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Thursday
July 8, 1982

Selected Subjects

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Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 4952 of July 6, 1982

P.O.W.–M.I.A. Flag

By the President of the United States of America

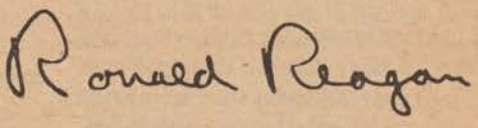
A Proclamation

Friday, July 9, 1982 has been designated as "National P.O.W.–M.I.A. Recognition Day, 1982." It is a fitting mark of recognition of the uncommon sacrifices of all former American prisoners of war, those still missing, and their families, that a P.O.W.–M.I.A. flag fly over the White House and the Pentagon.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution as President and Commander in Chief of the armed forces, do hereby proclaim that a P.O.W.–M.I.A. flag shall be flown, subordinate to the National Colors, over the White House and the Pentagon on National P.O.W.–M.I.A. Recognition Day, Friday, July 9, 1982.

I invite other government officials and individuals to join in this special mark of recognition and to participate in appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 82–18679
Filed 7–7–82; 10:43 am]
Billing code 3195–01–M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 950

Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations; Correction

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: In publishing final regulations on the solicitation of Federal civilian and uniformed services personnel for contributions to private voluntary organizations in the **Federal Register** on Tuesday, July 6, 1982 (47 FR 29496), the Office of Personnel Management (OPM) inadvertently omitted from the Supplementary Information section a statement explaining why good cause was found not to delay the effectiveness of the regulations. Publication of the statement is required by 5 U.S.C. 553(d)(3). Accordingly, OPM is correcting this omission by publishing the statement below. The effective date of the regulations is also changed to correspond with publication of this document.

EFFECTIVE DATE: The regulations published on July 6, 1982 (47 FR 29496) become effective July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph S. Patti, Special Assistant for Regional Operations, (202) 632–5544.

SUPPLEMENTARY INFORMATION: The following statement was unintentionally omitted from the Supplementary Information section of final regulations adding Part 950 to Title 5 of the Code of Federal Regulations, published July 6, 1982:

"Pursuant to 5 U.S.C. section 553 and section 1103, the Director of OPM finds that, because of the needs of government managers, military commanders, employee representatives, federated groups, and voluntary agencies to commence preparations immediately for an effective and timely 1982 CFC; because delay in the effectiveness of these regulations would work undue hardships upon all applicants, participants, and Federal employees in the CFC and jeopardize their abilities to raise funds in the Federal work place in 1982; and because considerations of practicality, necessity, and the public interest require the immediate effectiveness of these regulations; good cause exists for making these regulations effective immediately upon this publication."

"The Director of OPM has further determined, consistent with both the former Manual and these regulations, that the deadline for submission by Federated groups and voluntary agencies of applications for admittance to the 1982 campaign is extended until ten (10) days after this publication."

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82–18560 Filed 7–7–82; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 60

Market News Reports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Agricultural Marketing Act of 1946 authorizes the Secretary to collect and disseminate marketing information. Pursuant to Section 1121 of the Agriculture and Food Act of 1981 which authorizes the Department to collect reasonable fees for the distribution, upon request, of copies of market news reports, the Department promulgates these regulations as this interim final rule establishing fees and charges to cover the cost of postage, printing and handling of market news reports distributed to the general public, except that no fees will be charged to other government agencies which cooperate in the collection of market data for the requested reports and the news media.

EFFECTIVE DATES: August 1, 1982. Comments due on or before August 9, 1982.

ADDRESS: Send comments to W. T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, Room 3071, South Building, United States Department of Agriculture, Washington, D.C. 20250. Comments will be available for public inspection at this location during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dairy reports: Silvio Capponi, Chief, Market Information Branch, Dairy Division, AMS, USDA, Washington, D.C. 20250, (202) 447–7461. Fruit and vegetable reports: Clay J. Ritter, Chief, Market News Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2745. Livestock and grain reports: James A. Ray, Chief, Market News Branch, Livestock, Meat, Grain and Seed Division, AMS, USDA, Washington, D.C. 20250, (202) 447–6231. Poultry reports: Raymond S. Wruk, Chief, Market News Branch, Poultry Division, AMS, USDA, Washington, D.C. 20250, (202) 447–6911.

SUPPLEMENTARY INFORMATION: The Department promulgates these regulations as an interim final rule to establish and collect fees to cover the cost of printing and mailing Agricultural Marketing Service (AMS) market news reports. These fees shall, as nearly as practicable, cover the Department's costs of the service, including administrative and supervisory costs of the published report. The authority for these regulations is contained in the Agriculture and Food Act of 1981 (7 U.S.C. 2242a) which authorizes the collection of fees for the reporting of economic research and statistical data. Since 1915, first under the Organic Act of the Department, and then under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), the Department has distributed market news reports through the mail, without cost, to any person or firm requesting them. However, the costs of postage, printing, and handling have risen to such a degree that the Secretary has chosen to exercise the discretion provided in the Agriculture and Food Act of 1981, and establish fees for mailing market news reports to all

persons or firms, except that no fee will be charged to other government agencies which cooperate in the collection of market data for the requested report, and the news media. A limited free distribution list will be established with other bureaus within USDA for copies of various market news reports under the principle of data exchange to complement the various responsibilities of those organizations. Fees for individual reports will vary according to the number of pages, frequency of issue, length of marketing season for the respective commodity, number of subscribers, cost of equipment, personnel, and other factors affecting the printing and distribution. The Department has determined that because of expected annual fluctuations in these costs, it would be inappropriate for the fees to be specified in the regulations where any change would require time-consuming and expensive rulemaking procedures. Any modification in the subscription fees will simply reflect changing costs incurred by USDA for the duplication, handling, and distribution of the reports. Therefore, the subscription fees will be computed and revised when necessary to assure recovery of the Department's costs. Subscription renewal notices will specify the cost for the reports. Separate reports are issued for each commodity by marketing areas during the marketing season. Based on estimates of current costs and activity levels, fees during the initial subscription period will be charged according to the following schedules:

Frequency	Mailed			Picked up in office[1]	
	United States, Canada, Mexico	Other countries			
		Surface	Air	Annual rate	Each
	Annual				
Reports Issued by the Fruit and Vegetable Division					
Daily	$120	$160	$240	$60	$0.25
Semiweekly	84	126	168	24	.25
Weekly	48	72	96	12	.25
Monthly	12	18	24	4	.25
Annual	4	6	8	2	2.00
Reports Issued by the Livestock, Meat, Grain and Seed Division					
Daily	$125	$125	$200	$75	$0.40
Weekly:					
Single page	30	30	75	20	.40
Dual page	45	45	85	35	.75
Monthly	12	12	20	10	.75
Quarterly	5	5	8	5	1.25
Annual	4	4	6	4	4.00
Reports Issued by the Dairy Division					
Weekly	$30	$30	$85	$20	$0.40
Annual	4	4	6	3	3.00
Reports Issued by the Poultry Division					
Weekly	$110	$110	$220	$90	$0.90
Semiweekly	75	75	150	52	.50
Monthly	84	84	168	75	6.80
Annual	4	4	8	4	4.00

[1] A single copy of daily, semiweekly, and weekly reports are free of charge when picked up in office.

A large portion of the marketing data in many reports is collected through personal contacts at local market news offices between market contacts and market news reporters. This exchange is vital to the effective collection of data. These local offices do not now charge for reports published and disseminated on their premises and any revenue from single copies of reports is not expected to offset the expense of maintaining cash accounting systems in these offices and the possible loss of data from market contacts. For these reasons, it has been determined appropriate that single copies of daily, semi-weekly, and weekly reports will be available to be picked up free of charge at the local office which prepared the report.

The Department recognizes the importance of the function served by the news media, such as wire services, newspapers, news magazines, and broadcast news outlets, in the dissemination of information to the general public, and the Department will not charge a fee for the distribution of market reports to these organizations. However, there is a large number of trade journals and trade association publications aimed at organizational memberships, and the Department has determined that it would not be appropriate to provide market news reports free of charge to these numerous organizations which service limited audiences. In anticipation of the collection of fees for market news, the budget submitted to Congress for the 1983 fiscal year for the AMS market news program effective October 1, 1982, has been correspondingly reduced. The Department has determined that the expected start up costs associated with the implementation of the fee system and the necessity of having the system in full operation prior to October 1, 1982, including any possible adjustments in the market news systems brought about by implementation of subscription fees, necessitates proceeding now with an interim final rule.

Accordingly, it is found upon good cause shown that notice and other public procedures with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for publishing this interim final rule at this time with opportunity for public comments after publication.

The Department has also determined that the comment period on this interim final rule will end 30 days after publication hereof, and such comment period is adequate to provide all interested parties an opportunity to file views and comments.

The interim final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. In conformance with the provision of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), full consideration has been given to the potential economic impact upon small business. Most producers and dealers fall within the confines of "small business", as defined in the Regulatory Flexibility Act. A number of firms who are expected to use the market news reports do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. It has been determined that the economic impact upon all entities, small and large, will not be adverse and will in no way affect normal competition in the marketplace.

List of Subjects in 7 CFR Part 60

Market News Reports, Subscription fees.

Accordingly, a new Part 60, Subpart C, Title 7, Code of Federal Regulations, is added to read as follows:

PART 60—MARKET NEWS REPORTS

Sec.

Authority: 7 U.S.C. 1622(g), 7 U.S.C. 2242a.

§ 60.1 Definitions.

As used in this part:

(a) Market News means marketing information providing historical, current and outlook information on a wide range of production, supply, demand, price and other market data to assist in the orderly operation of the United States agricultural economy.

(b) Market News Reports means publications which report statistical data and economic research on agricultural marketing.

(c) Department means the United States Department of Agriculture.

(d) Fees refers to charges to recover costs incurred by the Department consisting of printing (including machinery, paper, ink and miscellaneous supplies), postage and handling (including the accounting supervision) for published reports.

(e) Administrator means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act for the Administrator.

(f) News Media refers to individuals or organizations engaged in the business of collecting and disseminating news and information for use by the general public, including wire services, newspapers, news magazines, and broadcast news outlets. The definition for news media does not include media publications aimed at particular economic sectors such as agricultural periodicals, trade journals, or association publications aimed at organizational memberships, which serve primarily limited audiences.

§ 60.3 General.

The regulations in this part are issued to implement a subscription fees system for market news reports issued by the Agricultural Marketing Service. All other means of disseminating market news currently in use, such as commercial and public wire services, telephone answering devices, radio, and television will continue without charge to the recipients.

§ 60.5 Market News Reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain and Seed Division; and Poultry Division.

Market news reports under the Act and this part shall be distributed in whatever manner and form and for whatever purpose the Administrator may choose and will be available for distribution as follows:

(a) Market news reports shall be available on an annual (or seasonal for reports issued by the Fruit and Vegetable Division) subscription to firms, institutions, government agencies and individuals, upon written request and payment of a subscription fee, except that no fees will be charged to other government agencies which assist in the collection of market news data for the requested report, and the news media. Establishment of mailing lists, based on the payment of subscription fees, will begin upon publication of this rule and will be updated on a continuing basis.

(b) Subscription fees shall be reviewed by the Administrator and revised, when necessary, to assure recovery of the Department's costs. Subscription renewal notices will specify the subscription rates. Subscription requests for less than a 12 month period will be prorated but may be subject to an additional handling charge.

(c) Requests involving research of records or reports, file copies, large volumes of reports or requests which require additional handling, will be assessed fees sufficient to cover the actual cost for the requested service.

(d) Information concerning market news reports and fees may be obtained from the Administrator, Agricultural Marketing Service, USDA, Washington, D.C. 20250.

(e) A single copy of daily, semi-weekly, and weekly reports prepared by the local market news office may be picked up free of charge at that office.

Done in Washington, D.C., on July 1, 1982.

C. W. McMillan,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 82-18517 Filed 7-7-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 911

[Lime Reg. 43, Amdt. 1]

Limes Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action lowers the minimum diameter requirements for shipments of fresh limes grown in Florida, and for limes imported into the United States from 1⅞ inches to 1¾ inches during a specified period during July–September of each year. The change in minimum size recognizes the fact that due to climatic conditions in the production area during this period, smaller size limes have higher juice content and are acceptable to consumers. Such action is necessary to assure the shipment of adequate supplies of limes of acceptable size and quality in the interest of producers and consumers.

DATES: Effective on and after July 5, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. 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 not measurably affect costs for the directly regulated handlers.

The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. Shipments of Florida limes are regulated by grade and size under Florida Lime Regulation 43 (47 FR 35911). This regulation, which is effective on a continuing basis, requires seedless limes for fresh shipment to: (1) Grade at least U.S. Combination, mixed color; (2) meet a minimum juice content of 42% by volume, and (3) have a minimum diameter of 1⅞ inches. The committee reviewed these requirements at a public meeting on June 9, 1982 and recommended a relaxation in the minimum size requirement for seedless limes from 1⅞ inches in diameter to 1¾ inches in diameter each year during the period beginning on the first Monday after July 4 and continuing through the Sunday before the third Monday in September of the same year. At all other times limes would have to meet the minimum diameter requirement of 1⅞ inches. Due to climatic conditions, limes marketed during the July to September period have a higher juice content than during the rest of the marketing season and will meet the requirement of a minimum juice content of 42%, by volume. Therefore, during this period, limes of the smaller 1¾ inch minimum diameter will have an acceptable juice content for consumers.

Under section 8e of the Act, whenever specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Thus, size requirements for imported limes will also change to conform to the size requirements for domestic shipments of Florida limes. It is hereby found that this regulation will tend to effectuate the declared policy of the Act.

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 of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) Shipment of the current crop of limes grown in Florida is now underway; (2) the amendment to the Florida lime regulation was recommended by the committee following discussion at a public meeting on June 9, 1982; (3) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (4) the lime import requirements are mandatory under section 8e of the Act, and they should become effective on the date specified; (5) the size requirements for imported limes are the same as those for Florida limes; and (6) at least three days notice of this import regulation is provided, the minimum prescribed by section 8e of the Act.

List of Subjects in 7 CFR Part 911

Marketing Agreements and Orders, Florida, Limes.

PART 911—LIMES GROWN IN FLORIDA

Accordingly, it is found that the provisions of § 911.344 Lime Regulation 43 (47 FR 35911) should be and are amended by revising paragraph (a)(3), to read as follows:

§ 911.344 Florida lime regulation 43.

(a) * * *

(3) During the period beginning on the third Monday in September of each year and continuing through the Sunday before the first Monday after July 4 of the following year, such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) shall be at least 1⅞ inches in diameter and, during the period beginning on the first Monday after July 4 of each year and continuing through the Sunday before the third Monday in September of the same year, such limes shall be at least 1¾ inches in diameter; *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet these minimum size requirements; *Provided further,* That not more than 15 percent, by count, in any individual container containing more than four pounds of limes may fail to meet these minimum size requirements.

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

Dated: July 2, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-18521 Filed 7-7-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 911 and 915

Limes Grown in Florida, and Avocados Grown in South Florida; Amendment of Container Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment of the Florida lime and avocado regulations permits the use of additional containers for shipments of fresh limes and avocados. This action is designed to promote orderly marketing and to standardize packing practices.

DATES: Effective on and after July 2, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. 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 not measurably affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreements, as amended, and Orders No. 911 and 915, as amended (7 CFR Parts 911 and 915), regulating the handling of limes grown in Florida and avocados grown in South Florida. The agreements and orders 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 Florida lime and avocado administrative committees and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This rule amends § 911.329, effective under 7 CFR Part 911—Subpart-Container Regulation, and § 915.305, effective under 7 CFR Part 915—Subpart-Container and Pack Regulations, by authorizing the use of additional containers to be used for shipments of fresh limes and avocados. The additional containers being authorized for limes have inside dimensions of: (1) 7⅞ inches x 11¼ inches x 5⅞ inches; and (2) 11¼ inches x 16¾ inches, with depth varying from 7 to 7½ inches. The rule specifies that such containers have not less than 10 pounds nor more than 12 pounds, and not less than 20 pounds nor more than 22 pounds net weight of limes, respectively. Two additional containers are being authorized for avocados. These containers have inside dimensions of: (1) 11¼ inches x 16¾ inches x 3⅝ inches; and (2) 11¼ inches x 16¾ inches, with depth varying from 7 to 7½ inches. The rule specifies minimum net weight requirements for particular varieties handled in such containers. This amendment permits the use of containers specially designed for use in packinghouses with fully mechanized palletizers, which automatically hold and stack containers on pallets. Palletization of containers of limes and avocados facilitates efficient handling and aids in the distribution of the fruits to market. This action is necessary to promote the efficient handling of limes and avocados and to maintain orderly marketing conditions.

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 of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that (1) the handling of Florida limes and avocados is now in progress subject to container and pack regulations effective under the order, (2) the committee recommended the amendment at a public meeting at which all interested parties were afforded an opportunity to express their views, and (3) the amendment relieves restrictions on the handling of Florida limes and avocados.

List of Subjects in 7 CFR Parts 911 and 915

Marketing Agreements and Orders, Limes, Avocados, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. Accordingly, § 911.329 (47 FR 22073) is amended by revising paragraphs (a)(1), and (a)(2), adding paragraphs (a)(2)(X) and (a)(2)(XI), redesignating paragraph (a)(2)(X) as (a)(2)(XII), revising paragraph (a)(3) and omitting paragraphs (a)(4) and (a)(5) as follows:

Subpart—Container Regulation

§ 911.329 Lime regulation 27.

