and about 1000 pounds of PCBs may be expected to leak annually from all mineral oil transformers.

Because many transformers are located in the nation's electrical distribution system, much of which is located near consumers of electric power, leaks from these transformers have the potential to expose humans and the environment to PCBs. In addition, a release of PCBs in the environment has the potential to reach aquatic systems, build up in the food chain and ultimately expose humans.

2. Benefits of PCBs and Availability of Substitutes

Although the electrical properties of PCBs are not as good as mineral oil, PCBs have a higher fire point than mineral oil. It is the fire resistance of PCBs that makes it an excellent dielectric fluid in transformers located where concerns for fire safety are paramount.

Where flammability of the dielectric fluid is not an issue, PCB Transformers can be replaced by comparably rated mineral oil transformers. Mineral oil tranformers can also replace PCB Transformers in locations where fire safety is an issue as long as fire codes and insurance requirements allow it. In most cases there restrictions require additional fire prevention measures such as vaults, sprinklers, alarms, etc., or moving the transformer out of the area of concern.

A number of substitute dielectric fluids have been developed to replace PCBs. The National Electrical Manufacturers Association estimates that new transformers to replace all PCB Transformers could be manufactured in five years or less using these substitute fluids. The substitute fluids offer satisfactory electrical properties and flammability characteristics which are much better than mineral oil. The EEI/USWAG study indicates that the dielectric fluids which equal PCBs in flammability are not widely used due to the potential toxicity of these compounds.

Substitutes for mineral oil transformers containing PCBs include new equipment that does not contain PCBs and existing equipment which has been retrofilled (i.e., drained, flushed, and refilled) or otherwise processed to reduce PCB concentrations. The EEI/USWAG study estimates that replacement equipment and replacement dielectric fluid could be produced in as little as three years.

3. Economic and Environmental Impacts of Regulatory Options

EPA considered many options that would effectively reduce the risks of exposure from the use of PCBs in transformers. the options included: requirements to accelerate their phase-out, requirements to provide secondary containment, requirements to reduce PCB concentrations through retrofilling, requirements to implement inspection and maintenance procedures, and additional servicing restrictions. The costs and benefits associated with several of these options are discussed more completely in the Regulatory Impact Analysis developed for this rulemaking.

a. Accelerated Phase-Out. An accelerated phase-out would require transformer owners to replace their PCB-containing transformers with new equipment before the end of useful life. EPA's evaluation of accelerated phase-out examined current and future manufacturing and disposal capacity, the costs associated with accelerated phase-out, and the benefits of the reduced PCB exposure associated with removing PCB Transformers and mineral oil transformers from service before the end of their useful life.

Achievement of an accelerated phase-out depends upon the ability of transformer owners to remove the transformers, the ability of manufacturers to build replacements and on the ability of facilities to store and/or dispose of PCBs and PCB Transformers. It appears that the ability to remove PCB Transformers from service and replace them with non-PCB transformers is not a limiting factor in phasing out this use. According to the EEI/USWAG study, manufacturers could provide adequate supplies of replacement transformers within approximately 5 years after a requirement to replace them becomes effective.

The EEI/USWAG study estimates that it would require a minimum of 8.7 years for the two currently approved land based incineration facilities to dispose of the PCB dielectric fluid and solvent (used to rinse the transformer) generated from all utility-owned PCB Transformers and an additional 11.3 years to dispose of nonutility owned PCB Transformers designed to contain PCBs. However, this calculation does not consider the disposal capacity of the incinerator ship Vulcanus which has been granted a permit to dispose of 3.6 million gallons of PCB-containing liquids. The Vulcanus can dispose of 900,000 gallons of these liquids on each trip to sea, with each trip lasting approximately two weeks. With Vulcanus operational, EPA estimates that the disposal of the liquid PCBs in all PCB Transformers can be accomplished in five years or less. Further, if additional disposal facilities become operational, this period would decrease.

The EEI/USWAG study estimated the cost to the phase out, in 10 years, all utility-owned transformers designed to contain PCBs to be $590 million and the cost for a 20-year phase out to be $346 million. These figures represent cash flows converted (discounted) to 1981 dollars. EPA's Regulatory Impact Analysis estimates these costs to be $168 million for a 10-year phase-out and $7 million for a 20-year phase-out. The reason for such a large difference in costs is that the EEI/USWAG study included in its calculation the expense associated with the purchase of new transformers and the disposal of ones replaced. This calculation ignores the fact that, even without a requirement for accelerated phase-out, these replacement and disposal costs will eventually be incurred anyway. Mandating equipment replacement merely accelerates the replacement schedule that would otherwise have prevailed. The economic impact of such a requirement is the loss of the use of the money spent on the phase-out from the time replacement is required to the time it would have otherwise occurred. The Regulatory Impact Analysis estimates the financial impact of this regulation as the loss of the use of this money. A more detailed explanation of this methodology is found in a 1980 study by Putnam, Hayes, and Bartlett (PHB), "Additional Regulation of Polychlorinated Biphenyls (PCB's) in Food-Related Industries Cost Impact Analysis." Using the ownership data in Table 2 to estimate the cost to phase-out nonutility transformers, EPA estimates that the total impact of a ten-year phase-out of all PCB Transformers could be $560 million and a twenty-year phase-out could be $23 million. This estimate uses a twelve-year average remaining life for PCB Transformers.

Accelerated phase-out of PCB-containing transformers would reduce the risks associated with the use of these transformers because all exposure which would have occurred in years

after completion of the phase-out is avoided. In considering the effectiveness of a required phase-out for transformers designed to contain PCBs and oil-filled transformers, EPA compared the economic benefit of authorizing the use of these transformers over various periods of time to the quantity of PCBs estimated to be released through leakage during that time. The economic benefit was calculated to be the benefit of delaying replacement and disposal costs. The pounds of PCBs released were derived from leakage rates contained in the EEI/USWAG study. EPA then calculated the cost effectiveness ratio of each phase-out period evaluated by dividing the benefits of the authorization by the pounds of PCBs released. EPA calculated that the cost effectiveness of authorizations for PCB Transformers with accelerated phase-out were: $2,661 per pound of PCB released for a ten-year phase-out, $2,484 per pound for a twenty-year phase-out, and $2,471 per pound for thirty-year phase-out. For mineral oil transformers, the cost effectiveness of an authorization with an accelerated phase-out period of ten years is $6,036,000 per pound; for a thirty-year period the ratio is $13,695,000 per pound. Additional details concerning this analysis are contained in the Regulatory Impact Analysis.

In an accelerated phase-out of all mineral oil transformers containing 50 ppm or greater PCBs, the cost per pound of PCBs prevented from release to the environment is much larger than for PCB Transformers because mineral oil transformers contain less than 0.15 percent as many pounds of PCBs as PCB Transformers. In addition, only 12 percent of the mineral oil transformers contain 50 ppm or greater PCBs, and it would be necessary to test almost every transformer to locate the contaminated ones. The EEI/USWAG study estimates than an identification program would cost $303 per test or over $6 billion for all utility-owned mineral oil transformers.

b. Retrofilling and Secondary Containment. Retrofilling a transformer involves draining the PCB fluid, flushing the transformer, and refilling it with a non-PCB fluid. The EEI/USWAG study estimated the cost to retrofill all utility-owned PCB Transformers to PCB concentrations below 1000 ppm would be $703 million. The estimates calculated in the Regulatory Impact Analysis indicate that the study's estimate is high, in part, because it assumes that three retrofilling operations are necessary to reduce PCB concentrations below 1000 ppm and because it includes the cost of disposing of the PCB dielectric fluid originally removed from the transformer. It has been demonstrated that PCB concentrations can be reduced below 1000 ppm in two retrofilling operations. Also, the cost associated with disposing of the original dielectric fluid is not an incremental cost associated with retrofilling requirements. Disposal of this dielectric fluid is already required under the existing PCB rule (40 CFR 761.10). Using two retrofill operations per transformer, EPA estimates the cost to retrofill all utility-owned PCB Transformers to below 1000 ppm PCB would be $517 million.

A retrofill of a PCB Transformer can reduce the PCB concentration of the dielectric fluid from approximately 70 percent to between one and eight percent. This represents a reduction of betwen 88 and 98 percent of the PCBs originally contained in the transformer. EPA is not aware of any retrofilling technology that has demonstrated the ability to reduce PCB concentrations further in one retrofill. Therefore, additional retrofilling procedures or other processing is required in order to further reduce PCB concentrations.

Secondary containment is a structural containment area in addition to the casing of a piece of equipment. In most cases, secondary containment of a liquid-filled transformer will contain any releases of dielectric fluid within a defined area. However, secondary containment is impractical for some transformers because of the inaccessibility of the specific installation. The EEI/USWAG study estimated the cost to provide secondary containment of all utility-owned PCB Transformers would be between $417 million and $722 million. These estimates are based on the assumptions that the secondary containment devices would be rapidly built and that 50 percent of all transformers are already pad-mounted. These estimates are not discounted. Using its own estimates of the average remaining life of transformers, and discounting (using a three percent real rate) the costs of inspection, EPA estimates the cost of secondary containment of all utility-owned PCB Transformers in the Regulatory Impact Analysis to be between $410 and $618 million.

Retrofilling and secondary containment reduce the risks associated with the use of PCB-containing transformers. Retrofilled transformers reduce potential exposure risks because the PCB concentration of the dielectric fluid has been reduced. Secondary containment reduces the potential that PCBs released from a transformer will escape containment. However, the Regulatory Impact Analysis shows that the cost to retrofill all transformers exceeds the cost to immediately replace all of the transformers, and the option of secondary containment has very small positive benefits.

c. Inspection and Maintenance. The February 12, 1981, court order requires certain inspection and maintenance procedures for all PCB Transformers. In order to reduce the risks associated with the release of PCBs from PCB Transformers, this proposed rule considers similar inspection and maintenance procedures as a condition to the use authorization for this equipment.

Transformer leaks can grow over time because the PCB dielectric fluid causes gaskets to deteriorate. The longer a leak goes undetected, the worse it may become. EPA believes that a program of inspection and maintenance for PCB Transformers reduces the amount of PCBs released and PCB exposure by finding and stopping small leaks before they get larger. An inspection program also keeps company personnel informed and alert to the potential impact of PCBs discharged from electrical equipment so that they are more sensitive to observing leaks during their daily activities. Over 40 percent of the comments that were submitted in response to the ANPR either recommend making the requirements of the Interim Measures Program permanent, or find some benefit from such a program. No comments suggested that there is no benefit from the Interim Measures Program.

EPA is not aware of any data which relates the frequency of an inspection program to a specific reduction in releases of PCBs. However, although it is difficult to measure the exact amount of PCBs an inspection program will prevent form release to the environment, such programs do reduce exposures to PCBs with little additional costs. An inspection frequency of once every three months has been demonstrated to be practical and useful for PCB Transformers under the Interim Measures Program. Most comments in response to the ANPR have indicated that a quarterly inspection frequency is reasonable. EPA believes that a quarterly inspection frequency is appropriate for PCB Transformers because the EEI/USWAG study shows that they leak. The EEI/USWAG study estimates the cost to utilities of a quarterly inspection program for transformers designed to contain PCBs to be $32 million over the useful life of

the transformers. This figure is not discounted and assumes a 20-year average remaining life for all transformers. EPA believes, based on a distribution of transformer ages related to sales of equipment, the correct average remaining useful life is 12 years. Using this figure and discounting with a 3 percent real rate, EPA estimates this cost to be $14 million. These estimates are discussed further in the Regulatory Impact Analysis. Therefore, the average annual costs of a utility inspection and maintenance program is estimated by USWAG and the Regulatory Impact Analysis to be about $1.6 million and $1.2 million, respectively. The cost estimate would be increased by approximately a factor of three to about $4 million when nonutility transformers are included. EPA believes that since an equivalent inspection program is already underway under the Interim Measures Program, the incremental costs of the proposed inspection program will be less than those estimated.

For all utility-owned mineral oil equipment containing at least 50 ppm PCBs including transformers the EEI/USWAG study estimates that the annual cost of a quarterly inspection program is approximately $100 million. However, this study also estimates that it would cost an additional $6.4 billion to identify the individual pieces of electrical equipment that contain PCBs. The EEI/USWAG study indicates that the PCBs in over 20 million mineral oil transformers represent only 0.35 percent of the PCBs in all utility-owned transformers. Therefore, an inspection program for mineral oil transformers would be much less effective at preventing releases of PCBs than would an identical program for PCB Transformers.

d. Servicing Restrictions. In general, if a transformer fails electrically, it can be rebuilt. Rebuilding is an open process that involves draining the transformer, removing and disassembling the core, reworking the coil or winding a new coil, reassembling the core, and refilling the transformer with new fluid.

If the transformer is a PCB Transformer, the shop personnel can be exposed to PCBs during rebuilding because the inner parts of the transformer are saturated with PCBs. For this reason, the May 31, 1979 rule prohibits any servicing of PCB Transformers that requires the removal of the transformer coil from the casing (40 CFR 761.31(a)(3)).

The existing rule also contains restrictions on the types of dielectric fluid that may be added to oil-filled transformers to insure that their level of PCB contamination is not increased (40 CFR 761.31(a) (1) and (2)).

EPA believes that the current servicing restrictions are appropriate and necessary measures to prevent further PCB contamination of transformers during servicing activities and to reduce the exposure risks to servicing personnel. EPA also considered whether additional servicing restrictions were needed to prevent an unreasonable risk, but no additional servicing restrictions that might be reasonably cost-effective in further reducing risk have been identified. An analysis of existing servicing restrictions is found in the preamble and support documents to the May 31, 1979 PCB rule.

4. Findings on the Use and Servicing of Transformers

In view of the analysis above, EPA proposes to authorize the use of PCBs in PCB Transformers indefinitely. Since rebuilding of PCB Transformers is prohibited, the remaining service life of these transformers is limited. This use is subject to the condition that PCB Transformers receive a quarterly inspection for leaks of dielectric fluid. EPA also proposes to authorize the use of PCBs in mineral oil transformers indefinitely. Both of these uses are subject to existing servicing conditions. The specific use and servicing restrictions are set forth in this notice under 761.31(a) of the proposed language amending the PCB rule.

EPA is proposing no additional servicing restrictions for PCB-containing transformers. After reviewing the existing servicing conditions EPA could not identify any additional servicing restrictions that are reasonably cost effective in further reducing the risks associated with this activity.

EPA believes that authorizing the use of PCB transformers and mineral oil transformers containing PCBs with the proposed conditions does not present an unreasonable risk for the following reasons:

a. If EPA did not authorize the use of PCBs in transformers, it would cost the public and U.S. industry billions of dollars, primarily as a result of the disruption of electrical service. The resulting reduction in risk would not outweigh these substantial costs.

b. The proposed inspection and maintenance program reasonably reduces the exposure risks associated with the use of PCBs in these PCB Transformers, and the servicing conditions prevent further PCB contamination of the transformers. These measures are much less costly than a ban on the use of PCBs in transformers would be.

c. Releases of PCBs to the environment and exposure to humans and biological organisms from mineral oil transformers is expected to be very small. The EEI/USWAG study indicates that these transformers contain 0.35 percent of all the pounds of PCBs used in utility-owned transformers.

d. The costs associated with an accelerated phase-out or requirements to retrofill or contain in-service transformers are not reasonable when compared to the potential reduction in release of PCBs that they would achieve.

That is not to say that secondary containment or retrofilling are not effective means of limiting exposure and releases of PCBs in most cases. In fact these measures have a positive effect on limiting exposure and releases of PCBs from transformers. However, from EPA's initial analysis it appears that authorizing the use of transformers either with a requirement to provide secondary containment or with a requirement to retrofill would not result in net benefits (i.e., on *average*, equipment replacement would be preferred for economic reasons, although it might be preferrable to contain or retrofill individual newer units if their age was known). The calculations supporting this conclusion are found in the Regulatory Impact Analysis.

Some industries have already initiated efforts to contain or retrofill PCB Transformers because of benefits in their specific cases. Therefore, to recognize the positive effect those actions have in reducing risks from PCB Transformers, this proposed rule provides for less frequent inspections for those PCB Transformers. For a PCB Transformer with secondary containment capacity of at least 100 percent of the transformer's total dielectric fluid volume, or a PCB Transformer which contains less than 60,000 ppm (6 percent) PCBs, a visual inspection is required only once every 12 months. Secondary containment of at least 100 percent of the transformer's total dielectric fluid volume will contain virtually all releases of PCBs from the transformer. Retrofilling a transformer reduces the amount of PCBs in a transformer by a factor of between 10 and 15, leaving a residual PCB concentration of between 30,000 and 80,000 ppm. EPA believes that, for transformers with these kinds of reduced risks, it is reasonable to inspect no more often than once per year. For the retrofilling option, EPA chose a 60,000 ppm PCB concentration cutoff because it has been shown to be an

achievable concentration after one carefully conducted retrofill.

The inspection required of a PCB Transformer by this proposed rule is a simple visual inspection for leaks of dielectric fluid on or around the transformer. The extent of a visual inspection will depend on the physical constraints of each transformer installation. No visual inspection should require an electrical shutdown of the transformer being inspected. Data on leakage in the EEI/USWAG study, taken from the Interim Measures Program, suggests that this type of inspection is effective in detecting leaks.

Follow-up maintenance activities to repair a leak are only required if corrective action is necessary to stop the leak. EPA recognizes that some small leaks of dielectric fluid are inherent to the operation of a transformer and repairs are not always required to stop a leak. A leak of dielectric fluid which has run off or is about to run off the external surface of the transformer clearly needs repair to prevent further leaking. A leak of dielectric fluid which does not form a run or drip, i.e. a sweat or a weep, and does not require repair to prevent further leaking, only requires proper cleanup. All leaks must be cleaned up within 48 hours and the PCB contaminated materials properly disposed of in a timely fashion. If dielectric fluid is actively leaking, the leak must be contained to prevent the PCBs from entering the environment and inspected daily to verify that the leak is being contained until the leak is corrected.

Recordkeeping requirements are proposed which indicate each PCB Transformer's inspection and maintenance history. These requirements will assist companies in the operation of their inspection and maintenance program and help management determine that the company is meeting the conditions of the use authorization. Standardizing these requirements aids EPA in assuring compliance with the rule. These records must be maintained for at least 5 years after disposing of the transformer. This time period provides a sufficient history for EPA to monitor compliance with a reasonable interval between compliance inspections. Because reporting requirements for PCB spills of at least 10 pounds are mandated under the Clean Water Act, for discharges to navigable waters, and under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) for discharges to other media, this rule does not propose any reporting requirements.

D. USE OF CAPACITORS

Capacitors are also used extensively by electric utilities and other industries. Large PCB capacitors are commonly used to improve the voltage and power factor of the electric power system. Virtually all capacitors manufactured prior to 1978 were filled with PCBs at a concentration near 100 percent. Capacitors manufactured after 1978 did not use PCB dielectric fluid.

1. Magnitude of Exposure

Based on inspections of equipment in substations, the EEI/USWAG study estimates that 2.3. percent of large PCB Capacitors develop "small" leaks and 0.77 percent develop "moderate" leaks, on an annual basis. The study uses electric utility records of PCB spills to estimate that 0.09 percent of large PCB Capacitors will annually develop a releases of PCBs that results in a contamination of 50 ppm or greater PCB in soil, gravel, fill, rubble, or other types of land, or any release of PCBs into water. From these data the study estimates that 369,251 pounds of PCBs may be expected to leak annually from utility-owned large PCB Capacitors. EPA extrapolates from these data and estimates that approximately 70,000 pounds of PCBs may be expected to leak from nonutility owned large PCB Capacitors.

Large PCB Capacitors are located within fenced electrical substations, within buildings, and on poles throughout the service areas of electric utilities. Because of this geographic distribution, these capacitiors have the potential for exposing humans and the environment during their use.

2. Benefits of PCBs and Availability of Substitutes

The electrical properties of PCBs are so well suited as a dielectric fluid for capacitors that no other fluids were commonly used in capacitors prior to 1978. Since 1978, electric utilities and other industries have been installing non-PCB Capacitors with no apparent replacement or operational problems.

At current production levels, the EEI/USWAG study estimates that it would require 16.8 years for capacitor manufacturers to produce replacements for all Large High Voltage PCB Capacitors. With moderate changes in production, which would be expected in response to an accelerated phase-out under normal market conditions, the study estimates that production would increase by 50 percent and replacements could be produced within 8.4 years.

3. Economic and Environmental Impacts of Regulatory Options

The options EPA considered to reduce the risks from the use of PCBs in capacitors included: secondary containment requirements, accelerated phase-out requirements, and inspection and maintenance procedures. Retrofilling is not possible for capacitors. EPA also considered the option of authorizing capacitors for thirty years with no risk reducing conditions. A thirty-year authorization is tantamount to an unlimited authorization because no PCB capacitors were manufactured after 1978, and they have an expected life of 20–25 years. A more complete discussion of the costs and benefits associated with these alternatives is presented in the Regulatory Impact Analysis prepared for this rulemaking.

a. Secondary Containment. EPA considered secondary containment as a risk reduction measure for large PCB Capacitors. However, of all alternatives considered, an authorization with a requirement to provide secondary containment results in the lowest economic benefits. The calculation supporting this conclusion is contained in the Regulatory Impact Analysis.

Furthermore, because 65 percent of fluid spills from large PCB Capacitors are estimated to be the result of equipment ruptures, which can easily splatter fluid outside any containment area, EPA believes that secondary containment is limited in effectiveness. In addition, secondary containment may not be physically practical for some large PCB Capacitor installations.

b. Accelerated Phase-Out. EPA's evaluation of accelerated phase-out for large PCB Capacitors included consideration of current disposal and manufacturing capacity, and the cost and benefits of phase-out. The EEI/USWAG study estimated that it would require between 8.4 and 16.8 years for capacitor manufacturers to produce replacements for these units. With current incineration capacity remaining the same, the EEI/USWAG study estimates that it would require 19 years to incinerate existing PCB Capacitors owned by the electric utility industry. As with transformers, these periods would decrease with increases in approved disposal capacity. In the fall of 1981, the two currently approved land-based PCB incinerators performed tests to demonstrate their abilities to dispose of PCB Capacitors. On the basis of these tests, EPA expects that, by the effective date of this rule, these two incinerators could be disposing of PCB

Capacitors at a combined rate of approximately 5000 pounds per hour. Using this disposal rate and the same method of calculation employed in the EEI/USWAG study, it would require less than three years to incinerate all existing PCB Capacitors.

The EEI/USWAG study estimates the total discounted cost to phase out large PCB Capacitors in 10 years to be $622 million and in 20 years to be $277 million. EPA's Regulatory Impact Analysis estimates these costs to be $259 million for a 10-year phase-out and $17 million for a 20-year phase-out. As is the case for transformer phase-out, the reason for these differences is the methodology used to measure the costs. Including nonutility capacitors increases all cost estimates by about 18 percent.

In considering the effectiveness of a required phase-out for PCB Capacitors, EPA has compared the economic benefit of authorizing the use of these capacitors over various periods of time to the quantity of PCBs estimated to be released through leakage during that time. The economic benefit was calculated to be the benefit of delaying replacement and disposal costs, using the methodology described under "Accelerated Phase-Out" in the discussion of the regulatory options for transformers. The pounds of PCBs released were derived from leakage rates contained in the EEI/USWAG study. EPA then calculated the cost effectiveness ratio of each phase-out period evaluated by dividing the benefits of the authorization by the pounds of PCBs released. EPA calculated that the cost effectiveness of authorizations with accelerated phase-out were: $166 per pound of PCB released for a ten-year phase-out, $154 per pound for a twenty-year phase-out, and $152 per pound for a thirty-year phase-out. Additional details concerning this analysis are contained in Regulatory Impact Analysis.

The advantages of removing large PCB Capacitors from service before the end of their useful lives include the prevention of PCB exposure to humans and the environment, and the avoidance of cleanup costs that result from releases of PCBs during the use of this equipment. PCB Capacitors contain the largest concentration of PCBs, and release the largest amount of PCBs annually of any electrical equipment. In most cases, large PCB Capacitors are only replaced after they have failed. This failure can be associated with leaks or spills of PCBs. Certain failures, such as case ruptures and leaks, are of particular concern because they can spread PCBs over a wide area around the capacitor. The EEI/USWAG study reported that about 63% of the PCB Capacitors involved in spills suffered ruptures of the casings. These PCB Capacitor failures can release large quantities of PCBs directly in to the environment since each capacitor contains about 25 pounds of PCBs. Over the useful lifetime of PCB Capacitors this could result in releasing about 5.9 million pounds of PCBs in the environment. Although the inspection and maintenance program that is discussed later would probably provide some control over the potential for human and environmental exposure to PCBs from these capacitors, the only way to completely prevent significant releases from leakage and ruptures associated with the future use of PCB Capacitors is to replace them. In recognition of the hazard posed by PCB Capacitors, the potential financial burden associated with cleaning up leaks and ruptures, and other company specific benefits, several major utility companies have begun programs of accelerated phase-out. Typical phase-out periods range from three to eight years.

c. Inspection and Maintenance. The inspection procedures of the Interim Measures Program do not include requirements for PCB Capacitors. The Interim Measures Program was developed with the understanding that small leaks of dielectric fluid cause immediate failure or electrical isolation of a capacitor. Failed capacitors cease to function electrically and are no longer subjected to the stresses which occur during use and which can cause leakage. Therefore, it was the Agency's understanding that all capacitors that have small leaks have already failed electrically and are therefore unlikely to develop additional leakage. However, data from the EEI/USWAG study indicate that small leaks of dielectric fluid from capacitors can occur without causing immediate failure of the equipment. Therefore, an inspection program for leaks of dielectric fluid should be effective in locating some potentially defective capacitors before the capacitor fails and/or releases more PCB dielectric fluid. An inspection program would also locate and speed replacement of capacitors whose electrical failure would otherwise go undetected for a longer period of time and would hasten the cleanup of PCBs that have spilled, thereby reducing human and environmental exposure.

A program of inspection and maintenance is relatively inexpensive for large PCB Capacitors, but its effectiveness in preventing major leaks and spills is questionable because, unlike the case of transformers, inspections of capacitors do not always provide warning of impending leaks. This is especially of concern to EPA because the EEI/USWAG study estimates 63.2 percent of spills result from case ruptures which normally occur without any warning.

While some large leaks that begin as small leaks may be prevented, the primary benefit of an inspection program is to allow for early detection of spills, thus leading to earlier clean up. However, it appears that the range of in effectiveness of clean-ups is likely to be wide. In some cases, cleanup may significantly reduce the potential for human and environmental exposure. For example, if a capacitor located over a field ruptured, the soil could be removed until no detectable PCBs remained. The contaminated soil would then be disposed of in an EPA-approved landfill. In this case, the cleanup would be very effective. However, if a capacitor located over a body of water ruptured, cleanup would probably be impossible.

The EEI/USWAG study estimates that quarterly inspections of utility-owned large PCB Capacitors over the useful life of the equipment would cost $168 million. Because of differences in assumptions about the amount of remaining useful life, inspection costs, and the discount rate, the Regulatory Impact Analysis estimates this cost to be $94 million. Since the average remaining life of a PCB Capacitor is considered to be 15 years by EEI, and 12 years by the EPA analysis, the average annual costs of quarterly inspections are estimated to be $11.2 million by EEI and $7.8 million by EPA.

EPA believes that these costs estimates would be reduced if they were calculated on an incremental basis, considering that a certain amount of utility-owned equipment is already being inspected. The EEI/USWAG study indicates that approximately 78 percent of the utilities sampled in the study routinely give these capacitors a visual inspection at least annually, and 31 percent inspect capacitors on a monthly or more frequent basis. EPA believes that the utility industry conducts these inspections to maintain the efficiency of its system since the primary purpose of capacitors is improving the efficiency of electric power transmission, and utilities usually cannot detect a capacitor failure without inspecting it. Because 31 percent of the utilities already inspect their capacitors monthly, the actual economic impact of a required quarterly inspection would be no more than $40 million. The annual cost of quarterly

inspections should be no more than $3.3 million, assuming an average useful life of capacitors of 12 years. All costs in this section would increase by 18 percent if nonutility capacitors are included.

4. Findings on the Use of Capacitors

Based on the risks and benefits discussed, EPA proposes to authorize the use of PCBs in capacitors, with conditions EPA believes are necessary to reduce the risks associated with the large quantities of PCBs that are released from large capacitors during their use. A ten-year phase-out is proposed. If large PCB Capacitors were phased out in 10 years, these capacitors would be a minimum of 14 years old and would have served most of their useful service lives.

Although EPA has not received any data which correlate the age of a capacitor with either the failure rate or the quantity of PCBs released upon failure, EPA is concerned that age and the stresses which can occur at failure influence the volume of PCB leaks and spills. EPA requests comments on these concerns, especially data which would document the effects that equipment age has on equipment failure rate and on the quantity of dielectric fluid released from large PCB Capacitors.

If all large PCB Capacitors are allowed to remain in service until they fail, there would be substantial costs associated with cleanup of spills and leaks. By phasing these capacitors out in 10 years, the companies avoid much of this cost. The EEI/USWAG study did not provide specific information concerning the costs of cleanup, but a report from Northeast Utilities Service Company estimated the average cost to clean up the spill from a ruptured capacitor to be $1000. Using an average cleanup cost of $1000 per capacitor (this amount could run much higher if the spill contaminated a lot of soil or other materials), and including nonutility capacitors, the costs of cleanups resulting from a 30-year authorization are estimated to be $96 million more than the costs of cleanups associated with a 10-year authorization. Based on these costs, the ten-year phase-out could reduce total released by about 2.3 million pounds at a net cost of about $208 million. The incremental cost of a ten-year phase-out would be about $90 per pound of PCBs prevented from being released. EPA believes that this cost is reasonable, given the large quantity of PCB release that would be avoided.

EPA's cost estimates assume that there will be no transition costs resulting from the replacement of capacitors within ten years other than those costs associated with early equipment replacement and PCB disposal at current market prices. Because of its tight rulemaking schedule, EPA has not yet had time to investigate, for this proposal, whether markets will be disrupted due to limited availability of equipment, or other factors, for the accelerated replacement. Nor has the Agency been able to examine the distributional impacts associated with the additional cost of phase-out including the impacts on utility financing, returns, electricity costs, and the impacts on firms other than utilities. The Agency requests comments on these and other consequences of the phase-out. The Agency intends to investigate these considerations, based on comments received on the proposal and continuing contractor analysis, prior to promulgating a final rule. Should these analyses reveal large, unanticipated impacts, the agency may conclude that the costs of the ten-year phase-out, are unreasonable and adjust or eliminate the requirement.

EPA also proposes that until large PCB Capacitors are properly disposed of, they must be inspected for leaks of dielectric fluid on a quarterly basis. EPA believes that, although its effectiveness is limited compared to phase-out, this program will prevent some capacitors from releasing PCBs while in use or stored for reuse and will speed the detection and cleanup of some PCB releases which have already occurred.

EPA seeks comments on the relative effectiveness of inspection and maintainance and phase-out, as well as the relative costs.

EPA finds that authorizing the use of PCBs in capacitors, with the proposed conditions does not present an unreasonable risk for the following reasons:

a. The use of PCBs in capacitors for the period specified would avoid disruption of electrical service and would save billions of dollars.

b. The inspection and maintenance program provides some comparatively inexpensive protection to the environment while the PCB Capacitors are in use. The 10-year phase-out should prevent about 2.3 million pounds of PCBs from entering the environment and thus potentially entering the food chain.

c. The cost of the inspection program is very small and reasonable in light of the alternatives and the potential risk reduction it affords.

d. The cost of 10 year phase-out is reasonable when compared to the large amount of PCBs it prevents from entering the environment ($90 per pound).

The inspection of a large PCB Capacitor is a simple visual inspection for leaks of dielectric fluid on or around the capacitor. The extent of a visual inspection will depend on the physical constaints of each capacitor installation. No visual inspection should require an electrical shutdown of the capacitor being inspected or require that a distribution (telephone) pole be climbed to conduct an inspection.

Follow-up maintenance/replacement activities are required for any capacitor found to have a leak of dielectric fluid in any quantity. Any leak of dielectric fluid from a capacitor indicates that a breakdown in the dielectric fluid has occurred and more leaking and/or failure is forthcoming. This proposed rule requires that leaking capacitors be replaced and any PCBs released from the capacitor be cleaned up.

Recordkeeping is required of each large PCB Capacitor's inspection/replacement history to insure compliance with the conditions of the use authorizations. These records must be maintained at least 5 years after disposing of the capacitor. Recordkeeping for capacitors is needed for the same reasons as described for transformers. No reporting requirements are proposed since reporting requirements for PCB spills of 10 pounds or more are mandated under the Clean Water Act, for discharges to navigable waters, and under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) for discharges to other media.

5. Small Capacitors

Small PCB Capacitors contain less than 3 pounds of dielectric fluid. These capacitors commonly contain between 0.1 and 0.6 pounds of PCBs and are used in fluorescent light ballasts, household applicances, and industrial equipment. In most applications, the equipment containing the small capacitor in its circuitry cannot function without it. In 1976, an EPA study estimated that 870 million small capacitors, containing 162 million pounds of PCBs, were in use in a wide variety of industrial machines and household appliances. EPA is not aware of any information which indicates that these capacitors have a different propensity to leak than other electrical equipment. Because of the widespread and scattered nature of their use and the small amount of PCBs contained within each individual small capacitor, all regulatory approaches targeted at controlling releases from these capacitors are very expensive when compared to the potential quantity of

PCBs kept from the environment. Consequently, EPA has not identified a reasonably cost-effective regulatory alternative that would result in significantly reducing the risks associated with the remaining small PCB Capacitors in service. Therefore, EPA is not proposing any restrictions regarding the use of PCBs in small capacitors. However, EPA retains its position of encouraging commercial and industrial firms that use the dispose of large quanitities of small PCB Capacitors to establish voluntarily a collection and disposal program that results in waste capacitors being disposed of in an EPA-approved incinerator or chemical waste landfill.

EPA finds that the use of small capacitors containing PCBs is not unreasonable because their use provides society with the benefits from the use of millions of industrial machines and consumer products, it avoids the billions of dollars in cost of replacing these devices, and because there appear to be no practical risk reduction measures available.

E. HUMAN FOOD ANIMAL FEED

The February 12, 1981, court order requires special inspection procedures for transformers which are in a location that pose a risk of PCB exposure to human food or animal feed. This exposure risk is presumed to exist in any facility manufacturing, processing, packaging, or holding human food or animal feed, or in any federally inspected meat, poultry product or egg product establishment. The presumption does not apply to retail establishments such as grocery stores and restaurants.

Any leakage from such transformers has the potential to cause severe harm. One incident, involving a single PCB Transformer, occurred at a plant manufacturing animal feed ingredients. The contaminated feed was fed to poultry and livestock resulting in hundreds of millions of dollars of damages. Implicated food and feed products were distributed to nineteen states and two foreign countries.

EPA is considering requiring special risk reduction measures for PCB Transformers and large PCB Capacitors posing an exposure risk to food or feed products. Among the options EPA is considering for PCB Transformers and large PCB Capacitors posing an exposure risk to food or feed products are: An increased inspection frequency, a requirement to provide secondary containment, a requirement to accelerate the phase-out of PCB Transformers, a requirement to accelerate the phase-out of large PCB Capacitors at a faster rate than other large PCB Capacitors, and a requirement to reduce the PCB concentration of the PCB Transformers to less than six percent.

1. Inspection

A 1980 study by Putnam, Hayes, and Bartlett (PHB) estimated that the food and animal feed industry owned seven percent of the PCB Transformers and large PCB Capacitors in use. Not all of these actually pose an exposure risk to food or animal feed products because some unknown fraction of them are located so that contamination of the products is physically impossible. EPA is considering requiring more frequent inspections only for those PCB Transfomers and large Capacitors for which food or feed contamination is a physical possibility.

Even though not all transformers and capacitors pose an exposure risk to food or feed, EPA calculated the cost of an inspection program based on the total number of these units in food and feed facilities. This method will result in an overestimation of these costs. EPA estimated that the maximum total cost of weekly inspection over the remaining useful lives of PCB Transformers and large Capacitors posing an exposure risk to food or feed would be $158 million. This cost will be spread unevenly over time because there will be less equipment to inspect each year due to attrition.