(a) Order.

(1) On and after July 2, 1982, no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

(2) On and after the effective date hereof no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

(X) Containers with inside dimensions of 11¼ x 16¾, with depth varying from 7 to 7½ inches: *Provided,* That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(XI) Containers with inside dimensions of 7⅞ x 11¼ x 5⅞ inches: *Provided,* That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(3) The limitations set forth in paragraph (a)(2) of this section shall not apply to master containers of individual packages, including individual bags of limes: *Provided,* That the individual packages within such master container are of a capacity not exceeding 4 pounds net weight of limes and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

* * * * *

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

2. Section 915.305 (47 FR 22073) is amended by revising paragraph (a), adding new paragraphs (a)(9) and (a)(12), redesignating paragraph (a)(9) and (a)(10) as (a)(10) and (a)(11), respectively, redesignating paragraphs (a)(11) and (a)(12) as (a)(13) and (a)(14), respectively, and revising and redesingating paragraphs (a)(13) and (a)(14) as (a)(15) and (a)(16), respectively as follows:

Subpart—Container and Pack Regulation

§ 915.305 Florida avocado container regulation 5.

(a) On and after July 2, 1982, no handler shall handle any avocados for the fresh market from the production area to any point outside thereof in containers having a capacity of more than 4 pounds of avocados unless such containers meet the requirements specified in this section: *Provided,* That the containers authorized in this section shall not be used for handling avocados for commercial processing into products pursuant to § 915.55(c).

* * * * *

(9) Containers with inside dimensions of 11¼ x 16¾ x 3⅜ inches.

* * * * *

(12) Containers with inside demensions of 11¼ x 13¾ with depth varying from 7 to 7½ inches:

* * * * *

(15) With respect to the containers prescribed in paragraphs (a)(3) through (a)(9) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(16) With respect to the containers prescribed in paragraphs (a)(10), (a)(11), and (a)(12) of this section, all avocados in such containers shall be placed in two layers and the net weight of the avocados in any such container shall be not less than 25 pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *Provided further,* That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

* * * * *

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

Dated: July 2, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-18520 Filed 7-7-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 82-067]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Los Angeles County in California from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: July 2, 1982.

FOR FURTHER INFORMATION CONTACT: W. F. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this final rule warrants publication without opportunity for public comment. This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons.

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

Certification Under the Regulatory Flexibility Act

Dr. Harry 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 because it removes the quarantine imposed due to exotic Newscastle disease concerning only one premises, and that premises is not owned by a small entity.

This amendment releases a portion of Los Angeles County in California from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released area.

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Transportation, Exotic Newcastle Disease, Ornithosis, Psittacosis.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 82.3 [Amended]

1. In § 82.3(c)(1), relating to the State of California, the following premises is removed: Fancy Feather Pet Shop, 9355 Telegraph Road, Pico Rivera, Los Angeles County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

Done at Washington, D.C., this 2nd day of July 1982.

G. J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-18518 Filed 7-6-82; 10:53 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-78-AD; Amdt. 39-4402]

Airworthiness Directives; Hughes Model 369 Helicopters With Chadwick, Inc., Model C-20 Fuel System Installed Per STC SH129WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires installation of C-20-FM Flow Monitoring Kits on the Chadwick Auxiliary Fuel System installed on Hughes 369 helicopters per STC SH129WE. This modification is required to provide early warning of auxiliary fuel transfer pump failure and the associated decrease in usable auxiliary fuel.

DATES: Effective July 30, 1982. Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Chadwick, Inc., 11969 SW. Herman Road, Sherwood, Oregon 97140. This information also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or in the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Paul F. Hawkins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA Northwest Mountain Region, Seattle Area Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2520.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt an Airworthiness Directive which requires installation of an auxiliary fuel flow warning light was published in the **Federal Register** on November 27, 1981 (46 FR 57910).

The Chadwick Model C-20 Auxiliary Fuel System consists of two skid mounted tanks, a fuel pump in each tank, and a cross-feed line between tanks to allow operation with only one pump. In preparation for an extended overwater flight, one operator discovered that the loss of a single auxiliary boost pump decreased the usable auxiliary fuel by 12 to 18 gallons. These results were confirmed by tests at the manufacturer's facility and identified the cross-feed system as limiting. The Auxiliary Fuel System provides no warning of an auxiliary fuel pump failure and the associated decrease in usable auxiliary fuel.

To alleviate this unsafe condition, the C-20-FM Flow Monitoring Kit was developed. This kit installs a pressure switch on the output side of each auxiliary fuel pump which will activate warning lights when either pump stops pumping. Thus, the lights provide the pilot with an early warning of a pump failure and the associated decrease in usable auxiliary fuel.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the notice of proposed rulemaking (NPRM).

After careful review of all available data, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

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

Hughes: Applies to the Hughes Model 369 Helicopters with Chadwick C-20 Auxiliary Fuel System installed per Supplemental Type Certification SH129WE. Compliance is required as indicated, to provide early warning of auxiliary fuel transfer pump malfunction and the associated decrease in usable auxiliary fuel. Accomplish the following, unless already accomplished:

1. Within 30 days after the effective date of this AD, install a placard, in accordance with Chadwick Service Bulletin 20-81-01 dated October 6, 1981, or FAA approved equivalent limiting usable auxiliary fuel to half the amount in the auxiliary tanks at takeoff.

2. Within 300 hours' time-in-service or 6 months from the effective date of this AD, whichever occurs first, install the C-20-FM Flow Monitoring Kit in accordance with Chadwick Service Bulletin 20-81-01 dated October 6, 1981, or FAA approved equivalent. The placard installed per Item 1 above may be removed, provided the revised Flight Manual Supplement, Chadwick Auxiliary Fuel System C-20, dated October 21, 1981, is incorporated into the Rotorcraft Flight Manual.

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

4. Special flight permits may be issued in accordance with Federal Aviation Regulation Part 21, Sections 21.197 and 21.199, to operate each helicopter to a base for the accomplishment of the modification required by this AD.

This amendment becomes effective July 30, 1982.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified, 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, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

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

Issued in Fort Worth, Tex., on June 11, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-18425 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-31]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Hollywood, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment corrects a deficiency in the description of the Hollywood, Florida, Control Zone. This is an editorial correction and no change in airspace is intended.

DATES: Effective date: 0901 G.m.t., September 2, 1982. Comments must be received on or before August 2, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air

Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves editorial change to correct a deficiency in the description of the Hollywood, Florida, Control Zone and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Hollywood, Florida, Control Zone to correct an error. The present description of the Control Zone excludes a portion of the "* * * Miami, Fla., control zone * * *". This exclusion is misleading as there are four control zones listed under Miami, Florida, and the description is not specific as to which Miami control zone is being excluded. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to redescribe the Hollywood, Florida, Control Zone. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impracticable and that good cause exists for making this amendment effective in less than 45 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., September 2, 1982, as follows:

Hollywood, FL [Revised]

By deleting the words "* * * Miami, Fla., * * *" and substituting for them the words "* * * Miami, FL (Opa Locka Airport) * * *"

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

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

Issued in East Point, Ga., on June 25, 1982.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 82-18426 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Greensburg, Indiana, to accommodate a new instrument approach into Greensburg Airport, Greensburg, Indiana, established on the basis of a request from the Greensburg Airport officials to provide that facility with instrument approach capability based on the Shelbyville, Indiana 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: September 2, 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 1,200′ 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.

History

On page 19553 of the **Federal Register** dated May 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a 700 foot controlled airspace transition area near Greensburg, Indiana. Interested parties 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.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Greensburg, Indiana

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greensburg Airport (latitude 39°19'35" N., longitude 85°31'21" W.), and within 2.5 miles each side of the Shelbyville, Indiana, VORTAC 142 radial extending from the 5-mile radius to 7.5 miles northwest of the Greensburg Airport.

(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 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on June 23, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-18422 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-18]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone and Transition Area, Asheville, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Asheville, North Carolina, Control Zone and Transition Area. In order to satisfy operational needs, changes have been made in instrument flight procedures at Asheville Regional Airport. In addition, a new ILS instrument approach procedure has been established to serve the airport. It is necessary to alter the Control Zone and Transition Area to provide required controlled airspace for containment of Instrument Flight Rule (IFR) aircraft operations.

EFFECTIVE DATE: 0901 G.m.t., September 2, 1982.

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

SUPPLEMENTARY INFORMATION:

History

On Monday May 17, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the description of the Asheville, North Carolina, Control Zone and Transition Area as follows: (1) Increase the width and lengths of the control zone extensions to provide controlled airspace for IFR aircraft operating at an altitude of less than 1000 feet above the surface, (2) increase the size of the transition area to provide controlled airspace for IFR aircraft executing procedure turn maneuvers associated with various instrument approach procedures when such aircraft are operating at less than 1500 feet above the surface and (3) provide additional controlled airspace for aircraft flying diverse radar vectors while operating at low altitudes within the Asheville Terminal Radar Service Area (TRSA) (47 FR 21079). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Subsequent to publication of the Notice of Proposal Rulemaking, it was determined that inclusion of the Hendersonville-Kilpatrick Airport in the Asheville Control Zone was not necessary. Therefore, the description of the control zone is revised in this Final Rule to exclude that airspace within a one-mile radius of the Hendersonville-Kilpatrick Airport. All other comments received in response to publication were favorable. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Asheville, North Carolina, Control Zone and Transition Area by providing additional controlled airspace for containment of Instrument Flight Rule (IFR) operations in the vicinity of the Asheville Regional Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) are further amended, effective 0901 G.m.t., September 2, 1982, by deleting the present descriptions of the Asheville, North Carolina, Control Zone and Transition Area and substituting the following therefor:

Asheville, North Carolina, Control Zone [Revised]

Within a 5-mile radius of Asheville Regional Airport (Lat. 35°26'04" N., Long. 82°32'25" W.); within 3 miles each side of Runway 16/34 extended centerlines, extending from the runway thresholds to 11.5 miles north and south of the airport; excluding that portion within a one-mile radius of Hendersonville-Kilpatrick Airport (Lat. 35°18'27" N., Long. 82°26'00" W.).

Asheville, North Carolina, Transition Area [Revised]

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Asheville Regional Airport (Lat. 35°26'04" N., Long. 82°32'25" W.); within 7 miles west and 9.5 miles east of the 340° bearing from Keans LOM and the 160° bearing from Broad River RBN, extending from the 20-mile radius area to 18.5 miles north of the LOM and south of the RBN; excluding that portion that coincides with the Cullowhee, North Carolina, Transition Area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in East Point, Ga., on June 24, 1982.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 82-18424 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 240

[Release Nos. 33-6414, 34-18853]

Changes to Rules Containing Dollar Exemptive Limits; Repeal of Certain Rules

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to rules; rescission of certain rules.

SUMMARY: The Commission is adopting amendments to certain exemptive rules under the Securities Act of 1933 and the Securities Exchange Act of 1934 that would increase the dollar limits on exemptions from statutory provisions to reflect the effects of inflation. The Commission also is rescinding certain rules that have become obsolete because of Congressional or judicial action or the passage of time. The amendments and rescissions are part of an ongoing effort to update regulations and to eliminate obsolete or outmoded requirements wherever possible, consistent with investor protection.

EFFECTIVE DATE: August 9, 1982. Persons wishing to rely on the amendments may, however, do so immediately upon such publication.

FOR FURTHER INFORMATION CONTACT: Ann M. Glickman at (202) 272–2573, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On April 1, 1982, the Commission published for public comment proposals to amend or to rescind certain exemptive rules under the Securities Act of 1933 (15 U.S.C. 77) (the "Securities Act") and the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Exchange Act") which either contain dollar limitations or provide temporary exemptions (Release No. 33–6393 (47 FR 16043) ("April Release")). Specifically, the Commission proposed to increase the dollar limits in paragraphs (a)(2) and (b) of Rule 16a–9 (17 CFR 240.16a–9) from $3,000 to $10,000; in Rule 236 (17 CFR 230.236) from $100,000 to $300,000; and in Rule 237 (17 CFR 230.237) from $50,000 to $100,000 to reflect the effect of inflation since the adoption of such rules. The Commission also proposed to rescind five rules because they are either obsolete or outdated. Rule 234 (17 CFR 230.234) and Rule 235 (17 CFR 230.235) have been superseded by Congressional and judicial action, respectively, as discussed in the April Release. Rules 12a–1 (17 CFR 240.12a–1), 12a–2 (17 CFR 240.12a–2) and 12a–3 (17 CFR 240.12a–3), which provide temporary exemptions from the provisions of the Exchange Act, have become outdated through the passage of time. In addition, the Commission, while proposing to retain Regulation F under the Securities Act (17 CFR 230.651 through 656), requested specific comment concerning the continued usefulness of the regulation and the need for any changes thereto.

The Commission received two comment letters, both supporting its proposals. There was no public comment concerning Regulation F. Under the circumstances, the Commission has determined to implement, without any changes, the proposals to amend certain rules and to rescind others as described in the proposing release and to retain Regulation F without change.

List of Subjects in 17 CFR Parts 230 and 240

Reporting requirements, Securities.

Text of Amendments

The Commission hereby amends 17 CFR Chapter II as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.234 [Removed]

1. Section 230.234 is removed.

§ 230.235 [Removed]

2. Section 230.235 is removed.

3. Section 230.236 is amended by revising paragraph (b) to read as follows:

§ 230.236 Exemption of shares offered in connection with certain transactions.

* * * * *

(b) The aggregate gross proceeds from the sale of all shares offered in connection with the transaction for the purpose of providing such funds does not exceed $300,000.

4. Section 230.237 is amended by revising paragraph (b) to read as follows:

§ 230.237 Exemption of certain securities owned for five years.

* * * * *

(b) *Amount of securities exempted.* The gross proceeds from all securities of the issuer, its predecessors, and all of its affiliates, sold under this section by any person during any period of one year shall not exceed the lesser of the gross proceeds from the sale of one percent of the securities of the class outstanding or $100,000 in aggregate gross proceeds. Such amounts shall be reduced by the amount of the gross proceeds from any securities sold during such year pursuant to any other exemption under section 3(b) of the Act and the amount of gross proceeds from securities of the same class sold in reliance upon § 230.144 of this chapter.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.12a–1 [Removed]

5. Section 240.12a–1 is removed.

§ 240.12a–2 [Removed]

6. Section 240.12a–2 is removed.

§ 240.12a–3 [Removed]

7. Section 240.12a–3 is removed.

8. Section 240.16a–9 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 240.16a–9 Exemption for small transactions.

(a) * * *

(1) * * *

(2) The person effecting such acquisition does not participate in acquisitions or dispositions of securities of the same class having a total market value in excess of $10,000 for any six months period during which the acquisition occurs.

(b) Any acquisition or disposition of securities by way of gift, where the total amount of such gifts does not exceed $10,000 in market value for any six months period, shall be exempt from Section 16(a) and may be excluded from the computations prescribed in paragraph (a)(2) of this section.

(Secs. 3(b), 4(l), 19(a), 48 Stat. 75, 77, 85; secs. 209, 48 Stat. 908; 59 Stat. 167; sec. 12, 78 Stat. 580; 84 Stat. 1480; Sec. 308(a)(2), 90 Stat. 57; sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962; sec. 301, 94 Stat. 2291, 2294; secs. 12(a), 12(h), 12(i), 16(a), 23(a), 48 Stat. 892, 896, 901; sec. 203a, 49 Stat. 704; sec. 8, 49 Stat. 1379, secs. 3, 8, 78 Stat. 565–568, 579; sec. 1, 82 Stat. 454; sec. 105(b), 88 Stat. 1503; sec. 18, 89 Stat. 155; 15 U.S.C. 77c(b), 77d(l), 77s(a), 78*l*(a), 78*l*(h), 78*l*(i), 78p(a), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

June 29, 1982.

[FR Doc. 82–18496 Filed 7–7–82; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Parts 275 and 279

[Release No. IA–805]

Amendments to Investment Adviser Requirements Concerning Disclosure, Application for Registration and Annual Report

Correction

In FR Doc. 82–14183, appearing at page 22505 in the issue of Tuesday, May 25, 1982, the following changes should be made:

1. On page 22507, column one, the fourth line of § 275.204–1(b)(2) should

read, "question 13), of any application for".

2. On page 22507, column two, the next to last paragraph should be reduced in type-size to conform with the fourth from last paragraph in the column.

3. On page 22507, column three, the sixth line of the second paragraph should read, ", terminated (either voluntarily or".

4. On page 22508, column one, the thirteenth line should read, "shown parenthetically. The" and the fourteenth line should be removed.

BILLING CODE 6010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. 78-33, Notice 3]

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This notice revises the existing noise abatement regulation. The revision is intended to simplify noise abatement procedures and eliminate unnecessary requirements.

EFFECTIVE DATE: August 9, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Roy Turner, Noise and Air Analysis Division, Office of Environmental Policy (202-426-4836), or Mr. Thomas Holian, Office of the Chief Counsel (202-426-0761), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has reviewed its current procedures for the abatement of highway traffic noise and construction noise, published on April 23, 1976 (41 FR 16936), and appearing as Part 772 of Title 23 of the Code of Federal Regulations and Volume 7, Chapter 7, Section 3, of the Federal-Aid Highway Program Manual (FHPM 7-7-3). Based on this review, it was determined that these procedures should be simplified in order to achieve the Administration's stated goals of reducing unnecessary burdens upon the States and the public and reducing redtape whenever possible.