The Interim Measures Program required the weekly inspection of PCB Transformers and PCB-Contaminated Transformers posing an exposure risk to food or feed products. Several persons submitting comments on the ANPR suggested making this weekly inspection a permanent requirement for PCB Transformers but suggested not including inspection of PCB-Contaminated Transformers because of their lower PCB concentration and associated lower potential for exposure. EPA agrees with this comment. Because large PCB Capacitors also have a very high PCB concentration, EPA is proposing to require weekly inspection of PCB Transformers and large PCB Capacitors posing an exposure risk to food and feed products. EPA believes that PCB Capacitors in food and feed establishments should be inspected at the same frequency as PCB Transformers because this equipment poses similar if not increased risks of exposure and such equipment is usually located in the same general physical area. EPA solicits comments on the effectiveness of this inspection frequency.

The food contamination incident previously described which involved a single PCB Transformer demonstrates that the cost to society of a PCB spill affecting food or feed can be more than one million dollars per pound of PCBs spilled. Therefore, only a very small reduction in PCB leakage is needed for inspection to be a cost effective measure in food and feed facilities. The Regulatory Impact Anaylsis contains an examination of the cost effectiveness of an inspection program, expressed as a percentage reduction in volume of PCBs spilled.

2. Accelerated Phase-Out

In considering an accelerated phase-out for PCB Transformers and Capacitors posing an exposure risk to food and animal feed, EPA considered current disposal and manufacturing capacity and the costs and benefits of phase-out. For reasons discussed earlier, EPA does not believe that disposal or manufacturing capacity would present limitations for phase-out periods as short as one year for PCB Transformers and large Capacitors posing an exposure risk to food or feed products.

The 1980 PHB study estimated the impact of replacing all PCB Transformers in food and feed facilities to be $123 million and the impact of replacing all large PCB Capacitors to be $209 million. These estimates do not include consideration of the savings from avoided cleanup and disposal costs that are associated with an accelerated phase-out. As discussed earlier, these costs can exceed several hundred million dollars in a food or feed facility.

3. Findings on the Use of PCBs Posing an Exposure Risk to Food and Feed

After considering all of these factors EPA proposes an increased inspection frequency for all PCB Transformers and PCB Capacitors that pose an exposure risk to food or feed products. These proposed restrictions appear as conditions to the use authorizations for this electrical equipment (40 CFR 761.31(a) and (1)). EPA finds that a weekly inspection frequency is not unreasonable primarily because of the large exposure risks associated with the use of PCB Transformers and Large PCB Capacitors near food and feed products. EPA is not proposing any requirements at this time for mineral oil-filled electrical equipment posing an exposure risk to food and feed products since most of this equipment is not used in food and feed facilities and in most cases contains very little PCBs.

EPA solicits comments on whether any of these risk reducing measures or some combination of them should be issued as regulations. Comments are

specially solicited concerning the following: a definition of when transformers and capacitors pose an exposure risk to food and feed, the costs and benefits of each of these options, an appropriate inspection frequency, and an appropriate length of time for phase-out.

In this notice EPA is not proposing to require accelerated phase-out of PCB Transformers in food or feed facilities or the phase-out of PCB Capacitors in these facilities at a faster rate than EPA is proposing for capacitors in other locations. However, because of the potential for accidents which could contaminate large quantities of food and animal feed, EPA is seriously considering such risk reduction measures for adoption in the final rule. EPA requests comments on the effectiveness and impact of accelerated phase-out requirements for PCB-containing electrical equipment in these facilities.

EPA is consulting with the Food and Drug Administration and the U.S. Department of Agriculture concerning whether special measures for PCB-containing electrical equipment should be required.

F. USE AND SERVICING OF VOLTAGE REGULATORS, SWITCH/ SECTIONALIZERS, ELECTROMAGNETS, AND CABLE

Voltage regulators, switches/ sectionalizers, and cable are used by electric utilities and industry to efficiently transmit and distribute electric power. The EEI/USWAG study described all of this electrical equipment as mineral oil-filled and not designed to contain PCB dielectric fluid. Electromagnets are primarily used over conveyor belts to remove iron from non-magnetic commodities and are not commonly used by the electric utility industry. Electromagnets designed to contain PCBs are used in areas such as coal mines, coal preparation plants, and coal-fired generating stations.

1. Magnitude of Exposure

The total pounds of PCBs in oil-filled voltage regulators, switches, cable, and electromagnets represent less than 0.01 percent of the total PCBs in-service in electrical equipment. The EEI/USWAG study estimates that the annual leakage of oil-filled voltage regulators and switches would amount to a release of 84.63 pounds of PCBs per year, but had insufficient data to estimate the annual leakage rates of oil-filled cable and electromagnets.

Leaks of dielectric fluid from oil-filled electrical equipment have the potential for exposing humans or the environment to low concentrations (parts per million) of PCBs, because some of this equipment is used in the nation's electrical distribution system which is located near consumers of electric power. In addition, releases of PCBs anywhere in the environment have the potential to reach aquatic systems, build up in the food chain, and ultimately result in human exposure. Leaks of PCBs from eletromagnets used in coal-handling systems, however, present negligible risks since the coal in these systems is handled automatically and eventually is burned in combustion devices capable of destroying PCBs.

2. Benefits of PCBs and Availability of Substitutes

The PCBs in almost all of this electrical equipment serve no specific purpose since the PCBs are in such small concentrations and are the result of inadvertent servicing and manufacturing activities. For this equipment, the PCBs provide no significant benefits. For any equipment designed to contain PCBs, the use of PCBs in the equipment provides the same safeguards against fire hazards as that described for transformers.

Substitutes for the mineral oil equipment containing PCBs include replacement with equipment that does not contain PCBs or processing the existing equipment to reduce PCB concentrations. The EEI/USWAG study estimates that replacement equipment and replacement dielectric fluid could be produced in as little as three years.

3. Economic and Environmental Impacts of Regulatory Options

EPA considered whether risk reduction measures were reasonable requirements for this electrical equipment. EPA considered measures including accelerated phase-out requirements, retrofilling requirements, secondary containment requirements, and inspection and maintenance requirements. These risk reduction measures carry costs and benefits that are similar to those discussed for mineral oil transformers. As is the case for mineral oil transformers, all risk reducing measures considered were very costly. The benefits of these measures ranged from eliminating the risks through phase-out to reducing the risks in other ways.

The PCB concentration in this electrical equipment varies, and the EEI/USWAG study estimates testing costs to be $303 per sample. EPA has not identified a risk reduction measure which avoids the cost of testing most of the equipment to determine its PCB concentration and does not require that all of this equipment be assumed to contain a PCB concentration subject to regulation. The small amount of PCBs contained within the oil-filled equipment and the even smaller amounts that are released from this equipment make any risk reduction measure very costly per pound of PCBs prevented from release.

EPA also considered servicing conditions for this use authorization. There are two general categories of servicing electrical equipment: Routine servicing and rebuilding. Routine servicing includes testing the dielectric fluid, filtering the fluid, and replacing gaskets. Routine servicing often requires the removal of some dielectric fluid. Although, these activities result in some human and environmental exposure, the exposure is normally limited to small quantities of PCB. Good management practices and protective clothing further reduce exposure to PCB. Routine servicing reduces the chances of catastrophic equipment failure from inadequate maintenance and also reduces the amount ot dielectric fluid released from leaking equipment.

Rebuilding involves draining the equipment; removing, disassembling, and, reworking internal parts; and refilling the equipment with new fluid. The inner parts of PCB-containing electrical equipment are saturated with PCBs, leading to much greater human and environmental exposure during rebuliding than routine servicing. Rebuilding a piece of electrical equipment can extend the useful service life of the equipment.

4. Findings on the Use and Servicing of This Electrical Equipment

EPA proposes to authorize the continued use of PCBs in voltage regulators, switches/sectionalizers, cable, and electromagnets indefinitely with no use restrictions. However, EPA proposes conditions for servicing activities in order to prevent this equipment from being further contaminated with PCBs and to reduce PCB exposure of servicing personnel and the environment during these activities. The proposed servicing restrictions are the same as the restrictions previously described and currently applicable to PCB-containing transformers and electromagnets (40 CFR 761.31 (a) and (h)) of the May 31, 1979 PCB rule.

The existing authorization for servicing transformers (40 CFR 761.31(a)) allows routine servicing of all PCB-containing transformers and rebuilding of those transformers that

contain less than 500 ppm PCB. This proposed use authorization contains similar conditions. Routine servicing will result in minimal exposures to PCBs and will lower the chance of catastrophic failure of the equipment and the associated exposure to PCBs. This use authorization prohibits any servicing, including rebuilding, that involves removing and reworking the internal components of electrical equipment containing PCBs at a concentration of 500 ppm or greater. Servicing such as rebuilding this electrical equipment substantially increases PCB exposure. Considering the PCB exposure that would result if such servicing were permitted, EPA believes that the impact of prohibiting such servicing is justified.

EPA finds that authorizing the use of PCBs in voltage regulators, switches/sectionalizers, cable, and electromagnets with the proposed servicing conditions does not present an unreasonable risk for the following reasons:

a. Allowing this use of PCBs to continue avoids disruption of electric service and the costs associated with a prohibition.

b. There is little PCB contamination of this oil-filled equipment and very small amounts of PCBs are expected to be released annually.

c. EPA does not believe that the cost associated with restrictions regarding the use of this equipment is justified by the small PCB exposure that would be prevented by such measures.

d. The proposed servicing restrictions will prevent easily avoidable human exposure to PCBs.

G. USE AND SERVICING OF CIRCUIT BREAKERS AND RECLOSERS

Circuit breakers and reclosers are used primarily by electric utilities to protect other equipment in the electric power system from damage caused by electrical faults. Circuit breakers and reclosers are types of oil-filled electrical equipment, generally not designed to contain PCBs. However, the EEI/USWAG study indicates that a small percentage of this electrical equipment contains PCBs resulting from past servicing and manufacturing practices.

1. Magnitude of Exposure

Although approximately 26.3 percent of all oil-filled circuit breakers can be expected to leak during an average year, this could amount to a release of only 50.88 pounds of PCBs, according to the EEI/USWAG study. The EEI/USWAG study indicates that releases of dielectric fluid from reclosers could amount to 6.64 pounds of PCBs per year. As with other oil-filled electrical equipment, leaks of dielectric fluid have the potential for exposing humans and the environment to low concentrations of PCBs because of the equipment's location in the distribution network of the electric power system.

2. Benefits of PCBs and Availability of Substitutes

Both the benefits and availability of substitutes for PCBs in circuit breakers and reclosers are the same as that discussed for other mineral oil filled equipment (voltage regulators, switches, etc.).

3. Findings on the Use and Servicing of This Electrical Equipment

EPA considered requiring risk reduction measures as conditions on the use of circuit breakers and reclosers containing PCBs. EPA considered similar measures as those previously discussed for other oil-filled electrical equipment. As with the other oil-filled equipment, EPA was unable to identify a risk reduction measure which did not include testing costs (over $106 million according to EEI/USWAG data) to identify which equipment contained PCBs or require the assumption that all the equipment contained PCBs subject to regulation. Because of the small amount of PCBs contained in this equipment and the even smaller amounts that are released from this equipment during use, any possible risk reduction measure would be very costly in comparison to the pounds of PCBs prevented from release. In addition, conditions to reduce exposure during servicing would have very little positive effect.

Because oil-filled circuit breakers and reclosers are only slightly contaminated with PCBs and only very small amounts of PCBs are released annually from this equipment, EPA proposes to authorize the continued use of PCBs in this equipment indefinitely without use restriction. EPA believes that such use restrictions are not justified by the amount of PCBs they would prevent from reaching the environment. More than 98 percent of this equipment does not contain dielectric fluid that is subject to any PCB disposal requirements. Therefore, EPA proposes only servicing conditions for this equipment to prevent further PCB contamination. EPA believes that this use authorization with the proposed conditions does not present an unreasonable risk.

V. Other Proposed Changes to the PCB Rule

A. PCB–CONTAMINATED ELECTRICAL EQUIPMENT

Although the use of PCBs in certain electrical equipment is authorized regardless of PCB concentration, the disposal requirements of the May 1979 PCB rule makes certain distinctions on the basis of PCB concentration. That is, different disposal requirements apply to PCBs at concentrations of 500 ppm or greater and at concentrations between 50 and 500 ppm. EPA proposes several modifications to its PCB rule to ensure that all oil-filled electrical equipment with similar levels of PCB contamination will be subject to the same requirements. This is appropriate because these different types of equipment use the same oil, and draining the oil from the equipment leaves the same degree of residual PCB contamination.

Because this rulemaking has identified electrical equipment containing PCBs that was not previously recognized in the PCB rule, changes are proposed to the definitions presented in the rule. The proposed rule deletes the definition of a "PCB-Contaminated Transformer" (40 CFR 761.2(z)) and substitues a definition titled "PCB-Contaminated Electrical Equipment."

"PCB-Contaminated Electrical Equipment" means any electrical equipment that contains at least 50 ppm, but less than 500 ppm PCB. Electrical equipment includes transformers, capacitors, voltage regulators, electromagnets, cable, circuit breakers, reclosers, and swithches/sectionalizers.

EPA has received data from the EEI/USWAG study regarding the PCB concentrations in different types of electrical equipment. Data from this study indicate that 12 to 14 percent of oil-filled transformers, voltage regulators, and switches contain PCB concentrations of 50 ppm or greater, but PCB concentrations greater than 500 ppm in this equipment are rare, estimated to occur in less than 2 percent of the equipment. Because the contamination was caused by unintentional manufacturing and servicing practices, it is impossible to determine for certain which pieces of equipment are contaminated without testing them all. According to the EEI/USWAG study, the cost of such testing would be $6.4 billion. Based on these data, EPA proposes that all oil-filled transformers, voltage regulators, switches, electromagnets and cable must be assumed to be PCB-Contaminated Electrical Equipment

unless the oil has been tested, or otherwise verified, and found not to contain between 50 and 500 ppm PCB. This will allow owners of this equipment to avoid the cost of testing if they choose. Data from the EEI/USWAG study on oil-filled cable was based on test results from only one company. Based on a limited sampling program, this company found no cable oil with PCB concentration in excess of 10 ppm. EPA does not believe that it is appropriate to exclude oil-filled cable from the category of PCB-Contaminated Electrical Equipment based on data from only one company. Therefore, EPA proposes that oil-filled cable must be assumed to have a PCB concentration between 50 and 500 ppm if the concentration is unknown.

The EEI/USWAG study did not contain any monitoring data on the PCB concentration in oil-filled electromagnets. Because the same kind of oil is used in electromagnets as in other types of oil-filled equipment, there is no reason to believe its PCB concentration would frequently exceed 500 ppm. Therefore, EPA proposes that oil-filled electromagnets be included in the category of PCB-Contaminated Electrical Equipment so that they must be assumed to have a PCB concentration between 50 and 500 ppm if the concentration is unknown.

Data from the EEI/USWAG study also indicate that oil-filled circuit breakers and reclosers are rarely contaminated with PCB concentrations of 50 ppm or greater, less than 2 percent. Using the EEI/USWAG data, it should cost approximately one million dollars to identify the utility-owned circuit breakers whose PCB contamination exceeds 50 ppm. Because the cost of either testing all the equipment or treating it as contaminated in excess of 50 ppm is high relative to the number of pieces of equipment that are likely to contain greater than 50 ppm, EPA is proposing that oil-filled circuit breakers and reclosers need not be classified as PCB-Contaminated Electrical Equipment if the PCB concentration is unknown.

B. CLARIFICATION OF EXISTING DEFINITIONS

This proposal changes the definitions of "Large High Voltage Capacitor" and "Large Low Voltage Capacitor" (40 CFR 761.2(d)(2) and (3) respectively) to clarify that the rule includes capacitors operating on direct current (d.c.). EPA's policy has always been to include d.c. capacitors under these definitions.

The definition of a small capacitor is that the capacitor contains less than three pounds of dielectric fluid. In the absence of nameplate information, it is sometimes very difficult to determine the weight of dielectric fluid in a capacitor. Therefore, this notice proposes to amend the definition of a small capacitor (40 CFR 761.2(d)(1)) to allow the assumption that a capacitor whose total weight is less than 4.0 kg (8.8 lbs) contains less than 1.36 kg (3 lbs) of dielectric fluid. Because some capacitors installed in equipment may be difficult to weigh, this notice proposes to allow the assumption that a capacitor whose volume is less than 1639 cubic centimeters (100 cubic inches) contains less than 1.36 kg (3 lbs) of dielectric fluid. These assumptions are based on information received from one capacitor manufacturer.

This proposal adds a comma to the definition of a PCB Article to clarify that a PCB Container is not a PCB Article.

C. DISTRIBUTION IN COMMERCE

Section 6(e)(3)(A)(ii) of TSCA prohibits the distribution in commerce of PCBs after July 1, 1979, but section 6(e)(3)(C) excludes from this ban PCBs sold before July 1, 1979, for purposes other than resale. Since almost all PCBs were sold for use before July 1, 1979, section 6(e)(3)(C) allows the distribution in commerce of almost all PCB-containing equipment, including the equipment covered by this proposal. EPA incorporated this provision into the PCB rule under 40 CFR 761.30(c)(1), coupling it with the condition that only nonleaking, intact PCB-containing equipment could be distributed in commerce. This was accomplished by requiring that, to qualify for the 6(e)(3)(C) exclusion, the distribution has to be done in a totally enclosed manner, and by finding that the distribution in commerce of intact, nonleaking PCB Transformers, PCB-Contaminated Transformers, PCB Capacitors, and PCB electromagnets is a totally enclosed activity. Intact, nonleaking equipment does not release PCBs. The distribution in commerce of such equipment must therefore be totally enclosed.

EPA included these provisions in the rule to insure that PCBs would not be released from transformers, capacitors, and electromagnets being distributed in commerce under the provisions of section 6(e)(3)(C). In order to have the same assurance for other electrical equipment containing PCBs, EPA proposes to find the distribution in commerce of only intact and nonleaking voltage regulators, circuit breakers, reclosers, switches/sectionalizers, and cable a totally enclosed activity. Coupled with 40 CFR 761.30(c)(1), this will restrict the applicability of section 6(e)(3)(C) to intact, nonleaking equipment. Persons wishing to distribute in commerce electrical equipment which is not intact and nonleaking must apply for an exemption from the ban on distribution in commerce, using the exemption procedures found in 40 CFR 750.

D. DISPOSAL REQUIREMENTS

Since this rulemaking has identified uses of PCB-containing electrical equipment not recognized in the earlier PCB regulations, changes are proposed in the disposal requirements for PCBs and PCB Items.

1. Mineral Oil Dielectric Fluid

Formerly, mineral oil dielectric fluid from PCB-Contaminated Transformers could be disposed of according to the options under 40 CFR 761.10(a)(2) of the PCB rule. Since the mineral oil contained in PCB-Contaminated Electrical Equipment is the same type of oil as that found in PCB-Contaminated Transformers, this proposed rule allows mineral oil dielectric fluid from any type of PCB-Contaminated Electrical Equipment to be disposed following the requirements of 40 CFR 761.10(a)(2). All mineral oil from transformers, electromagnets, voltage regulators, cable, and switches/sectionalizers is subject to the disposal requirements of this section, unless the oil has been tested (or otherwise verified) and found to contain less than 50 ppm PCBs. Mineral oil from oil-filled circuit breakers and reclosers may be assumed to contain less than 50 ppm PCBs if the actual concentration is unknown. The EEI/USWAG study indicates that it is rare to find a circuit breaker or recloser containing PCBs at concentrations of 50 ppm or greater and the total amount of PCBs in this equipment is small.

2. PCB Items

This proposed rule does not impose any disposal requirements on PCB-Contaminated Electrical Equipment which has been drained of all free flowing liquid under 40 CFR 761.10(b)(4). This is to insure consistency with the existing requirement for the disposal of PCB-Contaminated Transformers.

The existing rule defines a PCB Article as containing PCBs at any concentration equal to or greater than 50 ppm. The rule requires that drained PCB Articles other than transformers be disposed of in an EPA-approved incinerator or an EPA-approved chemical waste landfill. In order to make disposal requirements consistent between PCB-Contaminated Electrical Equipment and PCB Articles with PCB concentrations less than 500 ppm, this proposed rule changes the applicability

of disposal requirements for PCB Articles. Under the proposed rule, the disposal requirements for PCB Articles in 40 CFR 761.10(b)(5) would apply only to PCB Articles whose liquid contents have a PCB concentration of 500 ppm or more. The disposition of a PCB Article containing less than 500 ppm PCBs would not be regulated, once all free flowing liquid has been drained from the PCB Article.

The May 1979 rule lowered the PCB concentration cutoff below which PCB disposal was unregulated from 500 ppm to 50 ppm. In order to handle the associated tenfold increase in volume of PCB waste requiring disposal, EPA added disposal alternatives which are estimated to provide less complete destruction than can be achieved by an EPA-approved incinerator. EPA estimated that this relaxation in disposal requirements would result in only 10 additional pounds of PCBs entering the environment annually, based on an estimated 400,000 pounds of PCBs in mineral oil transformers.

EPA estimates that there are less than 200,000 pounds of PCBs contained in PCB Articles at concentrations between 50 and 500 ppm. Consequently, this proposed change in the disposal requirements will result in the release to the environment of less than five pounds of PCBs per year.

Although this rule does not require testing of mineral oil dielectric fluid for PCB concentration, some people may choose to do so. In order to reduce the costs associated with testing for PCB concentrations in mineral oil dielectric fluid, this proposed rule allows common container collection ("batch testing") of mineral oil dielectric fluid from all electrical equipment containing mineral oil eielectric fluid (see 40 CFR 761.10(g)(1)). Common container collection is permitted so that mineral oil from multiple sources can be collected and tested without requiring a separate test of each individual piece of electrical equipment to determine disposal options.

3. Spills and Leaks

In order to clarify when clean-up of PCB spills and leaks is required and how much clean-up must be done, the Agency is proposing changes in (1) the definition of "disposal" (40 CFR 761.1(h)), and (2) the spills provision of the disposal requirements (40 CFR 761.10(d)). These proposed changes make the disposal definition and spills provision consistent with the use authorizations which are also being proposed today. Like the May 31, 1979 rule, this proposal treats chemical substances and combinations of substances which have been diluted to contain less than 50 ppm PCBs as PCBs at greater concentrations.

The Agency proposes to clarify the definition of disposal by specifically including spills, leaks, and other uncontrolled discharges of PCBs. This change should alleviate the confusion the Agency has encountered in enforcing the existing rule over whether spills, leaks, and other uncontrolled discharges constitute disposal.

The May 31, 1979 rule regulates disposal of chemical substances and combinations of substances containing 50 ppm or greater PCBs. As dilution is an unacceptable form of disposal under the May 31, 1979 rule, the Agency has the authority to require that contamination from spills, leaks, and other uncontrolled discharges be cleaned up to pre-existing background levels if the source of contamination contained 50 ppm or greater PCBs prior to dilution.

The Agency will require clean-up to background levels in all cases where there is a threat of contamination to water, food, feed, and humans. Examples of such cases include spills, leaks, or other uncontrolled discharges: (1) Into water, (2) near water if runoff or erosion might contaminate the water or sediments, (3) into areas which could expose the public (e.g., schoolyards, parking lots, and residential areas), (4) into food and feed products, and (5) into food and feed production or processing areas. In certain cases the Agency will allow cleanup to levels greater than preexisting background levels. In all cases the Agency will require cleanup to levels below 50 ppm.

VI. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this amendment to the PCB rule is not a major rule as the term is defined in section 1(b) of the Executive Order.

EPA has concluded that the amendment is not "major" under the criteria of section 1(b) because the annual effect of the rule on the economy will be less than $100 million; it will not cause a major increase in costs of prices for any sector of the economy or for any geographic region; and it will not result in any significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets. In fact, this proposed rule allows uses of PCBs in electrical equipment to continue that would otherwise be prohibited by section 6(e) of TSCA. This proposed rule, if promulgated, would avoid severe disruption of electric service to the public and industry that would occur if the use were prohibited. It also greatly reduces the economic impact that would result from a requirement to replace the equipment as soon as possible. However, although this proposal is not a major rule, EPA has prepared a Regulatory Impact Analysis using the guidance in the Executive Order to the extent possible within the time constraints of the court's order.

This proposed amendment was submitted to the Office of Management and Budget (OMB) prior to publication as required by the Executive Order.

VII. Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" in connection with any rulemaking for which there is a statutory requirement that a general notice of proposed rulemaking be published. The "initial regulatory analysis" describes the effect of the proposed rule on small business entities.

Section 604(b) of the Regulatory Flexibility Act, however, provides that section 603 of the Act "shall not apply to any proposed . . . rule if the head of the Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

The effect of this proposed rule is to avoid severe disruption of electric service to industry and the public and to reduce the costs of complying with TSCA. In general, this proposed rule will reduce the burden on small businesses that would otherwise be encountered if an immediate ban on PCB-containing electrical equipment were to take effect. Numerous small businesses will benefit from this proposed rule, albeit indirectly, because they will still have electric power and utilities will not pass on to them the additional costs of complying with TSCA. Since the actual distribution of electrical equipment ownership is unknown, very rough estimates were calculated of the average impact on small utility and non-utility companies. The upper-bound estimate of the impact on the average small utility company of a ten-year phaseout of large PCB Capacitors is $24,000 per utility. This is an upper-bound estimate since a "small" utility is considered anything other than the 100 largest utilities. The upper-bound impact on the average small non-utility

business was also estimated. Since the number of firms within the smallest segment of non-utility industries was not available, the impact per firm on the bottom 30 of the largest 50 firms in an industry was estimated to be $50,000, and was used as an approximation of the impact on the average small non-utility company. Spreading out these impacts over the ten year PCB Capacitor phaseout period, the impact would be less than $2,400 per year for a small utility company, and less than $5,000 per year for a small non-utility company. For a more detailed discussion of the proposed rule's effect on small businesses, refer to Chapter 6 of the Regulatory Impact Analysis.

Since the effect of this rule avoids the economic impact associated with a disruption of electric service and based on the initial regulatory analysis which indicates that there is a net benefit from the proposed rule, I certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, an "initial regulatory flexibility analysis" is not required and will not be prepared for this rulemaking.

To further carry out the intent of the Regulatory Flexibility Act, EPA especially solicits comments from the owners of small businesses concerning the impact of this proposed rule. In this regard, EPA is sending a copy of this proposed rule to the Electrical Apparatus Service Association, Inc. (EASA), a trade association representing small businesses who handle PCB-containing electrical equipment and to the National Rural Electric Cooperative Association (NRECA), a trade association representing small electric utilities who use PCB-containing electrical equipment. EPA is also sending a copy of the proposed rule to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 *et seq.*, authorizes the Director of the OMB to review certain information collection requests by Federal agencies. EPA has determined that the proposed recordkeeping requirements set out in 40 CFR 761.31 constitute a "collection of information," as defined in 44 U.S.C. 3502(4), making these requirements subject to the terms of the PRA.

In 40 CFR 761.31(a) and (1), EPA proposes to grant authorizations for the use of PCB-containing transformers and capacitors, respectively, provided that records are kept which indicate when the equipment was inspected for leaks, whether any leaks were found, and what action it took if any leaks were found. The person is required to keep the records until 5 years after disposing of the equipment, and upon request, to make them available to EPA for inspection. EPA believes that the proposed recordkeeping requirements minimize paperwork burden and are designed to obtain only information necessary to assure that companies are complying with the rule.

If these requirements are contained in the final rule, the rule will be forwarded to the Director of OMB for review under the terms of the PRA.

IX. Official Record of Rulemaking

In accordance with the requirements of section 19(a)(3)(E) of TSCA, EPA is publishing the following list of documents, which constitute the record of this proposed rulemaking. A supplementary list or lists may be published any time on or before the date the final rule is issued. However, public comments, the transcript of the rulemaking hearing, or submissions made at the rulemaking hearing or in connection with it will not be listed because these documents are exempt from **Federal Register** listing under section 19(a)(3). A full list of these materials will be available on request by contacting the Document Control Officer (see listing under "ADDRESSES").

A. PREVIOUS RULEMAKING RECORDS

1. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions Rule" published in the **Federal Register** of May 31, 1979, (44 FR 31514).

2. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities," published in the **Federal Register** of May 9, 1980, (45 FR 30989).

B. FEDERAL REGISTER NOTICES

3. "Polychlorinated Biphenyls (PCBs); Request for Information on PCB Transformers," March 5, 1980, (45 FR 14232).

4. USEPA, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment; Court Order on Inspection and Maintenance," March 10, 1981, (46 FR 16090).

5. USEPA, "Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment," March 10, 1981, (46 FR 16096).

6. USEPA, "Polychlorinated Biphenyls (PCBs); Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities; Abeyance of Proposed Rule Amendment," May 6, 1981, (46 FR 25411).

7. USEPA, "Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment; Interim Measures Program," May 20, 1981, (46 FR 27614).

C. SUPPORT DOCUMENTS

8. USEPA, OTS, "Regulatory Impact Analysis-for the Proposed PCB-Containing Electrical Equipment Rulemaking."

D. REPORTS

9. Ecology and Environment, Inc., "Summary of the Health Effects of PCBs."

10. Edison Electric Institute and Utilities Solid Waste Activities Group, "Study of PCBs in Equipment owned by the Electric Utility Industry."

11. Rancourt, Leo R., "Capacitor Protective Schemes Investigated by Northeast Utilities."

12. USEPA, OTS, "Review of Studies on the Health Effects of PCB."

EPA will identify the complete rulemaking record on or before the date of promulgation of the final rule, as prescribed by section 19(3) of TSCA. EPA will consider for inclusion in the record additional material submitted at any time between the publication of this notice and the date the Agency identifies the final record.

X. Statutory Authority

Under section 6(e) of TSCA (15 U.S.C. 2605), the Administrator may by rule authorize the manufacture, processing, distribution in commerce or use (or any combination of such activities) of any PCBs in other than a totally enclosed manner if the Administrator finds that it will not present an unreasonable risk of injury to health or the environment. The Administrator has delegated authority to grant further PCB authorizations and to amend or modify the PCB Manufacturing, Processing, Distribution in Commerce, and Use Prohibition Rule (40 CFR Part 761), published in the **Federal Register** of May 31, 1979, (44 FR 31514) to the Assistant Administrator for Pesticides and Toxic Substances.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: April 15, 1982.

Marilyn C. Bracken,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 761 be amended as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

1. In § 761.2, paragraphs (d) (1), (2), and (3), (h), (t), and (z) are revised to read as follows:

Subpart A—General

§ 761.2 Definitions.

* * * * *

(d) * * *

(1) "Small Capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric fluid. A capacitor whose total volume is less than 1639 cubic centimeters (100 cubic inches) may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid and capacitor whose total volume is more than 3278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs.) of dielectric fluid. A capacitor whose volume is between 1639 and 3278 cubic centimeters may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs.).

(2) "Large High Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2000 volts (a.c. or d.c.) or above.

(3) "Large Low Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates below 2000 volts (a.c. or d.c.).

* * * * *

(h) "Disposal" means to intentionally or accidentially discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items.

* * * * *

(t) "PCB Article" means any manufactured article, other than a PCB Container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use functions(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commerical purpose separate from that of the PCB Article.

* * * * *

(z) "PCB-Contaminated Electrical Equipment" means any electrical equipment, including but not limited to voltage regulators, switches/sectionalizers, electromagnets, and cable, that contains 50 ppm or greater PCB, but less than 500 ppm PCB. Oil-filled electrical equipment other than circuit breakers and reclosers whose PCB concentration is unknown must be assumed to be PCB-Contaminated Electrical Equipment. (See § 761.31(a) and § 761.31(h) for provisions permitting reclassification of electrical equipment containing 500 ppm or greater PCBs to PCB-Contaminated Electrical Equipment).

* * * * *

2. In § 761.10, paragraph (b)(1)(ii) is removed and the introductory text of paragraph (a)(2), paragraph (b)(2)(i), the introductory text of paragraph (b)(2)(iii), paragraph (b)(4), (5), paragraph (d), and paragraph (g)(1) are revised and paragraph (b)(6) is added to read as follows:

Subpart B—Disposal of PCB and PCB Items

§ 761.10 Disposal requirements.

(a) * * *

(2) Mineral oil dielectric fluid from PCB-Contaminated Electrical Equipment containing a PCB concentration of 50 ppm or greater, but less than 500 ppm, must be disposed of in one of the following:

* * * * *

(b) * * *

(1) *PCB Transformers.* * * *

(ii) [Removed]

(2) *PCB Capacitors.* (i) The disposal of any capacitor shall comply with all requirements of this subpart unless it is known from label or nameplate information, manufacturer's literature, or chemical analysis that the capacitor does not contain PCBs.

* * * * *

(iii) Any PCB Large High or Low Voltage Capacitor which contains 500 ppm or greater PCBs, owned by any person, shall be disposed of in accordance with either of the following:

* * * * *

(4) *PCB-Contaminated Electrical Equipment.* PCB-Contaminated Electrical Equipment shall be disposed of by draining all free flowing liquid from the electrical equipment and disposing of the liquid in accordance with paragraph (a) (2) or (3) of this section. The disposal of the drained electrical equipment is not regulated by this rule.

(5) *Other PCB Articles.* (i) PCB Articles with a PCB concentration of 500 ppm or greater must be disposed of:

(A) In an incinerator that complies with Annex I; or

(B) In a chemical waste landfill that complies with Annex II, provided that all free-flowing liquid PCBs have been thoroughly drained from any articles before the articles are placed in the chemical waste landfill and that the drained liquids are disposed of in an incinerator that complies with Annex I.

(ii) PCB Articles with a PCB concentration between 50 and 500 ppm must be disposed of by draining all free flowing liquid from the article and disposing of the liquid in accordance with paragraph (a) (2) or (3) of this section. The disposal of the drained article is not regulated by this rule.

(6) Storage of PCB Articles. Except for a PCB Article described in paragraph (b)(4) of this section and hydraulic machines that comply with the municipal solid waste disposal provisions described in paragraph (b)(3) of this section, any PCB Article shall be stored in accordance with Annex III prior to disposal.

* * * * *

(d) *Spills.* (1) Spills, leaks, and other uncontrolled discharges of PCBs constitute the disposal of PCBs.

(2) PCBs resulting from the clean-up and removal of spills, leaks, or other uncontrolled discharges, must be stored and disposed of in accordance with paragraph (a) of this section. In order to determine the contamination level in soil, gravel, sludge, fill, rubble, or other land-based substances, consult with the appropriate EPA Regional Administrator to obtain information on sampling methods and analytical procedures.

(3)(i) Except as provided in paragraph (d)(3)(ii), of this section contaminated material resulting from spills, leaks, and other uncontrolled discharges must be cleaned up to preexisting background levels of PCBs where there is a risk of exposure to water, human food, or animal feed. Any visible signs of PCB contamination must be removed. In all cases, cleanup of PCB-contaminated materials to below 50 ppm PCBs is required.

(ii) Clean-up of PCB leaks which occur during the authorized use of PCB Transformers shall be performed in accordance with paragraph (d)(3)(i) of this section. However, the removal of solidified PCBs from the external surface of the transformer is not required if the solidified PCBs are preventing additional leakage.

(4) These regulations do not exempt any person from any actions or liability under other statutory authorities, including but not limited to the Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980.

* * * * *

(g) *Testing procedures.* (1) Owners or users of mineral oil dielectric fluid electrical equipment may use the following procedures to determine the concentration of PCBs in the dielectric fluid:

(i) Dielectric fluid removed from mineral oil dielectric fluid electrical equipment may be collected in a common container, provided that no other chemical substances or mixtures are added to the container.

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration, except that if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this subparagraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with Americal Society of Testing and Materials method D–923 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

* * * * *

3. In § 761.20, paragraphs (a)(2) and (c)(1) are revised to read as follows:

Subpart C—Marking of PCBS and PCB Items

§ 761.20 Marking requirements.