Consequently, on December 6, 1978, the FHWA published an advance notice of proposed rulemaking (ANTPRM) (43 FR 57161) raising nine issues concerning these procedures for consideration by affected persons and the general public and soliciting their comments. Those nine issues were discussed in the FHWA's December 7, 1981, notice of proposed rulemaking (NPRM) (46 FR 59550). That NPRM also proposed revisions to the existing 23 CFR 772 based on responses to the ANPRM.

The NPRM requested comments on the proposed revision and to three additional issues raised by the Environmental Protection Agency (EPA) and other commentors. These three issues are restated below followed by a summary and discussion of the responses. Also discussed below are several miscellaneous comments and discussions of the final regulation. Most commentors replied that the proposed revised regulation would simplify the procedures and eliminate unnecessary requirements while retaining adequate noise standards. In accordance with the Noise Control Act of 1972 , coordination of this regulation with EPA has been completed.

Discussion of Comments

Forty-three comments were received in response to the NPRM, 30 of which were from State highway agencies. The remaining thirteen commentors included five local governments, four private consulting firms, three State environmental agencies, and the National League of Cities.

The first issue raised in the NPRM was the use of dual descriptors, L_{10} and Leq in the regulation. Both terms are defined in § 772.5 of the regulation. The Leq descriptor was added to Part 772 in 1976 for several reasons. The Leq descriptor is more statistically reliable than L_{10} for low-volume roadways, is simpler in most instances for highway designers to work with, and is more flexible in terms of permitting noise levels from different sources to be combined in the analysis of noise impact. However, it has been suggested that Leq is difficult for the public to understand. Since its addition to Part 772, most highway agencies have adopted the Leq descriptor as their sole descriptor of highway noise. Pursuant to a suggestion by EPA and several State highway agencies, the FHWA solicited comments on whether the L_{10} descriptor should be deleted from this regulation. Nineteen commentors recommended deleting L_{10} as a noise descriptor, and 16 recommended keeping L_{10}. Because large numbers of States are using each descriptor (L_{10} or Leq), both descriptors are retained in the regulation.

The second issue concerned the suggestion that the procedures for coordination with local officials be changed by adding the following sentence:

> The FHWA encourages highway agencies to obtain an agreement from the local officials to control future development next to highways so that noise impacts are minimized.

Twenty-five commentors were against this addition and nine supported it. Although most commentors favored the intent of the agreement, the commentors felt that an agreement between the State and local governments would be impossible to implement or enforce. An unenforceable agreement would serve no useful purpose. Some States expressed concern over the legality of State control over local land use. Most believe that development near highways should be controlled by the local governments because many other factors besides noise enter into the land use and development process. Because of these concerns, this sentence has not been added to the regulation.

The third issue concerned proposed projects for noise abatement on existing highways (Type II projects) which are eligible for Federal-aid funding under 23 U.S.C. 109(i). It has been suggested that each State highway agency requesting funds for Type II projects be required to prepare a plan that would identify highway noise impact areas and assign priorities for action. Further, it has been suggested that review and approval of such plans by the FHWA be required as a condition of funding and that progress in implementing the plans be published yearly.

Twenty-three of 28 commentors recommended that there be no requirement for a Type II plan or an FHWA approval of the plan. The primary reason that commentors did not want the Type II plan was because Type II projects are optional and adding further requirements may discourage State highway agencies from initiating such projects. Commentors preferred the approval of Type II projects on a case-by-case basis. Commentors also identified this requirement as contradictory to the goal of reduced "redtape" and greater flexibility. Therefore, the regulation does not contain this suggested requirement.

Other Comments

A major comment from several States was that there is a need for noise assessment procedure guidelines. It is FHWA's decision that guidance is currently available in the American Association of State Highway and Transportation Officials' publication, "Guide on Evaluation and Attenuation

of Traffic Noise." This is preferable to a CFR appendix. The FHWA also publishes, from time to time, technical information, i.e., noise analysis model information.

Some State highway agencies wanted an exemption from noise analysis for low-volume roads. Nothing in the regulation prevents this. States should develop policies which will provide simplified procedures based on the magnitude and complexity of the highway project.

Several States commented that forcing a noise abatement decision at the EIS stage will create problems because of highway design details that may be needed to make this decision. A final noise mitigation decision is not required at the EIS stage; only a responsible indication of those measures that are likely to be incorporated in the project is required. The final decision is made by the Division Administrator when the plans and specifications are approved for a highway project.

Several States submitted numerous comments on all aspects of the regulation. A majority of these comments had been previously considered and discussed in the NPRM (46 FR 59550, December 7, 1981). Therefore, these comments will not be readdressed here.

Discussion of Regulation

The FHWA is making several technical changes to the proposed rule published in the **Federal Register** on December 7, 1981. Two of the technical changes being made to the rule, as proposed, are intended to conform this regulation to the requirement of the Federal-Aid Highway Act of 1981. This Act prohibits the use of Federal-aid Interstate construction funds on Type II noise abatement and landscaping projects (see § 772.13). Further, § 772.13(c)(5) is amended to make clear that the acquisition of real property to serve as a buffer zone is reimbursable for Type I projects only. This does not represent a change in policy, nor was any change intended by the omission of this language in the NPRM. Similarly, clarifying language on undeveloped lands has been added to § 772.15. Section 772.17(a)(2) has been amended to indicate where the technical publications discussed in the regulation are available. Finally, a nonregulatory appendix has been added here for ease of reference. The regulation eliminates 65 percent of the previous mandates. The deleted requirements are: 17 factors to be considered by States for prioritizing noise abatement projects on existing highways; a formal documentation and approval in those instances where noise abatement is not warranted; a five-part noise study report; and, prescriptive details for conducting analysis of noise impact and abatement measures. The FHWA will continue, however, to provide assistance to State highway agencies in these topic areas through technical advisories.

The FHWA had determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory procedures. It is anticipated that the revised regulation will reduce the administrative burden on State highway agencies; however, because of variances in State programs, FHWA is unable to quantify these reductions at this time. In accordance with the above, it has been determined that a full regulatory evaluation is not required. For the same reason, and because the impacts of these amendments will accrue to State highway agencies, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 20.509, Public Transportation for Nonurbanized Areas; 23.003, Appalachian Development Highway System; 23.008, Appalachian Local Access Roads. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

List of Subjects in 23 CFR Part 772

Grant Programs—transportation, Highways and roads, Noise control.

Issued on: July 2, 1982.

R. A. Barnhart,

Federal Highway Administrator.

In consideration of the foregoing, Chapter I of title 23, Code of Federal Regulations, is amended by revising Part 772 to read as follows:

PART 722—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

Authority: 23 U.S.C. 109(h), 109(i); 42 U.S.C. 4331, 4332; 49 CFR 1.48(b).

§ 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to title 23, United States Code (U.S.C.).

§ 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mandated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this regulation shall be deemed to be in conformance with the Federal Highway Administration (FHWA) noise standards.

§ 772.5 Definitions.

(a) *Design year*—the future year used to estimate the probable traffic volume for which a highway is designed. A time, 10 to 20 years, from the start of construction is usually used.

(b) *Existing noise levels*—the noise, resulting from the natural and mechanical sources and human activity, considered to be usually present in a particular area.

(c) L_{10}—the sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration.

(d) $L_{10}(h)$—the hourly value of L_{10}.

(e) *Leq*—the equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period.

(f) *Leq*(h)—the hourly value of Leq.

(g) *Traffic noise impacts*—impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria (Table 1), or when the predicted traffic noise levels substantially exceed the existing noise levels.

(h) *Type I projects*—a proposed Federal or Federal-aid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizonal or vertical alignment or increases the number of through-traffic lanes.

(i) *Type II projects*—a proposed Federal or Federal-aid highway project for noise abatement on an existing highway.

§ 772.7 Applicability.

(a) *Type I projects.* This regulation applies to all Type I projects unless it is specifically indicated that a section applies only to Type II projects.

(b) *Type II projects.* The development and implementation of Type II projects are not mandatory requirements of 23 U.S.C. 109(i) and are, therefore, not required by this regulation. When Type II projects are proposed for Federal-aid highway participation at the option of the highway agency, the provisions of §§ 772.9(c), 772.13, and 772.19 of this regulation shall apply.

§ 772.9 Analysis of traffic noise impacts and abatement measures.

(a) The highway agency shall determine and analyze expected traffic noise impacts and alternative noise abatement measures to mitigate these impacts, giving weight to the benefits and cost of abatement, and to the overall social, economic and environmental effects.

(b) The traffic noise analysis shall include the following for each alternative under detailed study:

(1) Identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, which may be affected by noise from the highway;

(2) Prediction of traffic noise levels;

(3) Determination of existing noise levels;

(4) Determination of traffic noise impacts; and

(5) Examination and evaluation of alternative noise abatement measures for reducing or eliminating the noise impacts.

(c) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis of sufficient scope to provide information needed to make the determination required by § 772.13(a) of this chapter.

§ 772.11 Noise abatement.

(a) In determining and abating traffic noise impacts, primary consideration is to be given to exterior areas. Abatement will usually be necessary only where frequent human use occurs and a lowered noise level would be of benefit.

(b) In those situations where there are no exterior activities to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the interior criterion shall be used as the basis of determining noise impacts.

(c) If a noise impact is identified, the abatement measures listed in § 772.13(c) of this chapter must be considered.

(d) When noise abatement measures are being considered, every reasonable effort shall be made to obtain substantial noise reductions.

(e) Before adoption of a final environmental impact statement or finding of no significant impact, the highway agency shall identify:

(1) noise abatement measures which are reasonable and feasible and which are likely to be incorporated in the project, and

(2) noise impacts for which no apparent solution is available.

(f) The views of the impacted residents will be a major consideration in reaching a decision on the reasonableness of abatement measures to be provided.

(g) The plans and specifications will not be approved by FHWA unless those noise abatement measures which are reasonable and feasible are incorporated into the plans and specifications to reduce or eliminate the noise impact on existing activities, developed lands, or undeveloped lands for which development is planned, designed, and programmed.

§ 772.13 Federal participation.

(a) Federal funds may be used for noise abatement measures where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will reduce the traffic noise impact, and

(3) The overall noise abatement benefits are determined to outweigh the overall adverse social, economic, and environmental effects and the costs of the noise abatement measures.

(b) For Type II projects, noise abatement measures will not normally be approved for those activities and land uses which come into existence after May 14, 1976. However, noise abatement measures may be approved for activities and land uses which come into existence after May 14, 1976, provided local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities.

(c) The noise abatement measures listed below may be incorporated in Type I and Type II projects to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located, except that Interstate construction funds may only participate in Type I projects.

(1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive land designations).

(2) Alteration of horizontal and vertical alignments.

(3) Acquisition of property rights (either in fee or lesser interest) for construction of noise barriers.

(4) Construction of noise barriers (including landscaping for esthetic purposes) whether within or outside the highway right-of-way. Interstate construction funds may not participate in landscaping.

(5) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.

(6) Noise insulation of public use or nonprofit institutional structures.

(d) There may be situations where (1) severe traffic noise impacts exist or are expected, and (2) the abatement measures listed above are physically infeasible or economically unreasonable. In these instances, noise abatement measures other than those listed in § 772.13(c) of this chapter may be proposed for Types I and II projects by the highway agency and approved by the Regional Federal Highway Administrator on a case-by-case basis when the conditions of § 772.13(a) of this chapter have been met.

§ 772.15 Information for local officials.

In an effort to prevent future traffic noise impacts on currently undeveloped lands, highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

(a) The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project,

(b) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels, and

(c) Eligibility for Federal-aid participation for Type II projects as described in § 772.13(b) of this chapter.

§ 772.17 Traffic noise prediction.

(a) Any traffic noise prediction method is approved for use in any noise analysis required by this regulation if it generally meets the following two conditions:

(1) The methodology is consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA–RD–77–108).*

(2) The prediction method uses noise emission levels obtained from one of the following:

(i) National Reference Energy Mean Emission Levels as a Function of Speed (Appendix A).

(ii) Determination of reference energy mean emission levels in Sound Procedures for Measuring Highway Noise: Final Report, DP–45–1R.*

(b) In predicting noise levels and assessing noise impacts, traffic characteristics which will yield the worst hourly traffic noise impact on a regular basis for the design year shall be used.

§ 772.19 Construction noise.

The following general steps are to be performed for all Types I and II projects:

(a) Identify land uses or activities which may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(b) Determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic and environmental effects and the costs of the abatement measures.

(c) Incorporate the needed abatement measures in the plans and specifications.

* These documents are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

TABLE 1.—Noise Abatement Criteria

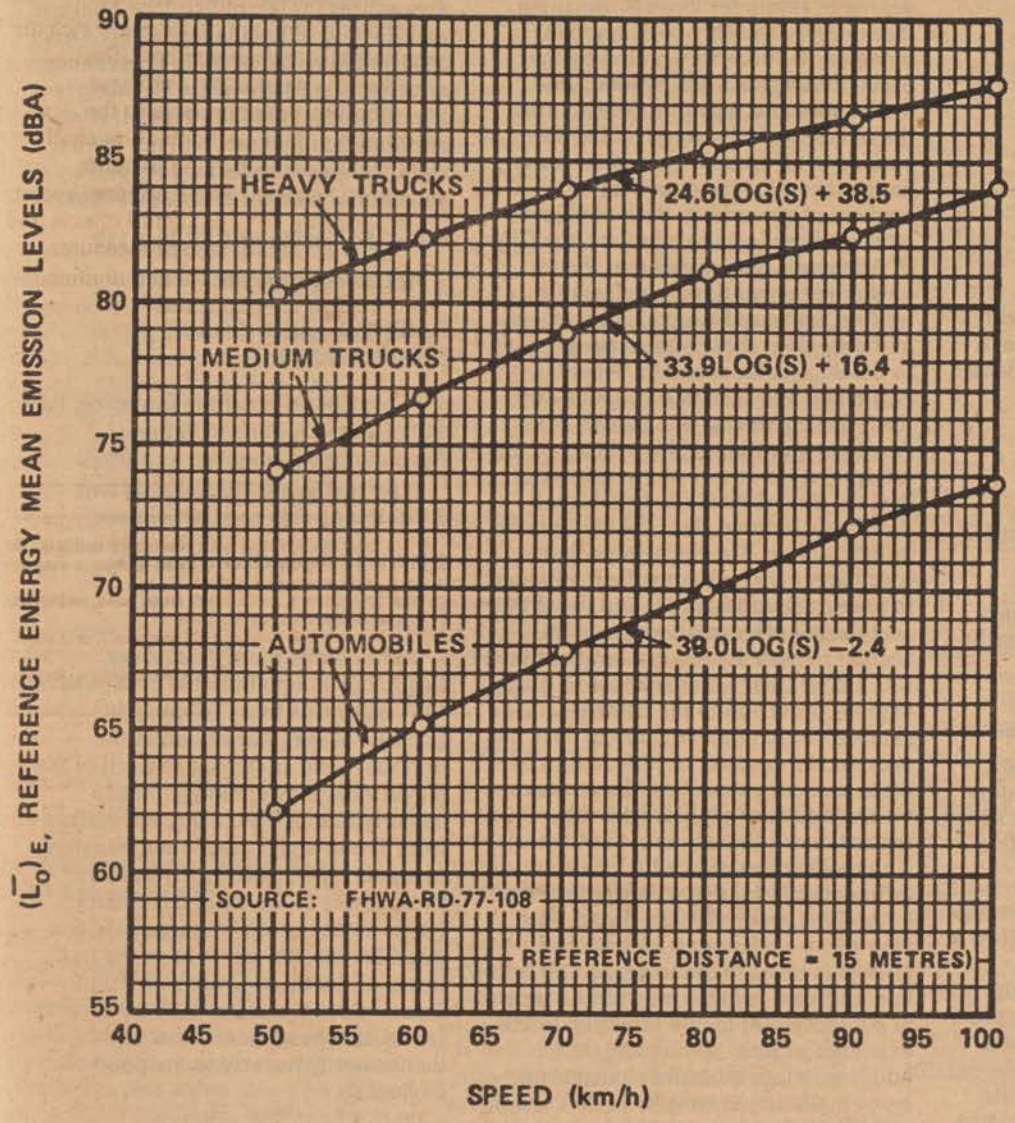
[Hourly A-Weighted Sound Level—decibels (dBA)[1]]

Activity Category	Leq(h)	$L_{10}(h)$	Description of activity category
A	57 (Exterior)	60 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	70 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	75 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D			Undeveloped lands.
E	52 (Interior)	55 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] Either $L_{10}(h)$ or Leq(h) (but not both) may be used on a project.

BILLING CODE 4910-22-M

Appendix: A



LEGEND:

1. AUTOMOBILES: ALL VEHICLES WITH TWO AXLES AND FOUR WHEELS.
2. MEDIUM TRUCKS: ALL VEHICLES WITH TWO AXLES AND SIX WHEELS.
3. HEAVY TRUCKS: ALL VEHICLES WITH THREE OR MORE AXLES.

National Reference Energy Mean Emission Levels as a Function of Speed

[FR Doc. 82-18495 Filed 7-7-82; 8:45 am]
BILLING CODE 4910-22-C

Coast Guard

33 CFR Part 110

[CGD05-81-15R]

Annapolis Harbor, Annapolis, Md; Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Upon petition of the Office of the Mayor, City of Annapolis, Maryland, the Coast Guard has clarified the anchorage regulations by notifying the public that the City of Annapolis will enforce local anchorage ordinances in the following anchorage grounds located within Annapolis Harbor:

a. Middle Ground Anchorage
b. South Anchorage
c. Anchorage "A"
d. Anchorage "B"

This change will enhance navigation safety by providing for an active enforcement agency to oversee the operation of these anchorage grounds and makes several editorial changes to anchorage ground boundaries.