(a) * * *

(2) PCB Transformers at the time of manufacture, at the time of distribution in commerce if not already marked, and at the time of removal from use if not already marked. (Marking of PCB-Contaminated Electrical Equipment is not required);

* * * * *

(c) * * *

(1) All PCB Transformers not marked under paragraph (a) of this section (marking of PCB-Contaminated Electrical Equipment is not required);

* * * * *

4. The introductory text of § 761.30 is revised to read as follows:

§ 761.30 Prohibitions.

Except as authorized in § 761.31 the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraphs (b) and (c) of this section concerning export and import of PCBs for purposes of disposal and PCB Items for purposes of disposal are established pursuant to section 6(e)(1) of TSCA. Subject to any exemptions granted pursuant to section 6(e)(3)(B) of TSCA, the activities listed in paragraphs (b) and (c) of this section are prohibited pursuant to section 6(e)(3)(A) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs and PCB Items for export from the United States presents an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure; the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the Transportation of PCBs or PCB Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas where they are used. In addition, the Administrator hereby finds that any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method is a significant exposure, as defined in § 761.2(dd). Section 761.2(hh) and TSCA section 6(e)(2)(C) define the term totally enclosed manner as "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant. . . ." Since any exposure to PCBs is found to be a significant exposure, a totally enclosed manner is a manner that results in no exposure of humans or the environment to PCBs. The following activities are considered totally enclosed: distribution in commerce of intact, nonleaking electrical equipment such as transformers, capacitors, electromagnets, voltage regulators, switches/sectionalizers, circuit breakers, reclosers, and cable that contain PCBs at any concentration and processing and distribution in commerce of PCB Equipment containing an intact, nonleaking PCB Capacitor. See paragraph (c)(1) of this section for provisions allowing the distribution in commerce of PCBs and PCB Items.

* * * * *

5. Section 761.31 is amended by revising paragraphs (a) and (h) and adding paragraphs (l) and (m) to read as follows:

§ 761.31 Authorizations.

The following nontotally enclosed PCB activities are authorized pursuant to section 6(e)(2)(B) of TSCA:

(a) *Use in and Servicing of Transformers (Other Than Railroad Transformers).* PCBs at any concentration may be used in transformers and may be used for purposes of servicing including rebuilding transformers (other than transformers for railroad locomotives and self-propelled railroad cars) indefinitely, subject to the following conditions:

(1) *Use Conditions.* (i) A visual inspection of each PCB Transformer (as defined in § 761.2(y)) in use or stored for reuse shall be performed at least once every three months. The visual inspection must include investigation for any leak of dielectric fluid on or around the transformer. The extent of the visual inspection will depend on the physical constraints of each transformer installation and should not require an electrical shutdown of the transformer being inspected.

(ii) If a PCB Transformer is found to have a leak which results in any quantity of PCBs running off or about to run off the external surface of the transformer, then the transformer must be repaired or replaced to eliminate the source of the leak. The leaking material must be cleaned up and properly disposed of according to disposal requirements of § 761.10. Cleanup of the released PCBs must be initiated as soon as possible, but in no case later than 48 hours of its discovery. Until appropriate action is completed, any active leak of PCBs must be contained to prevent exposure of humans or the environment and inspected daily to verify containment of the leak.

(iii) Records of inspection and maintenance history shall be maintained at least 5 years after disposing of the transformer and shall be made available for inspection, upon request, by EPA. Such records shall contain the following information for each PCB Transformer:

(A) Its location.

(B) The date of each visual inspection and the date that a leak was discovered, if different from the inspection date.

(C) The person performing the inspection.

(D) The location of any leak(s).

(E) An estimate of the amount of dielectric fluid released form any leak.

(F) The date of any cleanup, containment, repair, or replacement.

(G) A description of any cleanup, containment, or repair performed.

(H) The results of any containment and weekly inspection required for uncorrected active leaks.

(iv) A reduced visual inspection frequency of at least once every 12 months applies to PCB Transformers that utilize the following risk reduction measure.

(A) A PCB Transformer which has secondary containment capacity of at least 100 percent of the transformer's total dielectric fluid volume.

(B) A PCB Transformer which has been tested and found to contain less than 60,000 ppm PCBs (after three months of inservice use if the transformer has been serviced for purposes of reducing the PCB concentration).

(v) An increased visual inspection frequency of at least once every week applies to any PCB Transformer which because of its location poses a potential risk of contaminating food or feed. PCB Transformers which pose such risk include those located in federally inspected meat, poultry product, and egg product establishments, as well as in facilities manufacturing, processing, packaging or holding human food or animal feed. This requirement does not apply to retail establishments such as grocery stores and restaurants, or to situations where the PCB Transformer is in a location such that a discharge of dielectric fluid cannot contaminate food or feed.

(2) *Servicing conditions.* (i) Transformers classified as PCB-Contaminated Electrical Equipment (as defined in § 761.2(z)) may be serviced (including rebuilding) only with dielectric fluid containing less than 500 ppm PCB.

(ii) Any servicing (including rebuilding) of PCB Transformers (as defined in § 761.2(y)) that requires the removal of the transformer coil from the transformer casing is prohibited. PCB Transformers may be serviced with dielectric fluid at any PCB concentration.

(iii) PCBs removed during any servicing activity must be captured and either reused as dielectric fluid or disposed of in accordance with the requirements of § 761.10. PCBs from PCB Transformers must not be mixed with or added to dielectric fluid from PCB-Contaminated Electrical Equipment.

(iv) Regardless of its PCB concentration, dielectric fluids containing less than 500 ppm PCB that are mixed with fluids that contain 500 ppm or greater PCB must not be used as dielectric fluid in any electrical equipment. The entire mixture of dielectric fluid must be considered to be greater than 500 ppm PCB and must be disposed of in an incinerator that meets the requirements in Annex I.

(v) A PCB Transformer may be converted to PCB-Contaminated Electrical Equipment or to a non-PCB Transformer by draining, refilling and/or otherwise servicing the transformer. In order to reclassify, the transformer's dielectric fluid must contain less than 500 ppm PCB (for conversion to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCB (for conversion to a non-PCB Transformer) after a minimum of three months of inservice use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer.

(vi) Any dielectric fluid containing 50 ppm or greater PCB used for servicing transformers must be stored in accordance with the Storage for disposal requirements of Annex III.

(vii) Processing and distribution in commerce of PCBs for purposes of servicing transformers is permitted only for persons who are granted an exemption under TSCA 6(e)(3)(B).

* * * * *

(h) *Use in and servicing of electromagnets, cable, switches and voltage regulators.* PCBs at any concentration may be used in electromagnets, cable, switches, and voltage regulators and may be used for purposes of servicing this equipment (including rebuilding) indefinitely, subject to the following conditions:

(1) *Servicing Conditions.* (i) Servicing (including rebuilding) any electromagnet, cable, switch, or voltage regulator with a PCB concentration of 500 ppm or greater which requires the removal and rework of the internal components is prohibited.

(ii) Electromagnets, cable, switches, and voltage regulators classified as PCB-Contaminated Electrical Equipment (as defined in § 761.2(z)) may be serviced (including rebuilding) only with dielectric fluid containing less than 500 ppm PCB.

(iii) PCBs removed during any servicing activity must be captured and either reused as dielectric fluid or disposed of in accordance with the requirements of § 761.10. PCBs from electromagnets, cable, switches, and voltage regulators with a PCB concentration of at least 500 ppm must not be mixed with or added to dielectric fluid from PCB-Contaminated Electrical Equipment.

(iv) Regardless of its PCB concentration, dielectric fluids containing less than 500 ppm PCB that are mixed with fluids that contain 500 ppm or greater PCB must not be used as dielectric fluid in any electrical equipment. The entire mixture of dielectric fluid must be considered to be greater than 500 ppm PCB and must be disposed of in an incinerator that meets the requirements of Annex I.

(v) An electromagnet, cable, switch or voltage regulator with a PCB concentration of at least 500 ppm may be converted to PCB-Contaminated Electrical Equipment or to a non-PCB classification by draining, refilling and/or otherwise servicing the equipment. In order to be reclassified, the transformer's dielectric fluid must contain less than 500 ppm PCB (for conversion to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCB (for conversion to a non-PCB classification) after a minimum of three months of in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the equipment.

(vi) Any dielectric fluid containing 50 ppm or greater PCB used for servicing electromagnets, cable, switches, or voltage regulators must be stored in accordance with the storage for disposal requirements of Annex III.

(vii) Processing and distribution in commerce of PCBs for purposes of servicing electromagnets, cable, switches, or voltage regulators is permitted only for persons who are granted an exemption under TSCA 6(e)(3)(B).

* * * * *

(l) *Use in capacitors.* PCBs at any concentration may be used in capacitors, subject to the following conditions:

(1) *Use conditions.* (i) A visual inspection of each Large High Voltage Capacitor and Large Low Voltage Capacitor (as defined in § 761.2(d)(2) and (3) respectively) in use or stored for reuse shall be performed at least once every 3 months. The visual inspection must investigate for any leak of dielectric fluid on or around the capacitor. The extent of the visual inspection will depend on the physical constraints of each capacitor installation and should not require an electrical shutdown of the capacitor being inspected.

(ii) If a Large High Voltage or Large Low Voltage Capacitor is found to have a leak in any quantity, the capacitor must be removed from service. Any PCBs released from the capacitor must be cleaned up and properly disposed of according to the disposal requirements of § 761.10. Cleanup of any PCBs released must be initiated within 48

hours of its discovery. Until the capacitor is removed, any active leak of PCBs must be contained to prevent exposure of humans or the environment and inspected daily to verify containment of the leak.

(iii) Records of inspection and removal/replacement history shall be maintained for at least 5 years after disposing of the capacitor and shall be made available for inspection, upon request, by EPA. Such records shall contain the following information for each Large High Voltage and Large Low Voltage Capacitor:

(A) Its location.

(B) The date of each visual inspection and the date that a leak was discovered, if different from the inspection date.

(C) The person performing the inspection.

(D) An estimate of the amount of dielectric fluid released from any leak.

(E) The date and description of any cleanup or containment activity.

(F) The date the capacitor was removed/replaced.

(G) The results of any containment and weekly inspection required for uncorrected active leaks.

(iv) An increased visual inspection frequency of at least once every week applies to any Large High Voltage PCB Capacitor or Large Low Voltage PCB Capacitor which because of its location poses a potential risk of contaminating food or feed. Large PCB Capacitors which pose such risk include those located in federally inspected meat, poultry product, and egg product establishments, as well as in facilities manufacturing, processing, packaging or holding human food or animal feed. This requirement does not apply to retail establishments such as grocery stores and restaurants, or to situations where the PCB Capacitor is in a location such that a discharge of dielectric fluid cannot contaminate food or feed.

(v) After October 1, 1992, the use of Large High Voltage PCB Capacitors and Large Low Voltage PCB Capacitors is prohibited.

(2) [Reserved]

(m) *Use in and servicing of circuit breakers and reclosers.* PCBs at any concentration may be used in circuit breakers and reclosers and may be used for purposes of servicing circuit breakers and reclosers (including rebuilding) indefinitely, subject to the following conditions:

(1) *Servicing conditions.* (i) Circuit breakers and reclosers may be serviced (including rebuilding) only with dielectric fluid containing less than 50 ppm PCB.

(ii) Any circuit breaker or recloser found to contain at least 50 ppm PCBs may be serviced only in accordance with the conditions contained in 40 CFR 761.31(h)(1).

(2) [Reserved]

6. In § 761.42, paragraph (c)(2) is revised to read as follows:

Subpart E—List of Annexes

§ 761.42 Storage for disposal.

* * * * *

(c) * * *

(2) Non-leaking and structurally undamaged PCB Large High Voltage Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free flowing dielectric fluid may be stored on pallets next to a storage facility that meets the requirements of paragraph (b) of this section until January 1, 1983. PCB-Contaminated Electrical Equipment that has been drained of free flowing dielectric fluid is not subject to the storage provisions of Annex III. Storage under this subparagraph will be permitted only when the storage facility has immediately available unfilled storage space equal to 10 percent of the volume of capacitors and equipment stored outside the facility. The capacitors and equipment temporarily stored outside the facility shall be checked for leaks weekly.

* * * * *

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federal register

Thursday
April 22, 1982

Part V

Department of Transportation

Federal Aviation Administration

National Airspace Review Plan

DEPARTMENT OF TRANSPORTATION

National Airspace Review Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: National Airspace Review Plan.

SUMMARY: The FAA is instituting a National Airspace Review (NAR) Program encompassing a review of airspace use and the procedural aspects of the air traffic control (ATC) system. This will be a joint FAA-aviation industry venture to improve the efficiency and effectiveness of the present ATC system. To accomplish this, a comprehensive plan has been developed containing an administrative structure and detailed task assignments which then acted upon will result in recommendations to the FAA on those identified assignments. The Review is intended to be a vehicle that will drive the implementation of valid recommendations for changes to airspace use and procedures within the ATC system.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony Borden, Ron R. Haggerty, L. Jack Overman, or John Watterson, Program Management Staff, National Airspace Review, AAT-30, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, (202) 426-3560.

SUPPLEMENTARY INFORMATION:

Need for a Review

A review of airspace allocations and ATC procedures, on a national level, is necessary for a number of reasons:

1. Changing ATC service requirements.
2. The need to simplify the ATC system.
3. The need to consider the increasing cost of fuel in airspace design and procedural changes.
4. A continuing need to refine and improve air traffic flow management.
5. Changing civil user demands such as sophistication and growth of general aviation, increase in commuter/air carrier operations as a result of deregulation, and increasing helicopter activities need to be addressed.
6. Changing military training requirements must be accommodated in the air traffic system.

Background

The FAA drafted a strawman plan encompassing a national review of airspace and ATC procedures and presented it to the aviation community at an informal meeting held at FAA Headquarters on May 27 and 28, 1981.

A proposed plan was developed as a result of comments received from that meeting and from within the FAA. The proposed plan was published in the **Federal Register** on August 10, 1981 (46 FR 40654), and gave an opportunity for all interested parties to participate in the making of this final plan. Due consideration has been given to all comments submitted on the published proposed plan.

The NAR includes participation by representatives from aviation industry, Department of Defense (DOD), FAA, labor, and state government aviation agencies, who will study and make recommendations on identified task assignments. FAA believes recommendations relative to each task assignment should represent a balance of views between users and the FAA because of the joint participation aspect of the plan.

Although Research and Development (R&D) projects identify long term goals, this study addresses near term resolutions that will improve our current ATC system using existing technology while matching R&D efforts.

To remain within the confines of the Federal Advisory Committee Act (Pub. L. 92-463), which governs the creation and operation of advisory committees, a charter identifying the committee is required. The charter describes the organizational structure, responsibilities of participants, and public notification requirements of meetings under the NAR program.

Discussion of Comments

Sixteen comments were submitted to the FAA in response to the Notice of Proposed Plan published in the **Federal Register**. Comments represented the views of individuals, companies, associations of U.S. airlines, pilots and manufacturers, and other organizations. The comments largely favored the proposed plan and the intent of the Review.

Although comments received have been favorable, the concern expressed by most commenters related to marching over old turf. Commenters stated that some issues presented in the plan have been studied without resolution and others have been studied to conclusions, opinions, and recommendations, but the FAA has not proceeded with implementation. Some commenters relied on their previous comments developed from the May 27-28 informal meeting and therefore, only identified, as requested, those task groups (TG's) on which they desire to participate.

Specifically, one commenter requested that existing studies and reference material should be reviewed to avoid past efforts. The FAA agrees with that suggestion and data is being gathered which will be provided to TG's to assist them in reviewing past recommendations and evaluate their application in our current environment.

A commenter recommended avoiding, to the extent possible, TG scheduling overlaps that would impact user manpower resources. The problem associated with availability of manpower is fully recognized by the managers of the NAR. Therefore, a schedule has been established for the TG meetings so that not more than two groups with industry participation meet simultaneously. This should reduce the impact on user manpower resources. A substantial investment in manpower from both the FAA and industry is, however, necessary to obtain a quality end product.

Commenters suggested, and the FAA agrees, that the normal coordination and review process should be followed upon completion of each TG assignment. This suggestion has already been incorporated in the sequence of events for the review, evaluation, and implementation cycle of TG recommendations.

One commenter concerned with the importance of specific studies recommended that the whole NAR concept be expedited and the time-frame for the NAR program be reduced to 18 months. In considering the many tasks identified and the interplay between study groups, the studies would suffer considerably by reducing the time span of the whole review program. Many task studies are dependent on data developed from other groups and compression of the program would not allow pertinent information to be supplied to related studies.

Comments were received recommending that the FAA's Systems Engineering and Systems Research and Development entities along with the Office of Flight Operations be represented on appropriate TG's. FAA concurs with this recommendation and has requested various FAA Offices and Services identify their interests to participate in the NAR.

One commenter requested that the NAR TG on Air Route Traffic Control Center (ARTCC) Boundary Review study the feasibility of reducing the number of ARTCC's. Our primary task under this study it to identify and recommend changes to the existing en route structure, taking into consideration requirements of En Route Metering (ERM) and Random Routes, which will result in identifying and implementing the most efficient alignment of ARTCC

boundaries. FAA believes reducing the number of ARTCC's is a valid recommendation, and it is being considered under the umbrella of the ATS Recovery Plan. Another commenter suggested the ARTCC Boundary Review be combined with the Random Routes study. FAA has not adopted this recommendation because of the effect both the Random Routes study and ERM will have on any Center boundary revision. The data received from the ERM and Random Routes TG's will enable ARTCC Boundary Review group to function more effectively.

A request came from one commenter recommending that the priority of the VFR/IFR Charting Task Group be elevated. Recognizing the interest created within FAA and industry by this TG, FAA has changed the priority and placed this study into the early stage of the NAR. Additionally, because of the need to act promptly to assist the air traffic system recovery effort, the priority of some TG's, as well as task assignments within the respective TG's, have been revised. Some task assignments have also been adjusted from group to group to provide a more logical progression of study. In addition to the increased priority of the Charting Task Group, the TG's Airspace for Special Use and Terminal Airspace, have been escalated in priority.