EFFECTIVE DATE: This amendment becomes effective on August 9, 1982.

FOR FURTHER INFORMATION CONTACT: Captain E. E. Moran, Chief, Port Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398-6389.

SUPPLEMENTARY INFORMATION: This rule is issued without publication of a Notice of Proposed Rulemaking. This rule involves no major rulemaking change which would require public comment. It serves to (1) notify the general public that there are local ordinances promulgated by the city of Annapolis that might have an effect on the boating public and (2) make minor editorial changes to clarify anchorage ground boundaries and enforcement authorities.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Junior Grade M. S. Kushla, Project Manager, Port Safety Branch, Fifth Coast Guard District, and Lieutenant D. M. Wrye of the office of the District Legal Officer, Fifth Coast Guard District.

Discussion of the Regulation

The anchorage grounds affected by this rule lie in Annapolis Harbor, Annapolis, Maryland along the western bank of the Severn River (Middle Ground Anchorage and South Anchorage) and the northern bank of Spa Creek (Anchorage "A" and Anchorage "B"). There has been a marked increase in boating activity in this area resulting in overcrowding in the anchorage grounds and a lowered degree of safety for vessels transiting these areas. The City of Annapolis, pursuant to authority granted by the State of Maryland, has promulgated ordinances and regulations to control the building of structures and mooring of vessels in all waterways within the city limits, including the above-listed anchorage grounds. In their attempt to enforce these local regulations, the City of Annapolis discovered that the anchorage regulations, as presently written, appeared to give enforcement authority over these anchorage grounds to the Superintendent, U.S. Naval Academy. The City of Annapolis and the Superintendent, U.S. Naval Academy questioned the validity of this interpretation. It was never intended that the Superintendent, U.S. Naval Academy, enforce all of the regulations in this section. The Superintendent is responsible for enforcing the regulations in paragraph (a)(1), (a)(4) and (b) of this section. All other anchorages in this section remain the responsibility of the U.S. Coast Guard. In the absence of any express provision to the contrary, establishment of an anchorage does not prevent the exercise of jurisdiction by State or local authorities. Thus, except where they may conflict with the regulations in this section, the City of Annapolis may enforce its local ordinance. To clarify which enforcement authorities are exercising jurisdiction over these anchorages, an editorial change is being made to paragraph (b)(6) and a "Note" is being inserted at the end of paragraph (a) to call attention to the existence of local ordinances. In addition, minor editorial changes are being made in paragraphs (a)(12), (a)(4), and (b)(5). An environmental assessment has been undertaken which determined that this amendment would result in no impact on the quality of the human environment. The economic impact of this rule on small businesses, non-profit organizations, and government entities is considered to be minimal, because the rule makes only minor editorial changes and serves to notify the boating public that the City of Annapolis will be enforcing local ordinances in these anchorage grounds. Thus, this regulation does not appear to be a matter on which there would be substantial public interest or controversy, nor does it involve impacts on competition, business, state or local government, or the regulations of other programs and agencies. This regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be non-significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact upon a substantial number of small entities.

List of Subject in 33 CFR Part 110

Anchorage grounds.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as shown:

1. By revising § 110.159(a)(2) and § 110.159(a)(4) to read as follows:

§ 110.159 Annapolis Harbor, MD.

(a) * * *

(1) * * *

(2) Middle Ground Anchorage. Beginning at a point in the Severn River 139°, 620 yards from Triton Light (located at the intersection of the northeast and southeast seawall of the Naval Academy grounds); thence easterly to a point 112°30', 970 yards from Triton Light; thence southeasterly to a point 274°, 1,045 yards from the radio tower at the tip of Greenbury Point; thence south-southeasterly to a point 233°30', 925 yards from the radio tower at the tip of Greenbury Point; thence west to a point 295°, 1,015 yards from Greenbury Point Shoal Light; thence northwesterly to the point of beginning.

(3) * * *

(4) Naval Anchorage for Small Craft. In the Severn River, beginning at a point 80 feet off the southeast seawall of the Naval Academy bearing 132° from Triton Light; thence easterly to a point 072°30', 285 yards from Triton Light; thence southeasterly to a point 109°, 785 yards from Triton Light; thence westerly to a point 211°, 537 yards from Triton Light; thence northwesterly to a point 45 yards off the southeast seawall of the Naval Academy bearing 214°, 535 yards from Triton Light; thence northeasterly to the point of beginning. Except in the case of emergency, no vessel shall be anchored in this area without the permission of the Superintendent, U.S. Naval Academy. Anchorages will be assigned upon request to the Superintendent, U.S. Naval Academy.

* * * * *

2. By adding the following note immediately after § 110.159(a)(6) to read as follows:

Note.—The City Council of Annapolis has promulgated local ordinances to the control building of structures, and mooring and anchorage of vessels in anchorages (a)(2), (a)(3), (a)(5), and (a)(6). These local ordinances will be enforced by the local Harbor Master.

3. By revising § 110.159(b)(5) and § 110.159(b)(6) to read as follows:

* * * * *

(b)(5) The restrictions in this section do not apply to the anchoring or marking by buoys of apparatus used for the purpose of taking seafood, except within the cable or pipeline area described in paragraph (b)(3) of this subsection.

(6) The regulations in this paragraph (b) shall be enforced by the Superintendent, U.S. Naval Academy, and such agencies as he may designate.

(Sec. 7, 38 Stat. 1053, (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940; (49 U.S.C. 1655(g)(1), 49 CFR 1.46(c) and 1.45(b)))

Dated: June 14, 1982.

John D. Costello,

Commander, Fifth Coast Guard District.

[FR Doc. 82-18498 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Parts 127, 128 and 165

[CGD 79-034]

Regulated Navigation Areas and Limited Access Areas

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment relocates the regulations governing security zones, regulated navigation areas, safety zones and limited access areas into a single location, PART 165. Parts that would have been redundant, such as definitions, have been combined, and parts that were verbose have been clarified. This amendment reorganizes without changing the substantive content. It is part of a continuing effort by the Coast Guard to reorganize and clarify its regulations.

EFFECTIVE DATE: This amendment becomes effective on June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Michael J. Powers, Office of Marine Environment and Systems, Room 1100, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 755-1354. Normal working hours are 7 a.m. to 3:30 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION: No notice of proposed rulemaking is being published because this rule contains only editorial changes to current regulations and does not change the substantive content of these regulations. Publishing this simple reorganization as a notice of proposed rulemaking would increase costs, and delay implementation. Therefore, pursuant to 5 U.S.C. 553(b)(3)(B), public comment has been found to be impracticable and unnecessary.

Paperwork Reduction Act

Information collection requirements contained in this regulation (Part 165) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control numbers 2115—(0076—Safety Zones), (0129—Security Zones), and (0087—Regulated Navigation Areas).

Drafting Information

The principal persons involved in drafting this rule are Lieutenant (junior grade) Michael J. Powers, Project Manager, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Attorney, Office of the Chief Counsel.

Discussion

In a separate rulemaking proceeding, the Coast Guard is currently involved in revising waterfront facilities regulations to reflect new initiatives under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) As a part of this revision project all existing regulations concerned with limited access areas, safety zones, regulated navigation areas and security zones are being placed in one part entitled Regulated Navigation Areas and Limited Access Areas. These regulations will be located in 33 CFR Part 165. Parts 127 and 128 of 33 CFR will be removed and reserved. These changes are editorial or procedural only and make no changes to the substantive content of the current regulations.

Subpart A contains regulations that are general to all areas such as definitions and the procedures for appeals. This Subpart also contains the application procedures for safety zones, security zones, and regulated navigation areas. Subparts B, C, and D contain the regulations concerning regulated navigation areas, safety zones and security zones respectively. There are no substantive changes to these regulations.

Subpart E refers to regulations concerning restricted waterfront areas. These regulations limit access to certain waterfront facilities. Because of their similarity to security zones, they are designated as Restricted Waterfront Areas. There are no other changes. In Subpart F of the new rules, the regulated areas currently in effect are listed by Coast Guard District.

The numbering system is structured to aid in location of the limited access areas within the Coast Guard Districts. The number following the decimal point is keyed so that the first numbers correspond to the Coast Guard District in which the area is located The areas within each district are sequentially numbered, as indicated by the last numbers.

For example: 165.101—165 is the regulation part, the first digit (or two digits) after the decimal, 1, refers to the First Coast Guard District and the 01 refers to the first limited access area established in that district.

Several other nonsubstantive changes have been made for clarity and ease of reading. For example, paragraph (b) of former § 127.701 which covers a security zone in the vicinity of Kennedy Space Center, has been rewritten to clarify that the zone is in effect only when space vehicles are being launched. These regulations are now located at § 165.701.

The authority to issue these regulations is delegated to the Commandant under two pieces of legislation. Safety zones and regulated navigation areas are established under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Security zones and restricted waterfront areas are established under the Magnuson Act (50 U.S.C. 191). To facilitate reference to these sources the citations for the various subparts have been listed in the Table of Contents.

The following tables list the old section and new section numbers:

DERIVATION TABLE

New section No.	Old section No.
165.1	127.10, 128.01, 165.01, 127.01.
165.2	127.05(a), 128.05 (a) and (c), 165.05.
165.3	165.10.
165.5	127.20, 128.10, 165.15.
165.7	165.15.
165.10	128.05(b).
165.13	128.07.
165.20	165.05.
165.23	165.20.
165.25	165.25.
165.30(a)	127.05(b).
165.30(b)	127.01.
165.33	127.15.
165.40	125.15(a).
165.101	128.101.
165.301	127.301.
165.302	127.305.
165.303	128.301.
165.304	128.303 46 FR 56181.
165.305	165.319 46 FR 20551.
165.501	128.501.
165.502	165.510.
165.701	127.701.
165.802	165.800.
165.803	128.801.

DERIVATION TABLE—Continued

New section No.	Old section No.
165.804	165.760.
165.901	128.901.
165.902	165.902.
165.1107	165.1101.
165.1108	165.1108 45 FR 85449.
165.1401	127.1401.
165.1402	128.1401.
165.1701	165.1701.
165.1702	165.1702 47 FR 7658.

DISPOSITION TABLE

Old section No.	New section No.
125.15(a)	165.40.
127.01	165.1, 165.30(b).
127.05(a)	165.2.
127.05(b)	165.30(a).
127.10	165.1.
127.15	165.33.
127.20	165.5.
127.301	165.301.
127.305	165.302.
127.701	165.701.
127.1401	165.1401.
128.01	165.1.
128.05(a) and (c)	165.2.
128.05(b)	165.10.
128.07	165.13.
128.10	165.5.
128.101	165.101.
128.301	165.303.
128.303 46 FR 56181	165.304.
165.327 46 FR 41494	165.305.
128.501	165.501.
128.801	165.803.
128.901	165.901.
128.1401	165.1402.
165.01	165.1.
165.05	165.2, 165.20.
165.10	165.3.
165.15	165.5, 165.7.
165.20	165.23.
165.25	165.25.
165.510	165.502.
165.760	165.804.
165.800	165,802.
165.902	165,902.
165.1101	165,1107.
165.1108 45 FR 85449	165.1108.
165.1701	165.1701.
165.1702 47 FR 7658	165.1702.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major. In addition, these regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Coast Guard, Harbors, Marine safety, Navigation, Security measures, Vessels, and Waterways.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

1. By revising the heading of Subchapter L to read as follows:

SUBCHAPTER L—WATERFRONT FACILITIES

PART 127—SECURITY ZONES [REMOVED]

2. By removing Part 127.

PART 128—REGULATED NAVIGATION AREAS [REMOVED]

3. By removing Part 128.

4. By revising Part 165 to read as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

Subpart A—General

Sec.

Subpart B—Regulated Navigation Areas

Subpart C—Safety Zones

Subpart D—Security Zones

Subpart E—Restricted Waterfront Areas

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

Authority: Subpart A issued under sec. 2, Pub. L. 95–474, 92 Stat. 1475, 1477 (33 U.S.C. 1225, 1231); C. 30, sec. 1, 40 Stat. 220, as amended (50 U.S.C. 191); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); E.O. 10173, 3 CFR 1949–1953 Comp. 356; E.O. 11249, 3 CFR 1964–1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46 (b) and (n)(4).

Subparts B and C issued under sec. 2, Pub. L. 95–474, 92 Stat. 1475, 1477 (33 U.S.C. 1225, 1231); 49 CFR 1.46(n)(4).

Subparts D and E issued under c. 30, sec. 1, 40 Stat. 220, as amended (50 U.S.C. 191); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); E.O. 10173, 3 CFR 1949–1953 Comp. 356; E.O. 11249, 3 CFR 1964–1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b).

Subpart A—General

§ 165.1 Purpose of part.

The purpose of this part is to—

(a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(c) Prescribe specific requirements for established areas; and

(d) List specific areas and their boundaries.

§ 165.2 Definitions.

"Captain of the Port" (COTP) means the Coast Guard officer commanding a Captain of the Port zone described in Part 3 of this chapter.

"Commandant" means the Commandant of the United States Coast Guard.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, or the District Commander's designated representative.

"Person" includes an individual, firm, corporation, association, partnership, or governmental entity.

"Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

§ 165.3 Delegations.

(a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(b) Under the provisions of §§ 6.04–1 and 6.04–6 of this chapter, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

§ 165.5 Establishment procedures.

(a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(b) Any person may request that the Captain of the Port or District Commander having jurisdiction over a location outlined in Part 3 of this chapter, establish a safety zone, security zone, or regulated navigation area. Except as provided in paragraph (c) of this section, each request must be in writing and include the following:

(1) The name of the person submitting the request;

(2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(5) The nature of the restrictions or conditions desired; and

(6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control numbers 2115–0076, 2115–0219, and 2115–0087).

(c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

§ 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the **Federal Register.**

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

Subpart B—Regulated Navigation Areas

§ 165.10 Regulated navigation area.

A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

§ 165.13 General regulations.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

Subpart C—Safety Zones

§ 165.20 Safety zones.

A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

§ 165.23 General regulations.

Unless otherwise provided in this part—

(a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

§ 165.25 Appeals.

(a) Any person directly affected by a safety zone order or direction may request reconsideration by the official who issued it or in whose name it was issued. This request may be made orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander. The appeal must be in writing and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentations on the issues.

(c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b), of this section, may appeal to the Commandant. The District Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under

paragraph (b) of this section was made, and any comments which might be relevant, to the Commandant. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Commandant. The decision of the Commandant is based upon the materials submitted, without oral argument or presentation. The decision of the Commandant is issued in writing and constitutes final agency action.

(d) While any request or appeal is pending, the safety zone, order, or direction, remains in effect.

Subpart D—Security Zones

§ 165.30 Security zones.

(a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature—

(1) Vessels,

(2) Harbors,

(3) Ports and

(4) Waterfront facilities—

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 165.33 General regulations.

Unless otherwise provided in the special regulations in Subpart F of this part—

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in the security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

Subpart E—Restricted Waterfront Areas

§ 165.40 Restricted Waterfront Areas.

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in § 125.09 of this chapter when certain shipping activities are conducted that are outlined in § 125.15 of this chapter.

Subpart F—List of Limited Access Areas

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50"N, 70°44'52"W; then to 43°04'52"N, 70°44'53"W; then to 43°04'59"N, 70°44'46"W; then to 43°05'05"N, 70°44'32"W; then to 43°05'03"N, 70°44'30"W; then to the beginning point.

(b) Regulations—No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.301 Sandy Hook Bay, New Jersey—security zone.

(a) Naval Ammunition Depot Piers.—The waters within the following boundaries are a security zone—A line beginning on the shore at 40°25'57"N, 74°04'32"W; then to 40°27'52.5"N, 74°03'14.5"W; then to 40°27'28.3"N, 74°02'12.4"W; then to 40°26'29.2"N, 74°02'53"W; then to 40°26'31.1"N, 74°02'57.2"W; then to 40°25'27.3"N, 74°03'41"W; then along the shoreline to the beginning point.

(b) Terminal Channel. The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2"N, 74°02'46"W; then to 40°28'27"N, 74°02'17.2"W; then to 40°28'21.1"N, 74°02'00"W; then to 40°28'07.8"N, 74°02'22"W; then to 40°27'39.8"N, 74°02'41.4"W; then to to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in § 165.33(a)—

(1) No vessel shall anchor, stop, remain or drift without power at anytime in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

§ 165.302 New London Harbor, Connecticut—security zone.

(a) Security zones—

(1) Security Zone A. The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier; then to 41°21'24"N, 72°05'21.2"W; then to 41°21'26.2"N, 72°05'19.3"W; then to 41°21'34"N, 72°05'18.1"W; then to 41°21'37.4"N, 72°05'21"W; (buoy C 15); then to 41°21'37"N, 72°05'25.1"W; (Winthrop Point Anchorage buoy A); then west to the shoreline at 41°21'37"N, 72°05'28"W; then along the shoreline and pier to the point of beginning.

(2) Security Zone B. The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'27"N, 72°04'53.3"W; then due west to 41°20'27"N, 72°05'02"W; then to 41°21'03"N, 72°05'06.7"W; then east to a point on the shoreline at 41°21'03"N, 72°05'00"W; then along the shoreline to the point of beginning.