Based on comments received from the May 27–28 informal meeting on the NAR, the number of TG's (18) as presented in the proposed plan was consolidated from an original number of 26 goups. Commenters, however, have made further requests to consolidate like task assignments and TG's. In response to those comments, FAA has further consolidated the TG's. FAA has relocated the Additional Services IFR/VFR task assignment from TG 3–1 to the TG which contains the TCA/TRSA/STAGE III study identified in this plan as Terminal Airspace (TG 1–2). The Parachute and Glider Operations task assignment has been relocated from TG 3–1 to the TG on IFR Separation, identified in this plan as Separation Standards (TG 2–2). Additionally, the task assignment Airport Information Services has been consolidated into TG 3–2 which has become the TG called National Flight Data System (TG 3–1). The total number of TG's in the plan is now set at 16.

Task Groups 3–4, 3–5, and 3–6 in the August 10 Proposed Plan were identified as being FAA participation only TG's. A commenter recommended that these groups be composed of additional members. The commenter stated that because the operational impact of the handbooks are so profound, other members of the aviation community should participate on those TG's. The FAA believes that because these TG studies will not address any substantive changes, but deal with the rearrangement of information within the handbook for continuity and ease of locating each subject matter, the NAR would be better served by keeping participation in these areas internal to the FAA. FAA did, however, relocate the Airman's Information Manual (AIM) reorganization to the TG National Flight Data System (TG 3–1), enabling industry participation on this task assignment.

National Airspace Review Plan

Purpose

The purpose of the NAR is to conduct an in-depth study of airspace and procedural aspects of the existing air traffic system. This will enable the FAA to identify and implement changes which will promote greater efficiency for all airspace users and simplify our system. Additionally, the NAR will match airspace allocations and air traffic procedures to technological improvements and fuel efficiency programs.

Recommended changes to the present air traffic system as a result of NAR studies will also be integrated into associated R&D efforts.

The duration of this review program will be approximately 42 months.

Objectives

There are three main objectives of the NAR:

Objective 1 is to develop and incorporate into the air traffic system a more efficient relationship between traffic flows, airspace allocation, and system capacity. This will involve the use of improved air traffic flow management to maximize system capacity and improved airspace management.

Objective 2 is to review and eliminate, wherever possible, governmental restraints to system efficiency levied by FAR's and FAA Handbooks. The intent is to reduce complexity and simplify the ATC system.

Objective 3 is to revalidate ATC services within the National Airspace System with respect to state-of-the-art and future technological improvements. This will entail a complete review of separation criteria, TCA/TRSA requirements, IFR/VFR services to the pilot, etc.

Around these objectives evolved the proposed list of task areas to be studied.

Administrative Structure

To effectively manage a program of this magnitude, an organizational structure was developed to provide the necessary direction and coordination. It consists of: (1) An Executive Steering Committee, (2) a Program Manager, (3) a Program Management Staff, and (4) Task Groups. A brief description of the role and responsibilities of each entity is listed below:

The Executive Steering Committee (EXCOM) is composed of members from the FAA and a cross section of aviation industry organizations. the membership is as follows:

Chairman—Deputy Administrator of the FAA, (ADA–1)
Executive Director—FAA, Air Traffic Service Director, (ATT–1)
Member Organizations:
- FAA—Federal Aviation Administration
- DOD—Department of Defense
- ATA—Air Transport Association
- NBAA—National Business Aircraft Association
- RAA—Regional Airline Association
- AOPA—Aircraft Owners and Pilots Association
- EAA—Experimental Aircraft Association
- HAI—Helicopter Association International

Responsibilities of the EXCOM are to:

1. Review staff studies and progress reports on TG activities to insure that recommendations meet the intent and purpose of the NAR.

2. Provide guidance by recommending further study in areas where, in the opinion of the committee, TG recommendations fall short of stated program objectives.

3. Recommend to the Federal Aviation Administrator, adoption or nonadoption of TG proposals associated with the NAR.

The Program Managers (PM) are Willard H. Reazin, AAT–300, through December 31, 1983, and B. Keith Potts, AAT–200, January 1, 1984, through completion.

PM responsibilities are to:

1. Provide liaison between the Program Management Staff and FAA organizational elements and provide administrative services which are required.

2. Report directly to the EXCOM providing staff studies and status reports on task group activities.

3. Select task group chairmen.

The Program Management Staff (PMS) is composed of a chief and four full-time members. The PMS Chief is Karl D. Trautmann, AAT–30.

The PMS Chief is responsible to:

1. Supervise program development and implementation.

2. Supervise the PMS to insure a systematic approach is taken as development and implementation progresses.

The PMS members are:

Ron Haggerty, AAT–31
L. J. Overman, AAT–32
Anthony Borden, AAT–33
John Watterson, AAT–34

PMS responsibilities are to:

1. Recommend task group chairmen and participants to PM.

2. Monitor task group progress.

3. Forward task group reports to the PM.

4. Provide interface between task groups to insure compatibility of recommendations.

5. Provide guidance and technical expertise to task groups.

6. Coordinate all program activities to insure a smooth transition occurs from one task group to the next.

7. Track implementation of task group recommendations.

8. Evaluate candidates for contractual service requirements in support of the NAR program.

9. Recommend specific contractors to the PM.

10. Develop, review, and update program budget requirements.

Task group members have been selected from the aviation industry (management and labor), and Federal and state government aviation agencies. Personnel selected will possess expertise related to the specific task assignment. The responsibilities of each TG group are to:

1. Review and analyze data related to the task assignment.

2. Identify system impact of recommended changes.

3. Provide regular reports to the PMS on TG progress.

4. Submit final recommendations, via staff study, to the PMS.

Task group composition should not exceed 10 members. However, the exact number will be determined by the PMS depending on task assignment and length of study. Limiting the size of each TG will prevent some organizations that have shown an interest in specific TG's or assignments from participating as group members. However, the FAA recognizes the expertise of the various entities and offers them an opportunity to provide input to the specific TG's. The TG meetings will be announced in the **Federal Register** at least 15 days in advance and will be open to the public. Interested parties may submit, in writing, recommendations relative to the task assignment prior to the TG meeting. Those comments will be given full consideration during the deliberation period. Additionally, organizations may present their views through a representative organization in the TG.

* * * * *

Task Groups (TG)

TG 1–1 Airspace for Special Use

Study Location—Atlanta, Georgia.

Military Training Routes

Study Date: June 7, 1982.
Report Date: July 23, 1982.

The Military Training Route program should be reviewed, on a national basis, to determine the adequacy of route depiction and information dissemination. An overall review of existing procedures for both DOD and FAA should be conducted in light of experience gained since the program began in 1978.

Temporary Special Use Airspace

Study Date: September 6, 1982.
Report Date: October 22, 1982.

Temporary special use airspace should be studied for possible changes to increase efficiency of airspace usage. Areas to be reviewed are lead time requirements for charting and a means to accommodate composite training.

Real-Time Joint Use

Study Date: September 6, 1982.
Report Date: October 22, 1982.

The joint use of designated special use airspace requires close coordination and cooperation between using and controlling agencies. The concept of real-time joint use requires study to develop a means to effectively and efficiently administer its use.

Special Use Airspace Requirement Review

Study Date: November 8, 1982.
Report Date: January 7, 1983.

Special use airspace should be reviewed, on a national level, to validate items such as establishment criteria, usage rates, and retention criteria.

Separation From Special Use Airspace

Study Date: November 8, 1982.
Report Date: January 7, 1983.

Special use airspace is usually controlled by the using agency and released to them to conduct their activities. This has created concern over buffer zones and separation from special use airspace boundaries. A study is necessary to determine what, if any, separation requirements should be applied around these designated areas.

National Security Areas

Study Date: January 17, 1983.
Report Date: March 4, 1983.

The concept of National Security Areas is to provide protective airspace in areas which presently do not qualify for special use airspace designation. This area should be evaluated with regard to need, criteria, charting, application, and relationship to special use airspace.

Flight Test Areas

Study Date: January 17, 1983.
Report Date: March 4, 1983.

Flight test areas are presently not charted. A review of this type of activity should be accomplished to determine the need for charting and the best method to depict these areas.

PART 73—REVIEW

Study Date: April 11, 1983.
Report Date: May 20, 1983.

Part 73 of the Federal Aviation Regulations (FAR's) concern special use airspace. A review of special use airspace categories under Part 73 and related procedures under Handbook 7400.2 is necessary for adequacy and redefinition as they relate to previous task assignments under this TG study.

Participants

Chairman—FAA

FAA, Airspace and Air Traffic Rules Division, AAT–200
FAA, Procedures Division, AAT–300
FAA, Western Pacific Region
FAA, Flight Service Station-Atlanta FSS
FAA, ARTCC-Jacksonville ARTCC
Department of Defense
Aerospace Industries Association
Aircraft Owners and Pilots Association
Experimental Aircraft Association
Helicopter Association International

* * * * *

TG 1–2 Terminal Airspace

Study Location—Chicago, Illinois.

Terminal Control Areas

Study Date: June 7, 1982.
Report Date: July 23, 1982.

Our intent is to review previous studies and reports concerning terminal control areas (TCA's) and develop recommendations for a concept(s) of controlled airspace necessary for the conduct of safe flight in the terminal environment. Criteria, design, simplicity, and applicability will be considered.

Mandatory Communication Areas

Study Date: June 7, 1982.
Report Date: July 23, 1982.

The concept of mandatory communication areas will be reviewed for their purpose, objective, and application within the air traffic system. The merits of the MCA will be weighed with other terminal airspace concepts studied under the NAR.

Terminal Radar Service Area Evaluation

Study Date: August 9, 1982.
Report Date: September 24, 1982.

Terminal radar service areas (TRSA's) will be reviewed to determine validity of this airspace concept along with previousl study assignments. Previous TRSA studies, safety, user needs, efficiency, and simplicity will be major factors in this review.

Control Zones, Transition Areas, Airport Traffic Area Evaluation

Study Date: October 11, 1982.
Report Date: November 19, 1982.

There is growing concern over the present complexities of airspace assignmenments in terminal areas, including redundancies and overlap. A review of these areas will be conducted to simplify the entire cocept.

State II/III Services Evaluation

Study Date: November 29, 1982.
Report Date: January 21, 1983.

Present ATC services in terminal areas are divided into Basic, Stage II, and Stage III. These services will be reviewed to validate pilot/controller understanding, requirements, and application within the air traffic system. Additionally, this review will consider what ATC services are necessary as they would relate to previous NAR studies.

Additional Services IFR/VFR

Study Date: March 14, 1983.
Report Date: April 22, 1983.

The ATC system provides many additional services to users such as traffic advisories, weather information, etc. This area should be reviewed to determine if services provided are sufficient to meet the needs of the aviation community. The TG would be expected to make recommendations as to specific improvements that may be necessary.

VFR Terminal Routes

Study Date: May 9, 1983.
Report Date: June 17, 1983.

There has been much concern in the area of VFR flight paths in and around metropolitan areas having large volumes of traffic. These routes should be evaluated for concept, VFR flyway depiction, and services provided.

Traffic Patterns (Altitude-Size)

Study Date: May 9, 1983.
Report Date: June 17, 1983.

Traffic patterns, including horizontal and vertical limits, lack definition and uniformity. FAA recognizes that performance characteristics of individual aircraft create this situation. A review of traffic patterns will be made to identify concerns and specific flight pattern requirements from which recommendations can be made to improve and simplify this segment of flight.

PART 93—REVIEW

Study Date: July 5, 1983.
Report Date: August 19, 1983.

Special air traffic rules tailored for specific locations and identifying unique flight rules and procedures will need to be reviewed based on previous NAR studies and implementation of recommendations. Some rules may need amending or elimination.

PART 1—REVIEW

Study Date: October 31, 1983.
Report Date: November 25, 1983.

The present FAR's and ATC system have increased in complexity over the past decade resulting in a need to review definitions to insure adequate guidance and reduce the possibility of misinterpretation. Deletion or changes to current definitions may be required based on recommendations from previous NAR studies.

Participants

Chairman—FAA

FAA, Procedures Division, AAT-300
FAA, Airspace and Air Traffic Rules Division, ATT-200
Aircraft Owners and Pilots Association
Air Transport Association
Airline Pilots Association
Department of Defense
National Business Aircraft Association
National Association of State Aviation Officials
Experimental Aircraft Association
Helicopter Association International
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TG 1-3 Routes

Study Location—FAA Headquarters, Washington, D.C.

Random Routes

Study Date: September 6, 1982.
Report Date: October 22, 1982.

The FAA's "Operation Free Flight" data has been analyzed and results indicate considerable fuel savings can be achieved if a program of this nature is implemented. This TG will study the concept of Random Routes, in both low and high altitude structures, for implementation on a national basis.

Alternate Airway Reduction and Reidentification

Study Date: November 8, 1982.
Report Date: January 7, 1983.

The present alternate airway structure is still based largely on nonradar separation standards. With the increased use of radar, a study is needed to evaluate the possibility of eliminating unnecessary alternate airways and reidentify remaining routes taking into consideration ICAO standards. This would also contribute to a reduction in chart clutter.

Airway Realignment

Study Date: November 8, 1982.
Report Date: January 7, 1983.

Jet routes and low altitude airways provide airspace protection, charted courses, and altitude information. A review of these routes is necessary to insure that they conform to existing traffic flows. Establishment and retention criteria of airways and jet routes should also be studied.

Fixed Routes (RNAV) Evaluation

Study Date: January 24, 1983.
Report Date: February 18, 1983.

The use of area navigation opens many avenues for flight in the Random Route area. An evaluation of the fixed route concept for RNAV use is necessary to determine continued justification.

SID/STAR Evaluation

Study Date: April 11, 1983.
Report Date: May 20, 1983.

While these routes and charts are of value to both pilot and controller, further study and evaluation is necessary regarding traffic flows and information depiction. A review is necessary to:

1. Determine their need.
2. Reduce complexity.
3. Simplify development criteria.
4. Insure system compatibility.
5. Evaluate the possibility of including Profile Descent Procedures on current STAR charts.

Preferential Arrival/Departure, IFR Routes

Study Date: April 11, 1983.
Report Date: May 20, 1983.

These routes are designed to segregate traffic flows. This area should be evaluated for changes which will increase system efficiency and simplify the program while making this information available to the pilot.

PART 75—ELIMINATION

Study Date: July 5, 1983.
Report Date: August 12, 1983.
FAR Part 75, "Establishment of Jet Routes and Area High Routes," describes specific fixed routes from FL180 through FL450. This area should be reviewed for possible exclusion from the regulatory process since the associated airspace is already designated in Part 71.

PART 71—REDUCTION

Study Date: September 5, 1983.
Report Date: October 14, 1983.
This Part deals with designation of controlled airspace assignments. Over the past few years, redundancies have developed due to system requirements on airspace. This area should be studied for reduction or possible elimination from the regulatory process.

Participants

Chairman—FAA

FAA, Southwest Region
FAA, Ofice of Flight Operations, AFO–700
FAA, Airspace and Air Traffic Rules Division, AAT–200
FAA, ARTCC-Atlanta ARTCC
Air Transport Association
National Business Aircraft Association
Aircraft Owners and Pilots Association
Aerospace Industries Association
Regional Airline Association
Airline Pilots Association
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TG 1–4 Weather Programs

Study Location—Kansas City, Missouri.

Weather Dissemination

Study Date: July 6, 1982.
Report Date: August 20, 1982.
A longstanding area of concern for the FAA and aviation community is accurate and timely dissemination of real-time weather information. Although future enhancements are being developed, studies must be done to improve existing methods of disseminating aviation weather.

Participants

Chairman—FAA

FAA, System Programs Division, AAT–100
FAA, Procedures Division, AAT–300
FAA, New England Region
FAA, ARTCC-Kansas City ARTCC
Aircraft Owners and Pilots Association
Allied Pilots Association
Air Transport Association
National Business Aircraft Association
Department of Defense
National Weather Service
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TG 1–5 U.S./Canada Interface (Government Participation Only)

Study Location—Chicago, Illinois.

Facility Shutdown Agreement

Study Date: June 21, 1982.
Report Date: July 23, 1982.
More dependence has been placed on nondomestic facilities for use in the ATC system. However, there is no formal agreement insuring notification of shutdown of these facilities in sufficient time to allow for adjustment in procedures and airspace designation. This group will develop a formal Memorandum of Agreement between nondomestic facilities to cover planned NAVAID shutdowns.

Canadian Airspace Category Redefinition

Study Date: August 9, 1982.
Report Date: September 24, 1982.
Canada is in the process of redefining its airspace, by category, to simplify their present system. A review of this action is needed to determine compatibility with the U.S. system or for possible U.S. adoption.

Common Airspace and Procedures Integration

Study Date: November 29, 1982.
Report Date: January 28, 1983.
Present airspace and procedural applications are different along U.S. border areas. This causes confusion among the flying public as well as control agencies. This group will study the feasibility of common procedures and airspace designation between the two countries.

Participants

Chairman—FAA

FAA, Procedures Division, ATT–300
FAA, Airway Facilities Service, AAF–700
FAA, Great Lakes Region
FAA, Northwest Mountain Region
FAA, Office of Flight Operations, AFO–700
FAA, Alaskan Region
FAA, Eastern Region
FAA, New England Region
Transport Canada
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TG 1–6 Charts

Study Location—St. Louis, Missouri.

VFR Charting

Study Date: July 6, 1982.
Report Date: August 20, 1982.
Efforts are underway to improve information depicted on VFR Charts. While a prototype series is planned, requirements and specifications need to be reviewed through the Interagency Cartographic Committee for evaluation.

RF Charts

Study Date: October 11, 1982.
Report Date: November 19, 1982.
The present low and high altitude en route charts need review. Simplification and combination with military charting requirements should be considered. This would be in conjunction with Interagency Cartographic Committee efforts.

Profile Descent Chart Elimination

Study Date: January 3, 1983.
Report Date: January 28, 1983.
There are presently only six charted profile descent procedures in the U.S. and tentative plans are to move these charts into the Standard Terminal Arrival (STAR) publication. Profile descent charted procedures should be reviewed for:

1. Combination within the STAR procedures and charting program.
2. Elimination of the profile descent charts.

Visual Approach Charts

Study Date: February 7, 1983.
Report Date: March 4, 1983.
There is an increasing number of visual approach procedures and charts being developed. This area should be studied with regard to purpose, procedural application, and charting requirements.

RNAV Chart Elimination

Study Date: May 9, 1983.
Report Date: June 3, 1983.
The present concept of the fixed route RNAV system for high altitude application is under review. With this in mind, the need for Area High RNAV Charts should be evaluated. The TG will be expected to determine if the charts should be eliminated and what information should be transferred to other publications.

Participants

Chairman—FAA

FAA, Southern Region
FAA, Western Pacific Region
FAA, Procedures Division, AAT–300
FAA, Office of Flight Operations, AFO–200
Aircraft Owners and Pilots Association
Experimental Aircraft Association
Allied Pilots Association
Department of Defense
National Association of State Aviation Officials

National Ocean Survey
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TG 2–1 Traffic Flow Management

Study Location—Boston, Massachusetts.

En Route Metering (ERM)

Study Date: March 14, 1983.
Report Date: April 29, 1983.
Although the en route metering function is ready to be implemented, a study is necessary to determine:
1. How ARTCC boundaries nationwide will be affected and identification of changes necessary to implement ERM.
2. The feasibility of interfacing ERM and Central Flow Control.
3. The effectiveness of the ERM program, from both users' and controllers' view, and recommend improvements that may be necessary.

Terminal Sequencing and Spacing

Study Date: May 30, 1983.
Report Date: July 8, 1983.
A study is necessary to evaluate the fully automated Terminal Sequencing and Spacing Program to determine:
1. How to implement.
2. How to integrate this program with ERM.

System Delay Information Dissemination

Study Date: August 1, 1983.
Report Date: September 9, 1983.
A review of our present method of disseminating delay information is necessary to determine if more effective methods can be adopted.

Severe Weather Avoidance Plan Evaluation

Study Date: August 1, 1983.
Report Date: September 9, 1983.
A review, on a national basis, of the Severe Weather Avoidance Plan is necessary to determine:
1. Effectiveness of the present plan.
2. Changes that may be necessary for improvement.
3. The continued need for the plan.

Participants

Chairman—FAA

FAA, New England Region
FAA, Automation Division, AAT–500
FAA, Procedures Division, AAT–300
FAA, Operations Division, AAT–400
FAA, ARTCC-Boston ARTCC
Air Transport association
National Business Aircraft Association
Department of Defense
Airline Pilots Association
General Aviation Manufacturers Association
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TG 2–2 Separation Standards

Study Location—Seattle, Washington.

IFR Separation Review

Study Date: May 30, 1983.
Report Date: July 15, 1983.
As new equipment and technological improvements are brought into service, accuracy of navigation and control is increased. A review of all ATC separation criteria is necessary to insure maximum, yet safe, utilization of available airspace.

Special VFR/Special IFR Separation Review

Study Date: September 5, 1983.
Report Date: October 21, 1983.
A close look is required at Special VFR/Special IFR procedures and their application at high density airports. This review should include regulatory and/or procedural requirements.

Wake Turbulence Criteria

Study Date: November 7, 1983.
Report Date: December 16, 1983.
Wake turbulence has been the subject of many studies. This review will concentrate on separation requirements and an evaluation of present criteria.

Simultaneous ILS Approach Criteria Evaluation

Study Date: January 9, 1984.
Report Date: February 17, 1984.
This task assignment will encompass ILS approaches to parallel runways and simultaneous approaches to nonparallel runways; not necessarily full ILS approaches. A look at approach minima and distance between runway criteria is planned.

Traffic Segregation by Category

Study Date: February 27, 1984.
Report Date: April 6, 1984.
A look at the feasibility of separating aircraft and runway use by specific aircraft categories is needed. Procedures may be developed for some airports using this concept.

Parachute and Glider Operations

Study Date: April 30, 1984.
Report Date: June 8, 1984.
Parachute and glider operations are increasing in number and are having more effect on the ATC system. These areas need review with regard to impact, information dissemination, and advisory/flight-following services.

Participants

Chairman—FAA

FAA, Great Lakes Region
FAA, Northwest Mountain Region
FAA, ARTCC-Oakland ARTCC
FAA, Office of Flight Operations, AFO–200
FAA, Air Traffic Control Tower-Los Angeles TRACON
Department of Defense
Regional Airline Association
Aircraft Owners and Pilots Association
Air Transport Association
Airline Pilots Association
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TG 2–3 FAR Simplification and Reduction

Study Location—FAA Headquarters, Washington, D.C.

PART 189—ELIMINATION

Study Date: August 1, 1983.
Report Date: August 26, 1983.
As is the case with all Government regulations, content review is needed to insure minimal restraints. Part 189, "The Use of FAA Communications," is an area which may no longer be applicable.

PART 77—REWRITE

Study Date: September 26, 1983.
Report Date: October 21, 1983.
Part 77, "Objects Affecting Navigable Airspace," is an area which should be analyzed and rewritten for simplification and clarity.

PART 91—REORGANIZATION

Study Date: January 9, 1984.
Report Date: February 3, 1984.
Due to the addition of numerous regulations to Part 91 over the past 18 years, this Part has become disjointed and complex. Realignment by subject material is necessary.

PART 91—SUBPART B EVALUATION

Study Date: March 26, 1984.
Report Date: May 11, 1984.
Subpart B, "Flight Rules," of Part 91 needs review for simplification and reduction of regulations. This would include associated equipment requirements.

Waivers/Exemption Process Review

Study Date: June 18, 1984.
Report Date: July 27, 1984.
Simplification of the processing of waiver and exemption applications, along with its delegation of authority, should be reviewed. This effort would be in conjunction with Part 91 reorganization to help identify waiverable rules.

Participants

Chairman—FAA

FAA, Regulations and Enforcement Division, AGC–200
FAA, Central Region

FAA, Office of Flight Operations, AFO–700
Aircraft Owners and Pilots Association
Department of Defense
National Business Aircraft Association
National Air Transportation Association
Aerospace Industries Association
National Association of State Aviation Officials
Helicopter Association International
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TG 2–4 Helicopter Operations

Study Location—Fort Worth, Texas.

Helicopter Separation

Study Date: August 15, 1983.
Report Date: September 30, 1983.
The unique operating characteristics of helicopters and their increasing use in the ATC system require a review of separation criteria presently employed with the possibility of reduction in some instances.

Helicopter Routes

Study Date: October 10, 1983.
Report Date: November 18, 1983.
The possibility of special routes into and out of major terminals that would avoid the standard flow of traffic should be evaluated. This would provide the needed flexibility to make maximum use of terminal airspace while meeting the needs of the helicopter community.

Helicopter Charts

Study Date: January 30, 1984.
Report Date: March 9, 1984.
The concept of separate charts for helicopters should be evaluated to provide the specialized information required to meet their needs. This group would make recommendations on:
1. The need for separate charts.
2. What should be depicted.

Helicopter Instrument Approach Procedures

Study Date: June 18, 1984.
Report Date: July 27, 1984.
The possibility of special helicopter instrument approach procedures with reduced development criteria and minima should be evaluated.

Participants

Chairman—FAA

FAA, Southern Region
FAA, Eastern Region
FAA, Office of Flight Operations, AFO–200
FAA, Office of Airport Standards, AAS–100
FAA, ARTCC-Houston ARTCC
Department of Defense
Helicopter Association International
Air Transport Association
National Air Transportation Association
National Association of State Aviation Officials
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TG 2–5 ARTCC Boundary Evaluation (Government Participation Only)

Study Location—Los Angeles, California.

ARTCC Boundary Review

Study Date: November 7, 1983.
Report Date: December 16, 1983.
With the implementation of En Route Metering and Random Routes, a need will exist to revise ARTCC boundaries to accommodate traffice flow changes. This TG will evaluate the possibility of establishing criteria for ARTCC boundry placement to most effectively match traffic flows and reduce the need for altitude/route restrictions caused by present alignment.

National Beacon Code Allocation Plan (NBCAP)

Study Date: January 30, 1984.
Report Date: February 24, 1984.
A review should be conducted with regard to the concept of NBCAP, its adequacy for providing code allocation, and operational effectiveness.

Participants

Chairman—FAA

FAA, Great Lakes Region
FAA, Southern Region
FAA, Eastern Region
FAA, Southwest Region
FAA, Central Region
FAA, Alaskan Region
FAA, Northwest Mountain Region
FAA, Western Pacific Region
FAA, New England Region
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TG 3–1 National Flight Data System

Study Location—FAA Headquarters, Washington, D.C.

NOTAM Evaluation

Study Date: February 27, 1984.
Report Date: April 6, 1984.
The Notice to Airmen system has grown complex and large. It should be reviewed for simplification, recategorization, and dissemination improvement.

Flight Plan Format

Study Date: April 30, 1984.
Report Date: June 8, 1984.
There are presently separate requirements and format for international, military, and civil flight planning. Each flight plan requirement should be studied for commonality and possible combination into one, simple, uniform format.

Flight Data Dissemination

Study Date: July 9, 1984.
Report Date: August 24, 1984.
The amount of information available to the flying public is growing at an increasing rate. This area needs study to determine adequacy and priority in regard to user requirements. It should also include military activity and airport information.

Airmen's Information Manual

Study Date: September 10, 1984.
Report Date: October 26, 1984.
A review of content and structure of this handbook is necessary.

Airport Information Service

Study Date: November 12, 1984.
Report Date: December 7, 1984.
A review of the use and content of airport information service broadcasts is necessary. There is a need to identify essential and nonessential information to keep these broadcasts short and concise.

Participants

Chairman—FAA

FAA, System Programs Division, AAT–100
FAA, Airspace and Air Traffic Rules Division, AAT–200
FAA, Office of Airport Standards, AAS–300
FAA, Great Lakes Region
FAA, Alaskan Region
FAA, FSS–Washington FSS
Aircraft Owners and Pilots Association
Department of Defense
Regional Airlines Association
Air Transport Association
* * * * *

TG 3–2 Oceanic

Study Location—Miami, Florida.

International Delegated Airspace

Study Date: March 26, 1984.
Report Date: May 11, 1984.
The area from the continental limits to the Flight Information Region (FIR)/Control Area (cta) lacks commonality and creates confusion in airspace designation and procedural application. This area should be reviewed for simplification.

Consolidation of U.S. Oceanic ATC Control Centers

Study Date: May 28, 1984.
Report Date: July 6, 1984.
There are presently seven ARTCC's in the U.S. which exercise oceanic control. Consolidation should be studied to simplify and provide uniformity in

application of oceanic procedures in the ATC system.

Continental Airspace Expansion

Study Date: July 16, 1984.
Report Date: August 24, 1984.

In conjunction with the International Civil Aviation Organization (ICAO), a request has been received to expand the U.S. continental limits from its present 3-mile limit to a 12-mile offshore. This area needs study to determine the impact on civil and military operations.

Participants

Chairman—FAA

FAA, Procedures Division, AAT-300
FAA, Office of International Affairs, AIA-100
FAA, Southern Region
FAA, Alaskan Region
FAA, Eastern Region
Department of Defense
International Air Transport Association
Helicopter Association International
National Air Transportation Association
Aerospace Industries Association

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TG 3-3 Handbook Reorganization (Flight Services)

Study Location—FAA Headquarters (Government participation only), Washington, D.C.

The organizational structure of the following FAA handbooks should be reviewed and recommendations made to make data easier to find. The direction of this study is more toward structure than content.

FAAH 7110.10—Flight Services

Study Date: August 6, 1984.
Report Date: September 21, 1984.

FAAH 7930.2—NOTAM System

Study Date: October 8, 1984.
Report Date: November 23, 1984.

FAAH 7110.10—Data Communications

Study Date: December 3, 1984.
Report Date: January 25, 1985.

Participants

Chairman—FAA

FAA, System Programs Division, AAT-100
FAA, Airspace and Air Traffic Rules Division, AAT-200
FAA, Operations Division, AAT-400
FAA, New England Region
FAA, Central Region
Department of Defense
FAA, FSS-Atlanta FSS
FAA, FSS-Dayton FSS

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TG 3-4 Handbook Reorganization (Procedures) (Government Participation Only)

Study Location—FAA Headquarters, Washington, D.C.

The organization structure of the following FAA handbooks should be reviewed and recommendations made to make data easier to find. The direction of this study is more toward structure than content.

FAAH 7210.3—Facility Operations and Administration

Study Date: August 6, 1984.
Report Date: September 21, 1984.

FAAH 7110.65—Air Traffic Control

Study Date: October 8, 1984.
Report Date: November 23, 1984.

FAAH 7610.4—Special Military Operations

Study Date: December 3, 1984.
Report Date: January 25, 1985.

FAAH 7110.83—Oceanic Air Traffic Control

Study Date: February 4, 1985.
Report Date: March 22, 1985.

FAAH 7210.7—Flow Control Procedures

Study Date: April 1, 1985.
Report Date: May 17, 1985.

Participants

Chairman—FAA

FAA, ATC Operations Division, AAT-400
FAA, Airspace and Air Traffic Rules Division, AAT-200
FAA, Western Pacific Region
FAA, Northwest Mountain Region
FAA, ARTCC-Washington ARTCC
FAA, Air Traffic Control Tower-Washington National ATC Tower
Department of Defense
FAA, FSS-Washington FSS

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TG 3-5 Handbook Reorganization (Airspace) (Government Participation Only)

Study Location—FAA Headquarters, Washington, D.C.

The handbooks and manuals contained within this group should be updated and reorganized. They should be reviewed with regard to state-of-the-art improvements in airborne and ground based equipment.

FAAH 7130.3—Holding Pattern Criteria

Study Date: September 10, 1984.
Report Date: October 26, 1984.

FAAH 7400.2—Airspace Matters

Study Date: November 5, 1984.
Report Date: December 21, 1984.

Participants

Chairman—FAA

FAA, Office of Flight Operations, AFO–700
FAA, Procedures Division, AAT–300
FAA, Southwest Region
FAA, Office of Airport Standards, AAS–100
FAA, Airway Facilities Service, AAF–700

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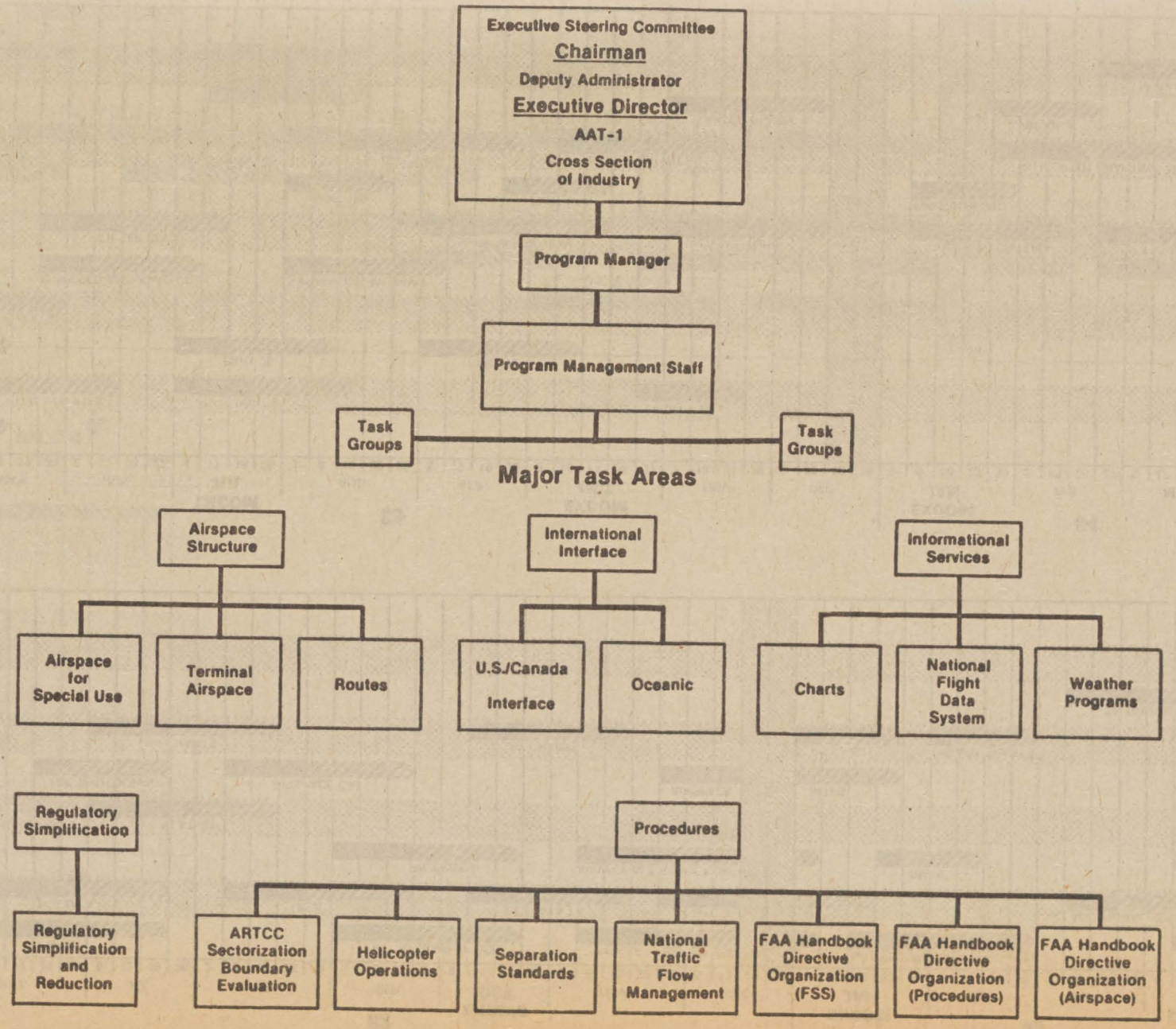
Issued in Washington, D.C., on April 19, 1982.