(3) Security Zone C. The waters of the Thames River, west of the Naval Submarine Base, New London, enclosed by a line beginning at a point on the shoreline at 41°23'15.8"N, 72°05'17.9"W; then to 41°23'15.8"N, 72°05'22"W; then to 41°23'25.9"N, 72°05'29.9"W; then to 41°23'47.2"N, 72°05'42.2"W; then to 41°23'53.8"N, 72°05'43.7"W; then to 41°24'04.2"N, 72°05'42.9"W; then to a point on the shoreline at 41°24'04.2"N, 72°05'38"W; then along the shoreline to the point of beginning.

(b) Special regulation. Section 165.33 does not apply to public vessels when operating in Security Zones A or B, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone B.

§ 165.303 Delaware Bay and River—regulated navigation area.

(a) The following is a regulated navigation area—The waters of Delaware Bay and River, south and southwest of the southern span of the Delaware Memorial Bridge, and inside the boundary line of inland waters described in § 80.325 of this chapter.

(b) *Regulation.* (1) Draft Limitation. Unless otherwise authorized by the Captain of the Port, no vessel with a

draft greater than 55 feet may enter this regulated navigation area.

(2) Oil transfer operations. Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

§ 165.304 New Haven Harbor, Quinnipiac River, Mill River.

(a) The following is a regulated navigation area: The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N, 72°54'36"W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N, 72°54'21"W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N, 72°54'06"W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N, 72°54'23"W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) Applicability. The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) Regulated barges may not transit the bridge—

(i) Except during the period of three hours before and after high water slack,

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(5) If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.

(6) Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.

(7) Nothing in this section is intended to relieve any person from complying with—

(i) Applicable Navigation and Pilot Rules for Inland Waters;

(ii) Any other laws or regulations;

(iii) Any order or direction of the Captain of the Port.

(8) The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this Section if the COTP finds that an alternate operation can be done safely.

§ 165.305 Arthur Kill, New York—safety zone.

The waters of the Arthur Kill, New York, extending south of Port Reading Reach to the Staten Island shoreline, then to Buoy 12 (LLN 1758), then to Buoy 18 (LLN 1763) are a Safety Zone.

§ 165.501 Chesapeake Bay entrance—regulated navigation area.

(a) The following is a regulated navigation area—The waters of the Atlantic Ocean and Chesapeake Bay enclosed by a line beginning at Fort Wool Light at 36°59'12"N, 76°18'09"W; then to Cape Charles City Range Rear Light at 37°14'54"N, 76°01'16"W; then south along the shoreline to Wise Point at 37°06'58"N, 75°58'18"W; then to Cape Charles Light at 37°07'22"N, 75°54'24"W; then to Cape Henry Light at 36°55'35"N, 76°00'27"W; then west along the shoreline to the east side of the entrance to Little Creek at 36°55'49"N, 76°10'33"W; then to the west side of the entrance to Little Creek at Latitude 36°55'35"N, 76°10'46"W, then west along the shoreline to the southernmost end of the Hampton Roads Tunnel south approach span at 36°58'02"N, 76°17'51"W; then north along that approach span to the beginning point.

(b) For the purposes of this section—

(1) "CBBT" means Chesapeake Bay Bridge-Tunnel.

(2) Chesapeake Channel consists of the waters enclosed by a line beginning at Chesapeake Channel Lighted Buoy 7 at 37°01'13"N, 76°03'08"W; then to Lighted Bell Buoy 11 at 37°03'28"N, 76°05'36"W; then to Lighted Buoy 12 at 37°03'42"N, 76°05'13"W; then to Lighted Bell Buoy 8 at 37°01'29"N, 76°02'47"W; then to the beginning point.

(3) Thimble Shoal Channel consists of the waters enclosed by a line beginning at Thimble Shoal Channel Lighted Bell Buoy 1 at 36°57'20"N, 76°02'47"W; then to Lighted Buoy 19 at 37°00'10"N, 76°13'43"W; then to Lighted Gong Buoy 20 at 37°00'19"N, 76°13'39"W; then to Lighted Buoy 2 at 36°57'30"N, 76°02'45"W; then to the beginning point.

(4) Thimble Shoal North Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Lighted Buoy 2 at 36°57'30"N, 76°02'45"W; to Lighted Gong Buoy 20 at 37°00'19"N, 76°13'39"W.

(5) Thimble Shoal South Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Lighted Bell Buoy 1 at 36°57'20"N, 76°02'47"W; to Lighted Buoy 19 at 37°00'10"N, 76°13'43"W.

(c) Regulations:

(1) Anchoring Prohibition. No vessel over 100 gross tons may anchor or moor in this regulated navigation area, except that a self-propelled vessel may anchor or moor in an anchorage ground designated under § 110.168(g) of this chapter if it—

(i) Can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels; and

(ii) Has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery.

(2) Secondary Towing Rig.

(i) No vessel over 100 gross tons may be towed in this regulated navigation area unless it is equipped with a secondary towing rig in addition to its primary towing rig that—

(A) Is of sufficient strength for towing the vessel;

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter; and

(C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(ii) For the purpose of this subparagraph, a tow consisting of two or more vessels, each of which is less than 100 gross tons, and the total gross tonnage of which is greater than 100 gross tons, shall be treated as if it were one vessel under tow that is over 100 gross tons.

(3) Anchoring Detail. Whenever a self-propelled vessel over 100 gross tons, equipped with an anchor or anchors, except a tugboat equipped with bow fenderwork of a type of construction that the anchor cannot be rigged for quick release, is underway within two nautical miles of the CBBT, its personnel must be stationed at locations where the vessel can be anchored in an emergency without delay.

(4) Draft Limitation. No vessel drawing less than 25 feet may enter Thimble Shoal Channel except to cross that channel.

(5) Direction of Traffic. No vessel may proceed in—

(i) Thimble Shoal North Auxiliary Channel except in a westbound direction or to cross that channel; or

(ii) Thimble Shoal South Auxiliary Channel except in an eastbound direction or to cross that channel.

(6) Impaired Vessel Maneuverability.

(i) Before entry. No vessel over 100 gross tons, if its maneuverability is impaired because of any condition such

as hazardous weather, defective steering equipment, defective main propulsion machinery, or damage to the vessel, may enter the regulated navigation area unless—

(A) It is attended by one or more tugboats with total sufficient power to ensure its safe passage through the regulated navigation area; or

(B) Its entry as otherwise authorized by the Captain of the Port.

(ii) After entry. If the maneuverability of a vessel over 100 gross tons underway in the regulated navigation area becomes impaired because of any condition, the master of the vessel shall, as soon as possible thereafter—

(A) Report the impairment to the Captain of the Port; and

(B) Have the vessel attended by one or more tugboats described in paragraph (c)(6)(i)(A) of this section, except when otherwise authorized by the Captain of the Port.

(7) Navigation Charts; Radar and Pilots. No vessel over 100 gross tons may enter the regulated navigation area unless—

(i) The vessel has on board navigation charts of the regulated navigation area and, during reduced visibility, operative radar; or

(ii) The vessel has a pilot or other person on board with previous experience in navigating the waters of the regulated navigation area; or

(iii) The Captain of the Port has been given notice of the time and place of entry of the vessel.

(8) Emergencies. In an emergency, any person may deviate from any regulation in this section to the extent necessary to avoid endangering persons, property, or the environment. However, each vessel over 100 gross tons, except for a self-propelled vessel that can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels, and that has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery, that anchors or moors in the regulated navigation area because of an emergency, must as soon as possible—

(i) Notify the Captain of the Port of the place of anchoring or mooring; and

(ii) Be attended by one or more vessels of sufficient power to keep the vessel in the position where it is anchored or moored.

(9) Waiver.

(i) The Captain of the Port may, upon request, waive any regulation in this paragraph if it is found that the proposed operations under the waiver can be done safely. An application for a waiver must state the need for the waiver and describe the proposed operations.

(ii) Compliance with this paragraph is not required to the extent necessary to carry out the following operations:

(A) Law enforcement.

(B) The servicing of aids to navigation or the surveying, maintenance or improvement of waters in the regulated navigation area.

(d) Control of vessel anchoring, mooring and movement:

(1) When necessary to prevent damage to, or destruction or loss of, any vessel or the CBBT, the Captain of the Port may issue directions requiring the further anchoring, mooring or movement of a vessel that has anchored or moored in this regulated navigation area because of an emergency.

(2) The master of a vessel in the regulated navigation area shall comply with each direction issued to that master under this section.

§ 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.

(a) The waters and waterfront facilities located within the following boundaries constitute a safety zone effective when an LNG (Liquefield Natural Gas) carrier is maneuvering in the vicinity of the Cove Point terminal and when a moored LNG carrier indicates its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24'43"N latitude, 76°23'32"W longitude; thence 056°T to a point 2800 yards offshore at 38°24'59"N latitude, 76°23'01"W longitude; thence 146°T to a point located 2300 yards offshore at 38°23'52"N latitude, 76°22'03"W longitude; thence 236°T to a point one-half mile SE of the end of the south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23'39"N latitude, 76°22'35"W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when an LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: the area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33"N, 80°39'48"W; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42"N, 80°40'30"W, on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54"N, 80°43'42"W (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30"N, 80°43'48"W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36"N, 80°43'42"W, then northwest along the shoreline to 28°41'01.2"N, 80°47'10.2"W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42"N, 80°37'51"W; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'36"N, 80°38'42"W. The line continues north along the east side of the ICW to NASA Causeway east (Orsino Causeway), then west along the southern shoreline of the NASA Causeway east to the shoreline on Merritt Island at 28°31'12"N, 80°37'24"W, then south along the shoreline to the starting point.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the

United States Government from Cape Canaveral.

(c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00"N, 80°34'36"W, and from a 90-foot pole near the shoreline at approximately 28°25'18'N, 80°35'00"W. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

§ 165.802 Lower Mississippi River vicinity of Old River Control Structure—safety zone.

(a) The area enclosed by the following boundary is a safety zone—A line beginning at Black Hawk Light at Mile 316.1 AHOP LMR; thence to the Northwest end of the Overbank Structure; thence South along the Old River Control Structure to the Southeast end of the Low Sill Structure; thence Northeast to the Old River Control Structure Light at Mile 314.5 AHOP LMR; thence along a line to Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans, Louisiana. The operator of the Corps of Engineers' picket boat on scene is delegated the authority to permit entry into this Safety Zone.

§ 165.803 Mississippi River—regulated navigation area.

The following is a regulated navigation area—The waters of the Mississippi River between miles 88 and 127 above Head of Passes.

(a) Definitions. As used in this section:

(1) "Breakaway" means a barge that is adrift and is not under the control of a towing vessel.

(2) "COTP" means the Captain of the Port, New Orleans.

(3) "Fleet" includes one or more tiers.

(4) "Fleeting facility" means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) "Mooring barge" or "spar barge" means a barge moored to mooring devices and to which other barges may be moored.

(6) "Mooring device" includes a deadman, anchor, pile or other reliable holding apparatus.

(7) "Person in charge" includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) "Tier" means barges moored interdependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: general.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) Mooring to a mooring device.

(1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1¼ inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ⅞ inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ⅞ inch diameter wire rope.

(f) Moorings: barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by—

(1) Three parts of wire rope of at least ⅞ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞ inch diameter wire rope; or

(3) Fixed rigging that is at least equivalent to three parts of ⅞-inch diameter wire rope.

(g) Mooring: person in charge.

(1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) Fleeting facility: inspection of moorings.

(1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) Fleeting facility: records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

(4) The identification of each towboat that moves a barge into, within or out of the fleeting facility.

Note.—The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refers to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations. The recordkeeping requirement for barge/fleeting facilities (Regulated Navigation Area) is approved under Office of Management and Budget control number 2115–0087.

(j) Fleeting facility: surveillance.

(1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submisssion of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) Fleeting facility: person in charge. The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraphs (h) or (j) of this section is corrected.

(l) Securing breakaways. The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(m) High water.

(1) This subsection applies to barges on the Mississippi River between mile 88 and 127 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraph (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at last one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on Channel 13 (156.65 MHZ) VHF–FM; and

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstrean end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

§ 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) Special Regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Galveston, of the nature of the emergency via the most rapid means available.

§ 165.901 Great Lakes—regulated navigation areas.

(a) Lake Huron. The following are regulated navigation areas—

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Cheyboygan Crib Light (LL–1340) at 45°39′48″N, 84°27′36″W; to Bois Blanc Island at 45°43′42″N, 84°27′36″W; and a line north from the mainland at 45°43′00″N, 84°35′30″W; to the western tangent of Bois Blanc Island at 45°48′42″N, 84°35′30″W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from St. Ignace Ferry Light (LL–1387) at 45°52′12″N, 84°43′00″W; to Mackinac Island at 45°52′12″N, 84°39′00″W; and a line east from the mainland at 45°53′12″N, 84°43′30″W; to the northern tangent of Mackinac Island at 45°53′12″N, 84°38′48″W.

(b) Lake Michigan. The following is a regulated navigation area—The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL–2006) at 45°46′00″N, 85°09′12″W; to White Shoals Light (LL–2003) at 45°50′30″N, 85°08′06″W; to a point at 45°49′12″N, 85°04′48″W; then to a point at 45°45′42″ N, 85°08′42″ W; then to the point of beginning.

(c) Regulations. The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

§ 165.902 Niagara River at Niagara Falls, New York—safety zone.

(a) The following is a Safety Zone—The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek to the upstream end of the breakwater at the mouth of the Welland River.

§ 165.1107 San Diego Bay, Calif.—safety zone.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone: A line beginning at latitude 32°43'37.2"N, longitude 117°10'45.0"W; thence to latitude 32°43'36.2"N, longitude 117°10'41.5"W, thence to latitude 32°43'27.8"N, longitude 117°10'45.8" W; thence to latitude 32°43'30.0"N, longitude 117°10'53.0"W; thence to latitude 32°43'33.0"N, longitude 117°10'51.5"W; thence along the boundary of Coast Guard Air Station, San Diego, to the point of beginning.

Note.—The northeast, southeast, and southwest corners of the safety zone are marked by white buoys with horizontal orange bands.

§ 165.1108 San Pedro Bay, Los Angeles, California—safety zone.

(a) The area enclosed by the following boundary is a safety zone—the waters of San Pedro Bay enclosed by a line beginning at Fish Harbor Channel Light 4 (latitude 33°43'51.0"N, longitude 118°15'50.0"W); thence southeasterly to latitude 33°43'43.5"N, longitude 118°15'45.8"W; thence northeasterly to latitude 33°44'03.6"N, longitude 118°14'36.4"W; thence northwesterly to latitude 33°44'43.8"N, longitude 118°14'56.0"W; thence southeasterly along the Terminal Island shoreline to the beginning point.

(b) No vessel may enter or remain in the safety zone except:

(1) Vessels engaged in the construction of the landfill site for the Los Angeles Harbor dredging project;

(2) Vessels operated by or under contract to the U.S. Army Corps of Engineers or the City of Los Angeles; and

(3) Any other vessels specifically authorized to be in the zone by the Captain of the Port, Los Angeles-Long Beach.

Note.—The southerly and easterly sides of the safety zone will be clearly marked by white buoys displaying the orange diamond cross daymark.

§ 165.1401 Apra Harbor, Guam—security zone.

(a) The following is designated as Security Zone A—The waters of the Pacific Ocean and Apra Outer Harbor within an elliptical area of 650 yards radius centered at the southwest and north corners of Navy Wharf H. (Southwest corner is at 13°27'43.6"N, 144°38'55"E; the north corner is at 13°27'44.6"N, 144°39'00"E).

(b) The following is designated as Security Zone B—A 680-yard-wide area in Apra Outer Harbor contiguous to and bordering Security Zone A.

(c) Special regulations.

(1) Section 165.33 does not apply to Security Zones A and B, except when Navy Wharf H, or a vessel berthed at Navy Wharf H, is displaying a red (BRAVO) flag by day or a red light by night.

(2) Vessels may enter Security Zone B when transiting the harbor without the permission of the COTP.

(3) Unless the COTP orders the vessel to leave, any vessel berthed at a waterfront facility may remain in Security Zone B without the permission of the COTP.

(4) Vessels under 65 feet in length may anchor in the Special Anchorage Area as described in § 110.129(a) of this chapter without the permission of the COTP.

§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to Spanish Rocks at latitude 13°27'09.5"N, longitude 144°37'20.6"E; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1"N, longitude 144°39'52.5"E (the northwest corner of Polaris Point); thence to latitude 13°26'40.2"N, longitude 144.39'28.1"E; thence to latitude 13°26'32.1"N, longitude 144°39'02.8"E; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42"N, longitude 144°36'58.5"E; thence to the beginning.

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to latitude 13°27'14.1"N, longitude 144°39'14.4"E; thence to latitude 13°26'35.2"N, longitude 144°39'46.4"E; thence to latitude 13°26'30.8"N, longitude 144°39'44.4"E.

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

§ 165.1701 Port Valdez, Valdez, Alaska—safety zone.

The waters within the following boundaries are a safety zone—The area within 200 yards of any waterfront facility at the Trans-Alaska Pipeline Valdez Terminal complex or vessels moored or anchored at the Trans-Alaska Pipeline Valdez Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor, or depart the Trans-Alaska Pipeline Valdez Terminal complex.

§ 165.1702 Gastineau Channel, Juneau, Alaska.

(a) The waters within the following boundaries are a safety zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217) located at position 58°17.9'N latitude, 134°24.8'W longitude; thence 228° True to the south shore of Gastineau Channel; thence southeast along the south shore of Gastineau Channel to a point at position 58°17'N latitude, 134°24.1'W longitude; thence 048° True to Rock Dump Lighted Buoy 2A (LLNR 3213) 23.8'W longitude; thence northwest along the north shore of Gastineau Channel to the point of origin. This zone is effective 24 hours per day from 1 June through 30 September, annually.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel (including cruise ships and ferries) may anchor within the Safety zone without the express consent from the Captain of the Port, Southeast Alaska.

Dated: July 1, 1982.

B. F. Hollingsworth,

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

[FR Doc. 82-18499 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 17

Grants to States for Construction of State Home Facilities

Correction

In FR Doc. 82-17363 appearing on page 27858 in the issue of Monday, June 28, 1982, make the following correction:

On page 27859, column one, the caption for Part 17 now reading **"Part 17—United States Coast Guard General Gift Fund"** should have read **"Part 17—Medical".**

BILLING CODE: 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 33

[AAA-FRL-2165-3]

Procurement Under Assistance Agreements

AGENCY: Environmental Protection Agency.

ACTION: Reopening of comment period.

SUMMARY: This document requests comments on § 33.240 "Small, minority, women's and labor surplus area businesses" of EPA's May 12, 1982, interim-final 40 CFR Part 33 "Procurement Under Assistance Agreements" rule. We are extending the comment period on § 33.240 because of the significant changes this section has on EPA's existing minority business and women's business policies. Comments received during this extended comment period will be considered when we prepare the final 40 CFR Part 33 rule.

DATE: The Environmental Protection Agency will accept comments on § 33.240 until August 9, 1982.

ADDRESSES: Comments should be addressed to: Central Docket Section, G-81-4, Gallery 1, West Tower, Lower Lobby, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The public may inspect the comments received on the proposed rules at: Central Docket Section, G-81-4, Gallery 1, West Tower, Lower Lobby, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, between 8 a.m. and 4:30 p.m., business days.

FOR FURTHER INFORMATION CONTACT: Robert Knox, Acting Director, Office of Small and Disadvantaged Business Utilization, Environmental Protection Agency, Washington, D.C. 20460 (202-382-4575).

SUPPLEMENTARY INFORMATION: On May 12, 1982, EPA published an interim-final 40 CFR Part 33 procurement regulation (47 FR 20474) governing assistance agreements under EPA's program for the "Grants for Construction of Treatment Works" program (40 CFR Part 35 Subpart I, CFDA 66.418). The interim-final Part 33 regulation contains EPA's rules for small, minority, women's, and labor surplus area businesses. Various commenters on the March 2, 1982, proposed Part 33 regulation (47 FR 8460) indicated that EPA should hold an additional comment period on the minority business and women's business portion of the regulation before the publication of the final regulation, because of the changes to EPA's existing policy on minority and women's businesses. Therefore, EPA is accepting additional comments until August 2 on the following section of the Part 33 interim-final regulation:

§ 33.240 Small, minority, women's and labor surplus area businesses.

(a) It is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, equipment, construction, and services. Affirmative steps shall include the following:

(1) Including qualified small, minority, and women's businesses on solicitation list.

(2) Assuring that small, minority, and women's businesses are solicited whenever they are potential sources.

(3) Dividing total requirements, when economically feasible, into small tasks or quantities to perform maximum participation of small, minority, and women's businesses.

(4) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority, and women's businesses.

(5) Using the services and assistance of the Small Business Administration and the Office of the Minority Business Enterprise of the U.S. Department of Commerce.

(6) Requiring each party to a subagreement to take the affirmation steps in paragraphs (a)(1) through (a)(5) of this section.

(b) [Reserved]

(c) Recipients are encouraged to procure goods and services from labor surplus area firms.

John P. Horton,

Assistant Administrator for Administration.

[FR Doc. 82-18482 Filed 7-7-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 2139-6]

Approval and Promulgation of Implementation Plans; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On July 29, 1981, EPA published a notice of proposed rulemaking concerning volatile organic compounds (VOC) rules submitted by the State of California. That notice proposed to approve with conditions the VOC rules. Today's notice takes final action under Part D of the Clean Air Act to approve with conditions these rules.

DATE: This action is effective August 9, 1982.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Acting Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 974-8058.

ADDRESSES: A copy of today's revision to the California State Implementation Plan is located at:

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

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

SUPPLEMENTARY INFORMATION:

Background

On July 29, 1981 (46 FR 38725), EPA published a notice of proposed rulemaking for certain VOC rules submitted by the State through March 1981. That notice should be used as a reference in reviewing today's notice. The July 29 notice provides a description of the proposed rules, compares them to the Group II Control Techniques Guidelines (CTG), identifies deficiencies and issues, and suggests corrections. The July 29 notice proposed to approve

certain rules while approving the remaining rules with conditions.

Supplemental Revisions

After EPA's review, which appears in the July 29, 1981 proposal notice, the State submitted revisions which corrected some of the deficiencies noticed by EPA. These revisions are as follows:

On June 22, 1981, the State submitted amended Bay Area Air Quality Management District (AQMD) Rule 28, Section 401, "Pressure Relief Valves at Petroleum Refineries—Reporting," as a rule revision. Section 401 of Rule 28 has been amended by addition of the words, "subject to the requirements of Section 8–28–301." This amendment satisfies one of the conditions of approval recommended in EPA's notice of proposed rulemaking.

On July 30, 1981, the State submitted amended Bay Area AQMD Rule 24, "Pharmaceutical and Cosmetic Manufacturing Operations." EPA will address the rule in a separate **Federal Register** notice.

EPA has determined that "good cause" (see Administrative Procedure Act, 5 U.S.C. 5536(b)) exists to approve the revision to Rule 28 without providing further notice and opportunity to comment, since the revision is merely procedural and additional comment would serve no practical purpose.

Public Comments

During the public comment period, EPA received comments from Chevron U.S.A. Inc., Exxon Company U.S.A., Tosco Corporation, the Western Oil and Gas Association, the Bay Area AQMD, the South Coast AQMD, the San Diego County Air Pollution Control District (APCD), the Kern County APCD, the Kings County APCD, and the California Air Resources Board. A document, entitled "EPA Public Comment Technical Support Document," containing the response to each comment, is available for public inspection as a part of Document File NAP–CA–33 at the EPA Library in Washington, D.C., at EPA Region 9 office in San Francisco, CA and at the other Document File locations. EPA's final actions are based on the proposed rulemaking notice, and public comments received by EPA.

EPA Actions

EPA is taking final action under section 172 of the Clean Air Act to approve the following rules since they are consistent with the Group II CTG and represent reasonably available control technology (RACT):

Bay Area

Rule 6 Terminals and Bulk Plants
Rule 18 Valves and Flanges at Petroleum Refineries
Rule 20 Graphic Arts Coating Operations
Rule 23 Coating of Flat Wood Paneling
Rule 27 Perchloroethylene Dry Cleaning
Rule 28 Pressure Relief Valves at Petroleum Refineries

El Dorado County

Rule 313 Storage of Petroleum Products at Terminals and Large Bulk Loading Facilities

Fresno County

Rule 410 Storage of Organic Liquids

Imperial County

Rule 414 Storage of Organic Liquids at Terminals and Bulk Loading Facilities

Kern County

Rule 411.1 Steam Drive Wells-Crude Oil Production
Rule 414.1 Valves and Flanges at Petroleum Refineries and Chemical Plants

South Coast

Rule 462 Organic Liquid Loading
Rule 466.1 Valves and Flanges
Rule 467 Safety Pressure Relief Valves
Rule 1102.1 Perchloroethylene Dry Cleaning Systems
Rule 1103 Pharmaceuticals and Cosmetics Manufacturing Operations
Rule 1130 Graphic Arts

Stanislaus County

Rule 409.7 Graphic Arts

Ventura County

Rule 71.2 Storage of Organic Liquids

EPA is taking final action under Section 110 of the Clean Air Act to approve the following rules since they will strengthen the State Implementation Plan, and are consistent with section 110 of the Clean Air Act.

South Coast

Rule 461 Gasoline Transfer and Dispensing

Bay Area

Rule 17 Petroleum Solvent Dry Cleaners
Rule 22 Valves and Flanges at Chemical Plant Complexes
Rule 26 Magnet Wire Coating Operations

Kern County

Rule 412.1 Transfer of Gasoline into Vehicle Fuel Tanks

EPA approves the Group II CTG rules listed below with the following condition: The State must provide either (1) an adequate demonstration that the rule represents RACT, (2) amend the rule so that it is consistent with the CTG, or (3) demonstrate that the regulation will result in VOC emission reductions which are within five percent of the reduction which would be achieved through the implementation of the CTG recommendations:

Bay Area/Rule 25, "Pumps and Compressor Seals at Petroleum Refineries;" Kings/Rule 414.1, "Valves and Flanges at Petroleum Refineries and Chemical Plants;" Santa Barbara/Rule 331, "Refinery Valves and Flanges;" South Coast/Rule 466, "Pumps and Compressors;" State-wide Stage I Vapor Recovery Regulations;" and Ventura/Rule 74.7, "Valves and Flanges at Petroleum Refineries and Chemical Plants."

Rules listed below are being approved with the understanding that revisions will be submitted in the future consistent with the Group II CTG recommendations:

Kern/Rule 411.1, "Steam Drive Wells—Crude Oil Production;" and South Coast/Rule 467, "Safety Pressure Relief Valves."

In addition, since the District rules listed above provide adequate control on VOC emissions EPA is rescinding 40 CFR 52.246, "Control of dry cleaning solvent vapor losses," for the Bay Area AQMD.

Regulatory Process

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under the Clean Air Act, any 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.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110, 129, 171–178, and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a))

Dated: June 30, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(66) (i)(B),

(67)(iii)(B), (69)(iii)(iv), (79)(iv)(B), (83)(i)(B), (85)(viii), (86)(i)(B), (87)(i)(B), (88)(iii)(B), (89)(vii), (93)(ii)(B), (95)(i)(B), (iv) and (v), (96)(v), (98)(vii) and (viii) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(66) * * *

(i) * * *

(B) Amended Rule 466.

* * * * *

(67) * * *

(iii) * * *

(B) New Rule 411.1.

* * * * *

(69) * * *

(iii) New Rule 1103.

(iv) California Health and Safety Code, Sections 41950 to 41962, 94000 to 94004; and Stationary Source Test Methods—Volume 2: Certification and Test Procedures for Gasoline Vapor Recovery Systems submitted on April 23, 1980.

* * * * *

(79) * * *

(iv) * * *

(B) New Rule 466.1.

* * * * *

(83) * * *

(i) * * *

(B) New Rules 22, 23, and 27.

(ii) * * *

(iii) * * *

(A) Rule 410.

* * * * *

(85) * * *

(viii) South Coast AQMD.

(A) New Rule 1130.

* * * * *

(86) * * *

(i) * * *

(B) New Rules 17 (paragraphs 112, 302, 400, and 401) and 26.

* * * * *

(87) * * *

(i) * * *

(B) New Rules 25 and 28 (except Section 401).

* * * * *

(88) * * *

(iii) * * *

(B) Amended Rule 462.

* * * * *

(89) * * *

(vii) South Coast AQMD.

(A) Amended Rule 1102.1.

(93) * * *

(ii) * * *

(B) New Rule 28, Section 401.

* * * * *

(95) * * *

(i) * * *

(B) Amended Rule 412.1.

* * * * *

(iv) South Coast AQMD.

(A) Amended Rule 461.

(v) Stanislaus County APCD.

(A) New Rule 409.7.

* * * * *

(96) * * *

(v) Bay Area AQMD.

(A) New Rule 20.

* * * * *

(98) * * *

(vii) El Dorado County APCD.

(A) New Rule 313.

(viii) Ventura County APCD.

(A) New Rule 71.2.

* * * * *

2. Section 52.232 is amended by adding paragraphs (a)(7)(ii), (9)(iii), (10)(ii), (11)(ii), and (14)(i) to read as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(3) * * *

(v) For Ozone:

(A) By November 5, 1982, the State must provide either (*1*) an adequate demonstration that Rule 466 represents RACT, or (*2*) Amend the rule so it is consistent with the CTG, or (*3*) Demonstrate that the rule will result in VOC emission reductions which are within five percent of the reductions which could be achieved through the implementation of the CTG recommendations.

* * * * *

(7) * * *

(ii) For Ozone:

(A) By November 5, 1982, the State must provide either (*1*) an adequate demonstration that Rule 25 represents RACT, or

(*2*) Amend the rule so it is consistent with the CTG, or

(*3*) Demonstrate that the rule will result in VOC emission reductions which are within five percent of the reductions which could be achieved through the implementation of the CTG recommendations.

* * * * *

(9) * * *

(iii) For Ozone:

(A) By November 5, 1982, the State must provide either (*1*) an adequate demonstration that Rule 331 represents RACT, or

(*2*) Amend the rule so it is consistent with the CTG, or

(*3*) Demonstrate that the rule will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations.

* * * * *

(10) * * *

(ii) * * *

(A) * * *

Kings County APCD:

Rule 414.1 Valves and Flanges at Petroleum Refineries and Chemical Plants

* * * * *

(11) * * *

(ii) * * *

Ventura County APCD:

Rule 74.7 Valves and Flanges at Petroleum Refineries and Chemical Plants

* * * * *

(14) California State Rules.

(i) For Ozone:

(A) By November 5, 1982, the State must provide either (*1*) an adequate demonstration that California Health and Safety Code, Sections 41950 to 41962, 94000 to 94004; and Stationary Source Test Methods—Volume 2 represent RACT, or (*2*) Amend the rules so they are consistent with the CTG, or (*3*) Demonstrate that the rules will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations.

* * * * *

3. In § 52.246 paragraph (b) introductory text is revised as follows:

§ 52.246 Control of dry cleaning solvent vapor losses.

* * * * *

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Regions (the "Regions"), as described in 40 CFR Part 81, dated July 1, 1979, except as follows:

* * * * *

[FR Doc. 82-18481 Filed 7-7-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amdt. 12; Docket No. 80-54]

Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This prescribes uniform rules and regulations governing the filing of time/volume rates. It will eliminate the present confusion and imprecision surrounding existing time/volume rates and their related tariff provisions. It will

also enable the Commission to monitor the use of time/volume rates to ensure that they comply with the terms of their related contracts and the Shipping Act, 1916.

DATE: Effective August 9, 1982.

FOR FURTHER INFORMATION CONTACT: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5827.

SUPPLEMENTARY INFORMATION: On November 2, 1981, the Commission issued a notice of proposed rulemaking (46 FR 54390) requesting comments on a rule which would govern the filing of time/volume rates. Forty-four comments have been received by or on behalf of shippers, carriers, conferences of carriers, ocean freight forwarders, and other interested parties (*See* Attachment A). In light of these comments, a number of changes have been made to the rule as proposed. However, before discussing these changes, certain threshold issues must be addressed.

Some commentators challenge the Commission's previous finding that this rulemaking is exempt from the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). They believe that this finding is incorrect and that the Commission is required to conduct an initial regulatory flexibility analysis before continuing this rulemaking. The Commission has considered these arguments but continues of the view that the requirements of the RFA do not apply. This proceeding clearly relates to the particular applicability of rates and practices exempt under section 601(2) of the Act (5 U.S.C. 601(2)).

Several commentators question whether a non-vessel operating common carrier by water (NVOCC) is entitled to use time/volume rates. They contend that an NVOCC is not a true shipper in that it has neither title nor beneficial interest in the shipments it handles. They further submit that conferring shipper status on NVOCCs and permitting them to gain the benefits of the underlying carriers' time/volume rates will disrupt the United States oceanborne foreign commerce. They fear that the use of time/volume rates by NVOCCs will enable them to consolidate small shipments which would otherwise not qualify for a volume rate and thereby erode the underlying carriers' revenues. Commentators are also concerned that an NVOCC will be able to secure for its customers an undue advantage over other shippers who prefer to deal directly with a carrier. Some commenting parties believe that because of the NVOCCs ability to consolidate small shipments and qualify for lower volume rates, they will eventually use their increased market power to obtain unlawful rebates, unjustly discriminatory arrangements, and other illegal favors.

The Commission has historically considered an NVOCC as a shipper in relation to the underlying vessel operating carrier. Nothing presented herein convinces the Commission otherwise. Moreover, the time/volume tariff rules contain sufficient safeguards to prevent the alleged potential abuses, as does the Shipping Act itself. It should also be noted that freight consolidators have been using time/volume rates for many years without adverse consequences. Therefore, there appears to be no valid regulatory reason to deny to the NVOCC class of shippers the benefits which may accrue from time/volume rates.

Finally, there is the question of whether conferences, and dual rate conferences in particular, should be authorized to participate in time/volume ratemaking. Certain commentators argue that time/volume rates are not conventional or routine ratemaking and that contracts for such rates contravene section 14b of the Act (46 U.S.C. 813a). The Commission disagrees. Time/volume rates are a routine form of ratemaking, interstitial to agreements approved pursuant to the Shipping Act, 1916. Contracts providing for such rates are not exclusive patronage contracts subject to section 14b, but rather are contracts based on the volume of freight offered.

The Commission will now address individual sections of the proposed rule and the comments addressed thereto.

Section 536.2, as proposed, included separate definitions for time/volume rate and time/volume contract. One commentator suggested that two separate definitions are unnecessary. The Commission agrees. These two interrelated definitions can be combined to form a more concise and exact definition and the final rule has been amended accordingly.

Several commentators opposed proposed § 536.—(a), which requires the publication of time/volume rates and contracts 30 days *prior* to their taking effect and their being made available to all shippers during that period. They noted that, if a contract rate accomplishes a reduction, it should be permitted to take effect upon filing, consistent with existing requirements for rate reductions.