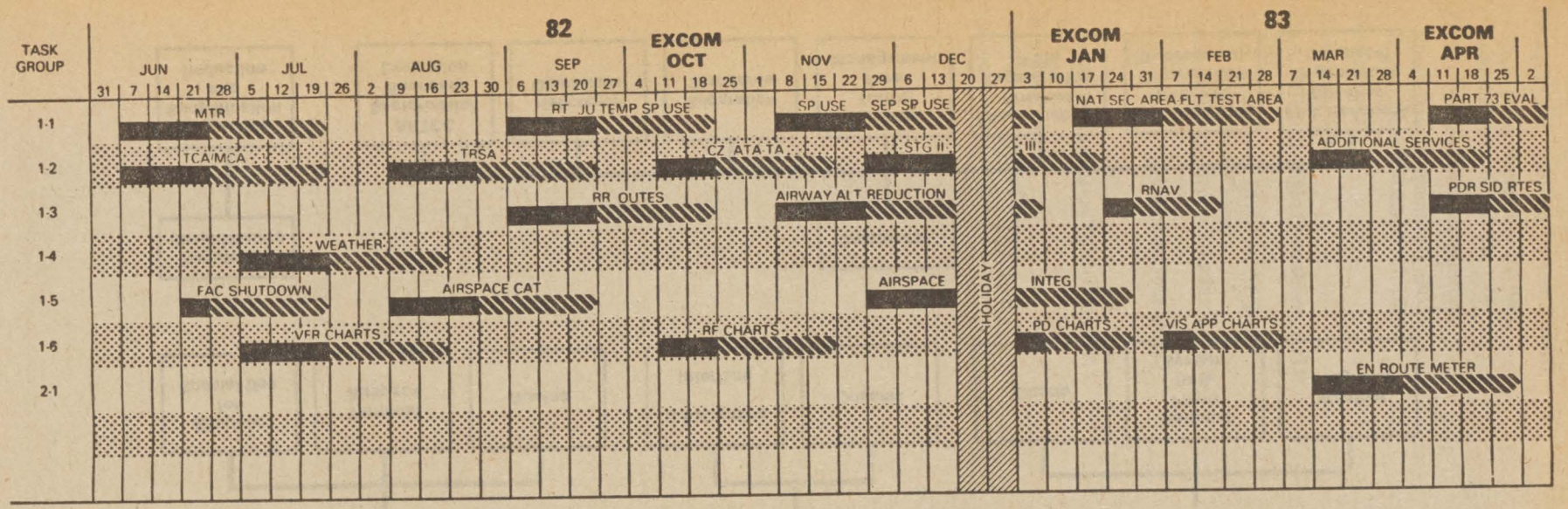
R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M

National Airspace Review
Administrative Organization

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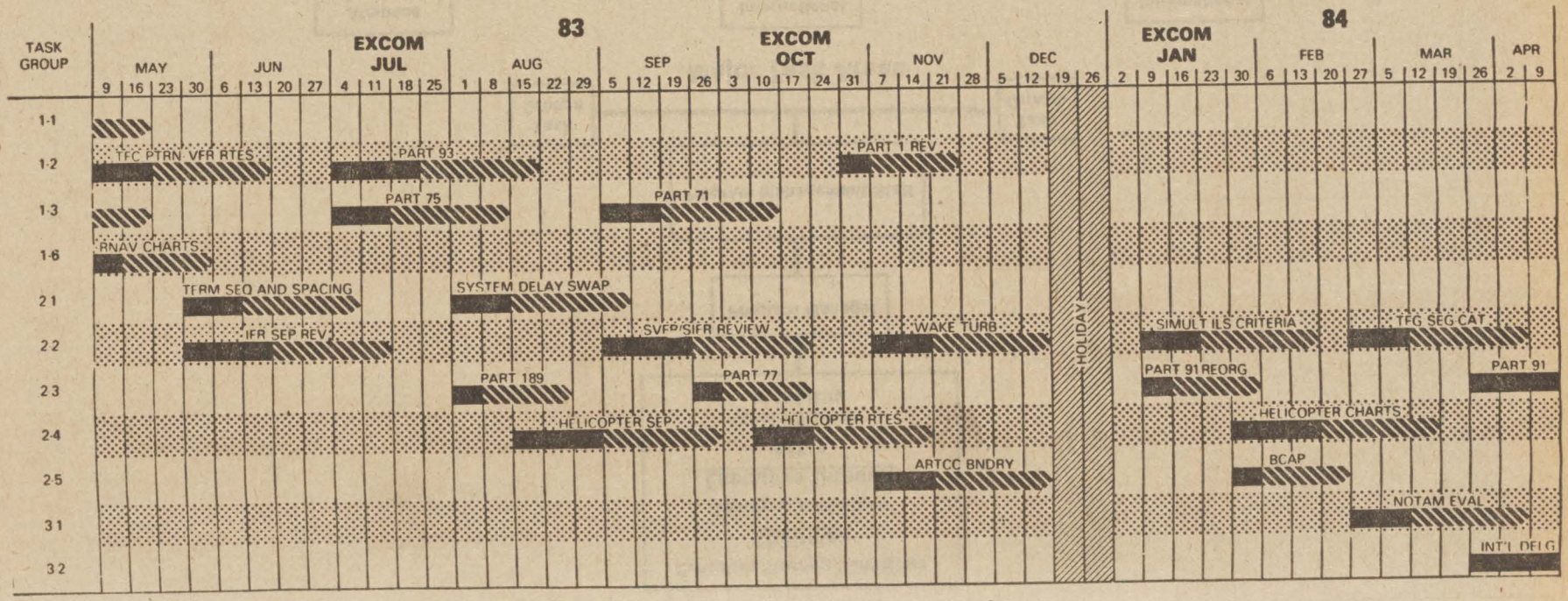
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TFC PTRN VFR RTES
PART 93
PART 1 REV
PART 75
PART 71
RNAV CHARTS
TERM SEQ AND SPACING
SYSTEM DELAY SWAP
IFR SEP REV
SVFR/SIFR REVIEW
WAKE TURB
SIMULT ILS CRITERIA
TFG SEG CAT
PART 189
PART 77
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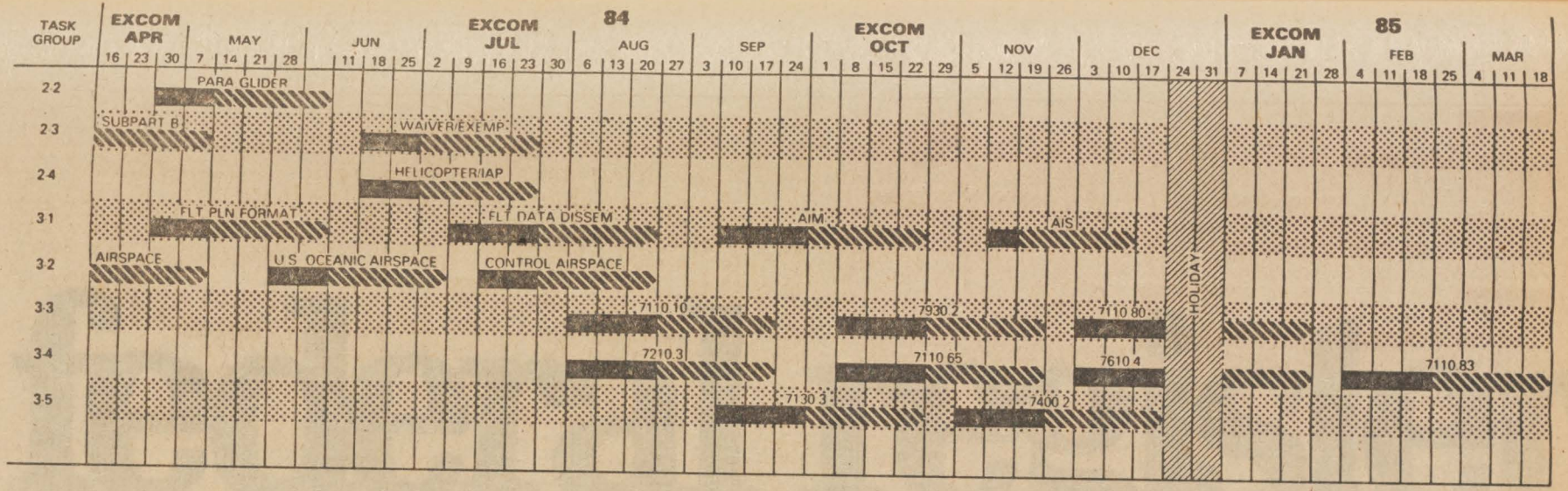

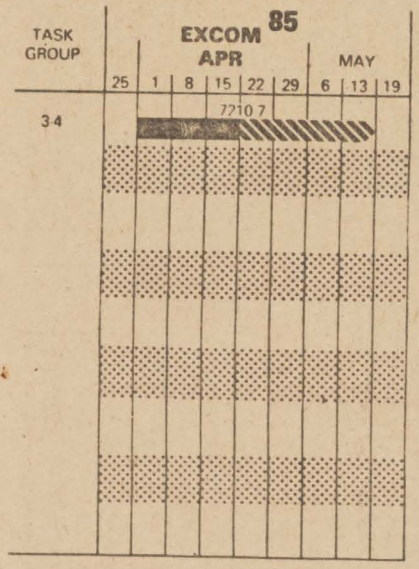

[FR Doc. 82-11020 Filed 4-21-82; 8:45 am]

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federal register

Thursday
April 22, 1982

Part VI

Department of Agriculture

Animal and Plant Health Inspection Service

Mediterranean Fruit Fly; Affirmation of Rules

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 82-305]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This action affirms the interim rule which amended the Mediterranean fruit fly quarantine and regulations by adding Japanese plum, kiwi, mango, papaya, pomegranate, and walnut with husk to the list of regulated articles; by deleting almond without husk and Eureka, Lisbon, and Villa Franca cultivars of lemon from the list of regulated articles, and by providing treatments for almond with husk, grape, kiwi, opuntia cactus, and walnut with husk. These amendments are necessary for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States, and for deleting unnecessary restrictions. The effect of the amendments is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) from regulated areas in California of articles added to the list of regulated articles, to delete restrictions on such movement of articles deleted from the list of regulated articles, and to lessen restrictions on such movements of articles for which treatments are added.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendments have been determined to be not a "major rule" under Executive Order 12291 and Secretary's Memorandum 1512-1. Based on information compiled by the Department, it has been determined that the amendments would have an annual effect on the economy of approximately $3,500; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

With respect to the amendments to the list of regulated articles, the Office of Management and Budget has waived the review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

With respect to treatments for certain regulated articles, consideration was given concerning whether or not to specify the appropriate treatments for almond with husk, grape, kiwi, opuntia cactus, and walnut with husk. Under the quarantine and regulations, a regulated article from a regulated area would be eligible for interstate movement pursuant to a certificate if, among other things, it had been treated in accordance with § 301.78-10 of the quarantine and regulations, and would be eligible for interstate movement pursuant to a limited permit if it were moving under certain conditions to a specified destination for such treatment.

Based on research, treatments have been found adequate to destroy the Mediterranean fruit fly for almond with husk, kiwi, opuntia cactus, and walnut with husk. Also, additional treatments have been found effective against the Mediterranean fruit fly for grape. It was determined that the appropriate treatments for such articles should be added in order to relieve unnecessary restrictions by allowing the interstate movement of such articles from regulated areas in those instances where the risk of spreading the pest to noninfested areas can be eliminated.

Further, with respect to treatments for certain regulated articles, it appears that there is no other feasible alternative to consider regarding the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that the amendments will not have a significant economic impact on a substantial number of small entities. The amendents affect the interstate movement of regulated articles from certain areas in California designated as regulated areas. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information submitted by the California Department of Food and Agriculture, it has been determined that fewer than 45 small entities move such articles interstate from such areas in California. Further, the overall economic impact from this action is estimated to be approximately $3,500.

Background

In a document published in the **Federal Register** on August 7, 1981 (46 FR 40203-40205), the Department issued an interim rule amending the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78 *et seq.*) by adding Japanese plum *(Prunus salicina)*, kiwi (*Actinidia chinesis*), mango (*Mangifera indica*), papaya (*Carica papaya*), pomegranate (*Punica granatum*), and walnut with husk (*Juglans* spp.) to the list of regulated articles; by deleting almond without husk (*Prunus duleis* (P. *amygdalus*)) and Eureka, Lisbon, and Villa Franca cultivars of lemon (*Citrus limon*) (smooth-skinned sour lemon) from the list of regulated articles; and by specifying treatments for almond with husk, grape, kiwi, opuntia cactus, and walnut with husk. The document of August 7, 1981, also included several minor nonsubstantive changes.

The document provided that the amendments were necessary in order to prevent the artifical spread of the Mediterranean fruit fly into noninfested areas of the United States and to lessen or delete unnecessary restrictions. The amendments became effective on April 22, 1982.

Written comments were solicited for 60 days after publication of the amendment and a public hearing was held on August 13, 1981. No written comments were received in response to the amendments and no comments were presented at the public hearing.

The factual situations which were set forth in the document of August 7, 1981, (46 FR 40203) still provide a basis for the amendments. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on August 7, 1981.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (Agriculture), Quarantine, Transportation.

(Secs. 8 and 9, 37 Stat. 318, as amended; (7 U.S.C. 161, 162); secs. 105 and 106, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C., this 16th day of April 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-11055 Filed 4-21-82; 10:24 am]

BILLING CODE 3410-34-M

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7 CFR Part 301

[Docket No. 82-306]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of rules.

SUMMARY: This document affirms amendments to the Mediterranean fruit fly quarantine and regulations for California which added to the list of regulated areas all of San Mateo County and portions of Alameda, Santa Clara, Santa Cruz, Stanislaus, Los Angeles, and San Benito Counties (with these additions all areas in Alameda, Santa Clara, and Santa Cruz Counties are designated as regulated areas). The effect of these amendments is to impose restrictions on the interstate movement of regulated articles from the areas added to the list of regulated areas. These amendments are necessary in order to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States.

EFFECTIVE DATE: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 635 Federal Building, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from all of San Mateo County, and portions of Alameda, Santa Clara, Santa Cruz, Stanislaus, Los Angeles, and San Benito Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that fewer than 155 small entities move such articles interstate from the regulated areas added by the amendments. Further, the overall economic impact from this action is estimated to be less than $475,000.

Background

A document published in the **Federal Register** on July 22, 1981 (46 FR 37706-37713), established a quarantine and regulations because of the Mediterranean fruit fly. The document quarantined California and imposed restrictions on the movement of articles designated as regulated articles from areas in California designated as regulated areas. Certain areas were designated as regulated areas based on a proposal. Also, the document adopted on an emergency basis portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas. The document of July 22, 1981, invited interested persons to submit written comments on or before September 14, 1981, concerning these emergency additions to the list of regulated areas. One written comment was received from a representative of the North Carolina Department of Agriculture. The comment was in support of all necessary efforts being taken to eradicate the Mediterranean fruit fly in California. It emphasized the importance of close monitoring and surveillance activities but did not suggest any changes in the quarantine and regulations.

The document of July 22, 1981, also included a notice of a public hearing concerning the emergency additions to the list of regulated areas. Pursuant to this notice, a public hearing was held in Los Gatos, California, on August 13, 1981. No comments were presented at the public hearing.

In addition, documents published in the **Federal Register** on August 19 and September 2, 1981 (46 FR 42072-42073, 44144-44145), on an emergency basis further amended the quarantine and regulations by adding portions of Santa Cruz, Stanislaus, Los Angeles, and San Benito Counties to the list of regulated areas. The amendments became effective on the dates of publication. Comments were solicited for 60 days after publication of the amendments. No comments were received.

The documents of July 22, August 19, and September 2, 1981, indicated that the amendments were necessary as emergency measures in order to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The factual situations which were set forth in these documents of July 22, August 19, and September 2, 1981 (46 FR 37706, 42072, 44144) still provide a basis for the amendments. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on those dates.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (Agriculture), Quarantine, Transportation.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 16th day of April 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-11056 Filed 4-21-82; 10:24 am]

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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.)

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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	

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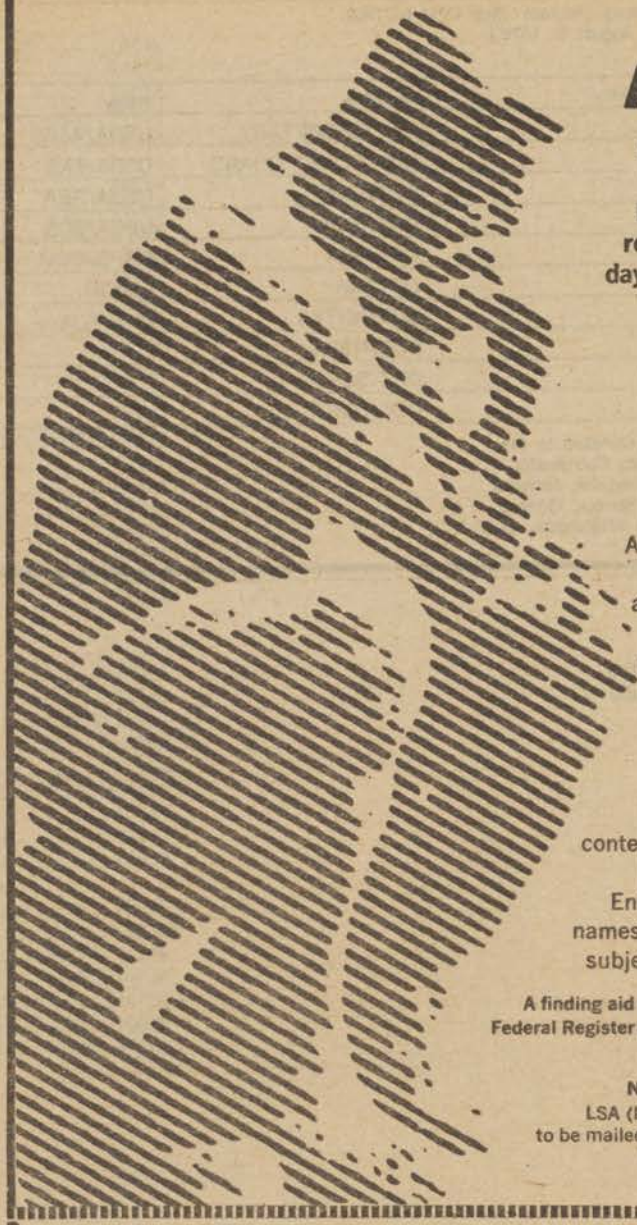
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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 20, 1982



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