The Commission understands the need to accommodate those instances when market conditions necessitate fast transactions while preserving the need to make all contracts available to all shippers. Moreover, the Commission does not wish to preclude the use of renewable contracts. Therefore, the final rule has been amended to permit new time/volume rates to become effective upon filing. They must, however, be made available to all shippers or consignees under the same terms and conditions for a period of at least thirty (30) days subsequent to the commencement of a new or renewal contract period.

At the suggestion of some commentators, proposed § 536.—(b)(1) is being amended to make clear that time/volume contracts may cover more than one commodity. This change will permit a single time/volume rate and/or contract to apply to several commodities, thereby eliminating the additional time and expense of maintaining several different contracts.

Several commentators suggested that the recordkeeping requirements of proposed § 536.—(b)(5), (b)(8), and (f) be combined or eliminated. Other commentators more particularly objected to § 536.—(b)(8), which required that a shipper/consignee furnish written notice to the designated record-keeper of any shipment under a contract. The contention is that the carrier's bill of lading is a sufficient written record of time/volume shipments, because both carrier and shipper receive copies for each shipment, and no useful purpose would be served by requiring additional written notification. The Commission concurs. Proposed § 536.—(b)(8) has been deleted from the final rule. However, it is the Commission's opinion that § 536.—(f) more closely relates to § 536.—(g) and therefore they have been combined in § 536.7(e) of the final rule.

Also, with respect to written notifications, several shippers have expressed a desire that our regulations provide that carriers be required to inform shippers as to the number of tons shipped under a particular time/volume contract at various times during the contract period. While there are advantages to such a procedure, the Commission views this as a commercial problem, the details of which should be worked out between the parties. Therefore, it is unnecessary to address this matter in the final rule.

Some reservations were expressed concerning proposed § 536.—(b)(6), because of its use of the words "precise" and "disabling circumstances." Commentators contend it would be difficult, if not impossible, to precisely describe some "disabling

circumstances" and that, moreover, the term "disabling circumstances" is not specific enough to prevent its use as an easy escape from the contract. This point is well taken. This section has therefore been amended to clarify its terms and to prevent "commercial" contingencies (*e.g.*, changing markets, poor management decisions, business declines, etc.) from being labeled "disabling circumstances" to contravene otherwise binding time/volume contracts.

This final rule has also been revised to address the concern of many commentators that the Commission was precluding all but one time/volume rate scheme. Accordingly, proposed § 536.—(b)(9) and (c) have been revised and combined to reflect the fact that contracting parties are free to develop their own time/volume schemes within the strictures of the rule.

Proposed § 536.—(d), which prohibits the filing of time/volume rates in terms of a percentage, fraction, decimal, or multiple of any other rate, was challenged by one commentator. It will nonetheless remain unchanged. Numerous problems could arise if a change in a non-time/volume rate automatically triggers a like percentage, fraction, decimal, or multiple change in a time/volume rate. For instance, if a time/volume rate were stated as a percentage of a non-time/volume rate, and the non-time/volume rate had numerous changes, the time/volume rate would never be clearly and explicitly stated, since it could require numerous comparisons and calculations involving several tariff pages.

Finally, some commentators urge that the record retention period be limited to two years rather than the proposed five-year requirement. The five-year requirement was established to conform with the statute of limitations applicable to rebating violations and it will be retained.

The Commission requested estimates of the financial and man-hour burdens anticipated in complying with the proposed time/volume rule. Only two commentators replied, expressing financial and man-hour burdens of $1,000/40 hours and $30,000/600 hours, respectively. The Commission believes that even these two estimates are no longer relevant in light of the elimination of the reporting requirement for each shipment, as originally proposed. The remaining record-keeping requirement is to simply maintain copies of bills of lading and related documents, accessible within the United States, to substantiate the proper application of time/volume rates as required by section 18(b) of the Shipping Act, 1916. Additionally, there is the potential that some reports will be prepared pursuant to § 536.7(d), concerning disabling circumstances. However, the Commission believes that they will be of a *de minimus* nature.

Information collection requirements contained in this regulation (§ 536.7 (a), (b), (d), and (e)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504) and have been assigned OMB control number 3072–0042.

As a result of the above changes, the Commission has renumbered and rearranged certain sections of the rule.

List of Subjects in 46 CFR Part 536

Rates, Maritime carriers.

Therefore, it is ordered, That pursuant to 5 U.S.C. 553 and sections 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b) and 841(a)), Part 536 of 46 CFR is amended as follows:

§ 536.2 [Amended]

I. Section 536.2 is amended by the addition of paragraph (p) as follows:

* * * * *

(p) *Time/Volume Rate*—A rate conditioned upon the shipment of a specific or minimum quantity of cargo over a set period of time, implementation of which is accomplished pursuant to the terms of a time/volume contract set forth in the appropriate tariff and complying with the terms and conditions of § 536.7.

II. A new § 536.7 is added to 46 CFR Part 536, as follows:

§ 536.7 Time/Volume rates.

Time/volume rates may be offered by common carriers by water in the United States foreign commerce or conferences of such carriers, subject to the following terms and conditions:

(a) Time/volume rates and related contracts shall be published in tariffs on file with the Commission and made available to all shippers or consignees under the same terms and conditions upon filing and for a period of at least thirty (30) days subsequent to the commencement of a new or renewal contract period;

(b) A time/volume contract shall clearly state:

(1) The commodity or commodities to which it applies;

(2) The minimum quantity of cargo necessary to obtain the time/volume rate;

(3) The effective time period of the contract;

(4) The origin and destination ports/points involved;

(5) The manner in which shipment records supporting the time/volume rate are to be maintained;

(6) A clear description of any disabling circumstances, not commercial contingencies (*e.g.*, changing markets, poor management decisions, business declines, etc.), which will permit (i) A reduction in the quantity of cargo required for the contract period, (ii) An extension of the contract period without any change in the contract rate, (iii) A discontinuance of the contract, or (iv) Other options not contemplated above;

(7) Whether reductions in quantity will be permitted for Saturdays, Sundays, or legal holidays occurring during a disability period;

(8) In situations, other than those described in § 536.7(b)(6), where the volume requirement will not be met during the contract period, (and due to carriers' rate structure undercharges result therefrom) whether a shipper/consignee will be permitted to pay the deficit between the actual quantity shipped and the minimum volume requirement or whether the entire amount shipped during the contract period will be rerated at the applicable non-time/volume rates in effect for the commodity on the date that each particular shipment sailed;

(9) Whether or not any surcharges shall apply to the time/volume contract rate;

(c) No time/volume rate may be stated in terms of a percentage, fraction, decimal, or multiple of any other rate;

(d) If a specific reduction in the quantity required for the contract period is stated in the contract for situations when a shipment cannot be made due to specified disabling occurrences, the party encountering disability days shall, within five days of the date of disability, provide written notice to the person designated to maintain records of the nature of disability, and, of its termination, when that event occurs;

(e) Every carrier and conference shall designate a resident representative in the United States for the maintenance of time/volume shipment records. Shipment records concerning each time/volume contract shall be maintained by the designated recordkeeper for a period of five years from the completion of each contract.

It is further ordered, That any existing contracts which would otherwise fall under the provisions of this Order shall be permitted to remain in effect but may not be extended or renewed without compliance with this Order or upon Commission approval. In no case shall any existing contract remain in effect

more than 12 months from the effective date of this Order.

By the Commission.

Francis C. Hurney,

Secretary.

Attachment A

Shippers

1. Boise Cascade Corporation
2. E.I. duPont de Nemours and Company
3. FMC Corporation
4. Kero-Sun, Inc.

Carriers and Conferences

1. American West African Freight Conference
2. Atlantic & Gulf/West Coast of South America Conference
3. Continental North Atlantic Westbound Freight Conference
4. Continental-U.S. Gulf Freight Association
5. East Coast Colombia Conference
6. Greece/U.S. Atlantic Agreement
7. Gulf-European Freight Association
8. Gulf/Mediterranean Conference
9. Gulf-United Kingdom Conference
10. Hapag-Lloyd (America) Inc.
11. Iberian/U.S. North Atlantic Westbound Freight Conference
12. Japan/Korea Atlantic & Gulf Freight Conference
13. Japan-Puerto Rico & Virgin Islands Freight Conference
14. Marseilles/North Atlantic U.S.A. Freight Conference
15. Med-Gulf Conference
16. Mediterranean-North Pacific Coast Freight Conference
17. North Atlantic Baltic Freight Conference
18. North Atlantic Continental Freight Conference
19. North Atlantic French Atlantic Freight Conference
20. North Atlantic Mediterranean Freight Conference
21. North Atlantic United Kingdom Freight Conference
22. North Atlantic Westbound Freight Association
23. Open Bulk Carriers, Ltd.
24. Pacific Coast European Conference
25. Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference
26. Sea-Land Service, Inc.
27. The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference
28. Trans Freight Lines, Inc.
29. Trans-Pacific Freight Conference of Japan/Korea
30. United Kingdom & U.S.A. Gulf Westbound Rate Agreement
31. United States Atlantic & Gulf-Venezuela Conference
32. U.S. North Atlantic Spain Rate Agreement
33. U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreeement
34. Westwood Shipping Lines
35. 8900 Lines

Other

1. Holland & Knight
2. Military Sealift Command
3. National Customs Brokers & Forwarders Association of America, Inc.
4. New York Foreign Freight Forwarders and Brokers Ass'n., Inc.
5. United States Department of Agriculture

[FR Doc. 82-18471 Filed 7-7-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

Amateur Radio Service; Editorial Amendment of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document corrects editorial errors which were made in the October, 1981, edition of 47 CFR Part 97. The errors were of a typographical and printing nature.

DATE: Effective August 16, 1982.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

Adopted: June 28, 1982.

Released: June 29, 1982.

In the matter of Editorial Amendment of 47 CFR Part 97, Amateur Radio Service.

1. Part 97, Amateur Radio Service Rules, appears in the Code of Federal Regulations at 47 CFR Part 97. This Order corrects typographical and printing errors which are contained in the October, 1981, edition of 47 CFR Part 97. In addition, it editorially amends 47 CFR Part 97 to include changes that have been made thereto.

2. Since these amendments are editorial in nature, the notice and public procedure provisions of section 553(b) of the Administrative Procedure Act are not applicable.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules.

4. Accordingly, it is ordered, that 47 CFR Part 97 is amended as set forth in the attached Appendix.

5. The effective date of these rule amendments is August 16, 1982.

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

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Title 47 of the Code of Federal Regulations, Part 97, Amateur Radio Service, 47 CFR Part 97, is amended, as follows:

PART 97—AMATEUR RADIO SERVICE [AMENDED]

1. In the Table of Contents, remove the following entries:

Sec.
97.71 Transmitter power supply.
97.74 Frequency measurement and regular check.
97.87 [Reserved]

2. In the Table of Contents, in the entry for § 97.77, the word "kit" should be changed to "kits".

3. In the Table of Contents, in Appendix 2, change the word "Telecommunications" to "Telecommunication".

4. Section 97.7(a) is revised to read, as follows:

§ 97.7 Privileges of operator licenses.

(a) *Amateur Extra Class and Advanced Class.* All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

Frequencies	Class of license authorized
3500-3525 kHz	Amateur Extra Only.
3775-3800 kHz	Do.
7000-7025 kHz	Do.
14,000-14,025 kHz	Do.
21,000-21,025 kHz	Do.
21,250-21,270 kHz	Do.
3800-3890 kHz	Amateur Extra and Advanced.
7150-7225 kHz	Do.
14,200-14,275 kHz	Do.
21,270-21,350 kHz	Do.

* * * * *

5. Section 97.9 is revised to read, as follows:

§ 97.9 Eligibility for new operator license.

Anyone except a representative of a foreign government is eligible for an amateur operator license.

6. The first sentence of paragraph (c) of § 97.13 is revised to read, as follows. The remainder of the text in paragraph (c) remains the same.

§ 97.13 Renewal or modification of operator license.

* * * * *

(c) Application for renewal and/or modification of an amateur operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's license. * * *

* * * * *

7. The first sentence of paragraph (b) of § 97.25 is revised to read, as follows. The remainder of the text in paragraph (b) remains the same.

§ 97.25 Examination credit.

* * * * *

(b) Amateur Code Credit Certificates (FCC Form 845) will be issued by the Engineers in Charge of FCC offices to applicants for amateur operator licenses who successfully complete telegraphy examination elements 1(A), 1(B) or 1(C), but who fail the associated written examination element(s). * * *

* * * * *

8. Section 97.27 is revised to read, as follows:

§ 97.27 Mail examinations for applicants unable to travel.

The Commission may permit the examinations for an Amateur Extra, Advanced, General, or Technician Class license to be administered at a location other than a Commission examination point by an examiner chosen by the Commission, when it is shown by physician's certification that the applicant is unable to appear at a regular Commission examination point because of a protracted disability preventing travel.

9. The introductory text of paragraph (b) of § 97.28 is revised to read, as follows:

§ 97.28 Manner of conducting examinations.

* * * * *

(b) The examination for a Novice Class operator license shall be conducted and supervised by a volunteer examiner selected by the applicant, unless otherwise prescribed by the Commission. The volunteer examiner shall be at least 18 years of age, shall be unrelated to the applicant, and shall be the holder of an Amateur Extra, Advanced or General Class operator license. The written portion of the Novice Class operator examination shall be obtained, administered, and submitted in accordance with the following procedure:

* * * * *

10. In § 97.32, revise paragraphs (b) and (c) to read, as follows:

§ 97.32 Interim amateur permits.

* * * * *

(b) An Interim Amateur Permit conveys all operating privileges of the applicant's new operator license classification.

(c) The transmissions of amateur radio stations operated under the authority of Interim Amateur Permits shall be identified in the manner specified in § 97.84.

* * * * *

11. Paragraphs (a) and (c) of § 97.42 are revised to read, as follows:

§ 97.42 Application for station license.

(a) Each application for a club or military recreation station license in the Amateur Radio Service shall be made on FCC Form 610–B. Each application for any other amateur radio license shall be made on FCC Form 610.

* * * * *

(c) Each applicant in the Private Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action within the meaning of Subpart I of Part 1.

12. Section 97.44 is revised to read, as follows:

§ 97.44 Location of station.

Every amateur radio station shall have one land location, the address of which appears in the station license, and at least one control point.

§ 97.47 [Amended]

13. Remove the Note which follows paragraph (b) of § 97.47.

14. Paragraph (a), the introductory text of (b), and subparagraphs (1) and (2) of paragraph (b), of § 97.61 are amended to read, as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater and auxiliary operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations (see paragraph (b))
kHz:		
1800 to 1900	A1, A3	
1900 to 2000	A1, A3	1, 2
3500 to 4000	A1	
3500 to 3775	F1	
3775 to 4000	A3, F3, A4, A5, F4, F5	4
4383.8	A3A, A3J	13
7000 to 7300	A1	3, 4
7000 to 7150	F1	3, 4
7075 to 7100	A3, F3	11
7150 to 7300	A3, F3, A4, F4, A5, F5	3, 4
14,000 to 14,350	A1	
14,000 to 14,200	F1	
14,200 to 14,350	A3, F3, A4, F4, A5, F5	
21,000 to 21,450	A1	
21,000 to 21,250	F1	
21,250 to 21,450	A3, F3, A4, F4, A5, F5	
28,000 to 29,700	A1	
28,000 to 28,500	F1	
28,500 to 29,700	A3, F3, A4, F4, A5, F5	
MHz:		
50.0 to 54.0	A1	
50.1 to 54.0	A2, A3, A4, A5, F1, F2, F3, F4, F5.	
51.0 to 54.0	A0	
144.0 to 148.0	A1	
144.1 to 148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
220 to 225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
420–450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215 to 1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300 to 2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 8
GHz:		
3.300 to 3.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 12
5.650 to 5.925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
GHz:		
10.000 to 10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
24.000 to 24.250	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 10
48.000 to 50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
71.000 to 76.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
165.000 to 170.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
240.000 to 250.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 300.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

(b) Limitations: (1) The use of frequencies in this band is on a shared basis with the LORAN A radionavigation system and is subject to cancellation or revision, in whole or in part, by order of the Commission, without hearing, whenever the Commission shall determine such action is necessary in view of the priority of the LORAN A radionavigation system. The use of these frequencies by amateur stations shall not cause harmful interference to the LORAN A system. If an amateur station causes such interference, operation on the frequencies involved must cease if so directed by the Commission.

(2) Operation shall be limited to:

Areas	Maximum DC plate input power in watts			
	1900 to 1925 kHz, day/night	1925 to 1950 kHz, day/night	1950 to 1975 kHz, day/night	1975 to 2000 kHz, day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and Territories	1000/200	1000/200	1000/200	1000/200

* * * * *

15. In § 97.65, paragraphs (d), (e) and (f) are revised to read, as follows:

§ 97.65 Emission limitations.

* * * * *

(d) On frequencies below 50 MHz, the bandwidth of A4, A5, F4 and F5 emissions shall not exceed that of an A3 single sideband emission.

(e) On frequencies between 50 MHz and 225 MHz:

(1) The bandwidth of A4 and A5 single sideband emissions shall not exceed the bandwidth of an A3 single sideband emission.

(2) The bandwidth of A4 and A5 double sideband emissions shall not exceed the bandwidth of an A3 double sideband emission.

(3) F4 and F5 emissions shall utilize a peak carrier deviation no greater than 5 kHz and a maximum modulating frequency no greater than 3 kHz or, alternatively, shall occupy a bandwidth no greater than 20 kHz. (For this purpose, the bandwidth is defined as the width of the frequency band, outside of which the mean power of any emission is attenuated by at least 26 decibels below the mean power level of the total emission. A 3 kHz sampling bandwidth is used by the FCC in making this determination.)

(f) Below 225 MHz, an A3 emission may be used simultaneously with an A4 or A5 emission on the same carrier frequency, provided that the total bandwidth does not exceed that of an A3 double sideband emission.

§ 97.71 [Removed]

16. Section 97.71 is amended by removing the section heading and the entire text thereof.

17. Section 97.73(b) is revised to read, as follows:

§ 97.73 Purity of emissions.

* * * * *

(b) Except for a transmitter or transceiver built before April 15, 1977 or first marketed before January 1, 1978, the mean power of any spurious emission or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier being operated with a carrier frequency above 30 MHz but below 235 MHz shall be at least 60 decibels below the mean power of the fundamental. For a transmitter having a mean power of 25 watts or less, the mean power of any spurious radiation supplied to the antenna transmission line shall be at least 40 decibels below the mean power of the fundamental without exceeding the power of 25 microwatts, but need not be reduced below the power of 10 microwatts.

§ 97.74 [Removed]

18. Section 97.74 is amended by removing the section heading and the entire text thereof.

19. Section 97.75(a)(3)(ii) is revised to read, as follows:

§ 97.75 Use of external radio frequency (RF) power amplifiers.

* * * * *

(a) * * *

(3) * * *

(ii) Purchased by the licensee as an external RF power amplifier kit before April 28, 1978, for use at his amateur radio station; or

* * * * *

20. The introductory text of § 97.75(a)(5) is revised to read, as follows:

§ 97.75 Use of external radio frequency (RF) power amplifiers.

* * * * *

(a) * * *

(5) The external RF power amplifier was purchased from a dealer who obtained it from an amateur radio operator who:

* * * * *

21. Section 97.75 is amended by adding paragraph (b) thereto, and by adding a "Note" following paragraph (b).

§ 97.75 Use of external radio frequency (RF) power amplifiers.

* * * * *

(b) A list of type accepted equipment may be inspected at FCC headquarters in Washington, D.C., or at any FCC field office. Any external RF power amplifier appearing on this list as type accepted for use in the Amateur Radio Service may be used in the Amateur Radio Service.

Note.—No more than one unit of one model of an external RF power amplifier shall be constructed or modified during any calendar year by an amateur radio operator for use in the Amateur Radio Service without a grant of type acceptance.

22. Section 97.76(a)(6) is revised to read, as follows:

§ 97.76 Requirements for type acceptance of external radio frequency (RF) power amplifiers and external radio frequency power amplifier kits.

* * * * *

(a) * * *

(6) The amplifier was manufactured before April 28, 1978, and has been issued a marketing waiver by the FCC.

* * * * *

§ 97.87 [Removed]

23. After § 97.86(c), remove the entry "§ 97.87 [Reserved]".

24. Revise the first sentence in § 97.95(b)(1) to read, as follows. The remainder of the text in subparagraph (1) of paragraph (b) remains the same.

§ 97.95 Operation away from the authorized fixed station location.

* * * * *

(b) * * *

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, express authority granted to the licensee by such foreign government. * * *

* * * * *

25. Section 97.95(b)(3)(i) is revised to read, as follows:

§ 97.95 Operation away from the authorized fixed station location.

* * * * *

(b) * * *

(3) * * *

(i) Region 1: 3.5–3.8 MHz, 7.0–7.1 MHz, 14.0–14.35 MHz, 21.0–21.45 MHz, 28.0–29.7 MHz, 144–146 MHz, 430–440 MHz, 1215–1300 MHz, 2300–2450 MHz.

Region 3: 1.8–2.0 MHz, 3.5–3.9 MHz, 7.0–7.1 MHz, 14.0–14.35 MHz, 21.0–21.45 MHz, 28.0–29.7 MHz, 50.0–54.0 MHz, 144–148 MHz, 420–450 MHz, 1215–1300 MHz, 2300–2450 MHz.

* * * * *

26. Section 97.103(c)(2) is revised to read, as follows:

§ 97.103 Station log requirements.

* * * * *

(c) * * *

(2) A description of the measures taken for protection against

unauthorized station operation, either through activation of the control link, or otherwise;

* * * * *

27. Footnote 1 to § 97.103(e)(1) is revised to read, as follows:

[1] Indexes and ordering information for suitable maps are available from the U.S. Geological Survey, Washington, D.C. 20242, or from the Federal Center, Denver, Colo. 80255.

28. The first sentence of § 97.107(b) is revised to read, as follows. The remainder of the text of paragraph (b) remains the same.

§ 97.107 Operation in emergencies.

* * * * *

(b) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn noncomplying stations observed to be operating in those bands. * * *

* * * * *

29. Section 97.107(c) is revised to read, as follows:

§ 97.107 Operation in emergencies.

* * * * *

(c) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

30. The introductory text of § 97.112(b) is revised to read, as follows:

§ 97.112 [Amended]

* * * * *

(b) Control operators of a club station may be compensated when the club station is operated primarily for the purpose of conducting amateur radiocommunication to provide telegraphy practice transmissions intended for persons learning or improving proficiency in the international Morse Code, or to disseminate information bulletins consisting solely of subject matter having direct interest to the Amateur Radio Service provided:

* * * * *

31. Section 97.113 is revised to read, as follows:

§ 97.113 Broadcasting prohibited.

Subject to the provisions of § 97.91, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provisions shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations: *Provided:* That the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

32. Section 97.126(b) is revised to read, as follows:

§ 97.126 Retransmitting radio signals.

* * * * *

(b) A remotely controlled station, other than a remotely controlled station in repeater operation or auxiliary operation, shall automatically retransmit only the radio signals of stations in auxiliary operation shown on the remotely controlled station's system network diagram.

33. Section 97.133 is revised to read, as follows:

§ 97.133 Second notice of same violation.

In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of § 97.61, 97.63, 97.65, or 97.73, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p.m. to 10:30 p.m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he/she has conducted with at least two other amateur stations at hours other than 6 p.m. to 10:30 p.m., local time. Such tests are to be made for the specific purpose of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as the corrective measures taken to insure compliance with the rules.

34. The first sentence of § 97.135 is revised to read, as follows. The remainder of the text of § 97.135 remains the same.

§ 97.135 Third notice of same violation.

In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of § 97.61, 97.63, 97.65, or 97.73, the station licensee, if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a.m. to 12 midnight, local time, except for the purpose of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. * * *

* * * * *

35. Paragraphs (a) and (b) of § 97.171 are revised to read, as follows:

§ 97.171 Eligibility for RACES station license.

(a) A RACES station will only be licensed to a local, regional, or state civil defense organization.

(b) Only modification and/or renewal station licenses will be issued for RACES station. No new licenses will be issued for RACES stations.

36. Revise the frequency table in § 97.185 (b) to read, as follows. The text in paragraph (b), preceding the table, remains the same.

§ 97.185 Frequencies available.

* * * * *

(b) * * *

* * * * *

FREQUENCY OR FREQUENCY BANDS

	Limitations
kHz:	
1800–1825	1
1975–2000	1
3500–3510	
3510–3516	4
3516–3550	2, 4
3984–4000	
3997	3
7097–7103	4
7103–7125	2, 4
7245–7255	2, 4
14,047–14,053	4
14,220–14,230	2, 4
21,047–21,053	4
MHz:	
28.55–28.75	
29.45–29.65	
50.35–50.75	
53.30	3
53.35–53.75	
145.17–145.71	
146.79–147.33	
220–225	5

* * * * *

37. Section 97.185(c)(3) is revised to read, as follows:

§ 97.185 Frequencies available.

* * * * *

(c) * * *

(3) For use in emergency areas when required to make initial contact with a military unit; also, for communications with military stations on matters requiring coordination.

* * * * *

38. Section 97.301(b) is revised to read, as follows:

§ 97.301 Basis, purpose, and scope.

* * * * *

(b) The purpose of this subpart is to implement Public Law 88–313 by prescribing the rules under which an alien, who holds an amateur operator and station license issued by his government (referred to in this subpart as an alien amateur), may operate an amateur radio station in the United States, in its possessions, and in the Commonwealth of Puerto Rico (referred to in this subpart only as the United States).

39. Section 97.303 is revised to read, as follows:

§ 97.303 Permit required.

Before he may operate an amateur radio station in the United States, under the provisions of Sections 303(1)(3) and 310(c) of the Communications Act of 1934, as amended, an alien amateur licensee must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to an alien holding a valid amateur operator and station authorization from his government, and only when there is in effect a bilateral agreement between the United States and that government for such operation on a reciprocal basis by United States amateur radio operators.

40. Section 97.313(b) is revised to read, as follows:

§ 97.313 Station identification.

* * * * *

(b) At least once during each contact with another amateur station the alien amateur shall indicate, in English, the geographical location of his station as nearly as possible by city and state, commonwealth or possession.

41. Section 97.405 is revised to read, as follows:

§ 97.405 Applicability of rules.

The rules contained in this subpart apply to radio stations in the Amateur-Satellite Service. All cases not specifically covered by the provisions of this Subpart shall be governed by the provisions of the rules governing amateur radio stations and operators (Subparts A through E of this part).

42. Section 97.415 is revised to read, as follows:

§ 97.415 Frequencies available.

The following frequency bands are available for space operation, earth operation, and telecommand operation:

Frequency Bands

kHz

7000–7100 14000–14250

MHz

21.00–21.45 144–146
28.00–29.70 435–438 [1]

GHz

24–24.05

43. Section 97.421(b) is revised to read, as follows:

§ 97.421 Telecommand operation.

* * * * *

(b) Stations in telecommand operation are exempt from the station identification requirements of § 97.84.

* * * * *

PART 97, APPENDIX 2 [AMENDED]

44. In Appendix 2 to Part 97, revise the first heading of that Appendix to read:

Extracts From Radio Regulations Annexed to the International Telecommunication Convention (Geneva, 1959), as revised by the World Administrative Radio Conference for Space Telecommunications, Geneva, 1971.

45. In Appendix 2 to Part 97, under the heading ARTICLE 41—AMATEUR STATIONS, revise Section 1 to read, as follows:

Appendix 2

* * * * *

Article 41—Amateur Stations

Section 1. Radiocommunications between amateur stations of different countries [2] shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

46. Appendix 3 is revised to read, as follows:

Appendix 3.—Classification of Emissions

For convenient reference, the tabulation below is extracted from the classification of typical emissions in Part 2 of the Commission's Rules and Regulations. It includes only those general classifications which appear most applicable to the Amateur Radio Service.

Type of modulation	Type of transmission	Symbol
Amplitude	With no modulation	A0.
	Telegraphy without the use of a modulating audio frequency (by on-off keying).	A1.
	Telegraphy by the on-off keying of an amplitude modulating audio frequency or audio frequencies or by the on-off keying of the modulated emission (special case: and unkeyed emission amplitude modulated).	A2.
	Telephony	A3. [1]
	Facsimile	A4.
	Television	A5.
Frequency (or phase).	Telegraphy by frequency shift keying without the use of a modulating audio frequency.	F1.
	Telegraphy by the on-off keying of a frequency modulating audio frequency or by the on-off keying of frequency modulated emission (special case: an unkeyed emission frequency modulated).	F2.
	Telephony	F3.
	Facsimile	F4.
	Television	F5.
Pulse		P.

[1] In Part 97, unless specified otherwise, A3 includes single and double sideband with full, reduced, or suppressed carrier.

47. Paragraph (b)(1) of Article III in Appendix 4 of Part 97 is revised to read, as follows:

Appendix 4

* * * * *

Article III

* * * * *

(b) * * *

(1) *Radiotelegraph operation.* The amateur call sign issued to him/her by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

* * * * *

48. Subparagraph (a) of Appendix 5 of Part 97 is revised to read, as follows:

* * * * *

(a) On a U.S. Geological Survey Map, having a scale of 1:250,000, lay out eight evenly spaced radials, extending from the transmitter site to a distance of 10 miles and beginning at (0°, 45°, 90°, 135°, 180°, 225°, 270°, 315°T.). If preferred, maps of greater scale may be used.

* * * * *

[FR Doc. 82–18174 Filed 7–7–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Stations operating in the Amateur-Satellite Service shall not cause harmful interference to other stations between 435 and 438 MHz (See International Radio Regulations, RR MOD 3644/320A).

[2] As may appear in public notices issued by the Commission.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 5

[OST Docket No. 48; Amdt. 5-2]

Rulemaking Procedures; Financial Assistance to Participants in Certain Rulemaking Proceedings of the Department of Transportation

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) is publishing this final rule to rescind the regulations that established a demonstration program of financial assistance to participants in certain rulemaking proceedings of the Department's National Highway Traffic Safety Administration (NHTSA). This document also terminates a rulemaking proceeding that would have established a permanent Department-wide program of financial assistance for participants in DOT rulemaking.

The Department's demonstration program was based on a theory of implied authority under which an agency possessing authority to hold an administrative proceeding, and having received an appropriation for "necessary expenses", could validly extend financial assistance to interested parties who required it and whose participation was essential. However, the DOT Appropriations Act (Pub. L. 97-102) specifically provides that none of the Department's funds can be used to pay expenses of or otherwise compensate non-Federal parties intervening in DOT regulatory proceedings. In addition, a recent court decision has held that agencies are prohibited from disbursing funds to voluntary participants in administrative proceedings unless specifically authorized by Congress.

EFFECTIVE DATE: This rule is effective August 9, 1982.

FOR FURTHER INFORMATION CONTACT: Samuel Podberesky, Deputy Assistant General Counsel for Regulation and Enforcement, C-50, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: On January 13, 1977, the Department published regulations (42 FR 2863) establishing a one-year demonstration program to provide financial assistance to certain participants in selected rulemaking proceedings of NHTSA (49 CFR Part 5, Subpart D). These regulations were issued for the purpose of increasing the representation of interests and points of view of parties outside the Federal Government who would not have otherwise been able to adequately participate in NHTSA rulemaking proceedings because of the costs involved. At the same time these regulations were issued, the Department issued an Advance Notice of Proposed Rulemaking (ANPRM), proposing a permanent Department-wide program of financial assistance to participants in DOT rulemaking proceedings. On March 16, 1978, the NHTSA demonstration program was extended until the Secretary decided whether to issue final, permanent Department-wide regulations (43 FR 10918). On January 23, 1979, the regulations governing the NHTSA demonstration program were revised to improve its administration.

The Department has now decided to rescind the demonstration program regulations and terminate rulemaking for a Department-wide program. The rescission is based, in part, on the Department's Fiscal Year 1982 Appropriations Act (Pub. L. 97-102), which states, in section 315, that Department funds cannot be used to pay expenses of or otherwise compensate non-Federal parties intervening in DOT regulatory proceedings. A similar provision appeared in the Department's FY 1981 Appropriations Act (Pub. L. 96-400).

A second reason for this rescission is a recent decision of the United States Court of Appeals for the Fourth Circuit, which held that, absent specific legislation, an agency has no authority to establish a reimbursement program for public participants in rulemaking proceedings. *Pacific Legal Foundation v. Goyan*, No. 84-1854 (decided November 27, 1981). This case placed in doubt the Department's past reliance, in establishing the demonstration program, on a series of opinions of the Comptroller General which held that agencies could use appropriated funds to reimburse participants appearing before them based on the implied authority of Federal agencies to do all that is reasonably necessary to effectuate their explicit powers.

For the same reasons that necessitate a rescission of the NHTSA demonstration program regulations, the Department is terminating consideration of rulemaking to extend the NHTSA demonstration program Department-wide. This action also disposes of a petition from Ms. Stacy Murchison which requested the promulgation of such Department-wide regulations.

The Department finds that notice and public comment is unnecessary for this rescission because the Department is acting under case law and in response to a specific provision in its Appropriations Act prohibiting expenditures under the regulations being rescinded. The Department also finds that this rule is not a major rule as defined in Executive Order 12291. The rule is considered to be significant under the Department's Regulatory Policies and Procedures. However, a full regulatory evaluation is not needed for this rule since there will be minimal economic impact.

(49 U.S.C. 1651 *et seq.*)

PART 5—RULEMAKING PROCEDURES

List of Subjects in 49 CFR Part 5

Administrative practice and procedure.

Supbart D—[Removed]

Accordingly, Subpart D of 49 CFR Part 5 is removed.

Issued in Washington, D.C. on June 8, 1982.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82-18222 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket HM-172; Amdt. No. 178-70]

Marking and Record Retention Requirements for Cylinders; Partial Delay of Effective Date

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Partial delay of effective date.

SUMMARY: MTB published a final rule in the **Federal Register** on April 15, 1982 (Docket HM-172, amendment numbers 173-156 and 178-70) with amendments affecting DOT's requirements for marking of compressed gas cylinders and submission and retention of inspection reports. The amendment had an effective date of July 1, 1982. A number of requests have been received from cylinder manufacturers stating that the effective date of July 1, 1982, as it pertains to items numbers 2 and 3 of the amendment (serial numbers and identifying symbols to be placed on cylinders) would cause them a severe hardship in handling customer orders, some of which were received prior to April 15, 1982. They requested that the effective date be delayed. The MTB believes that the requests have merit and is delaying the effective date of the

revisions included in items 2 and 3 of the amendment.

DATES: The effective date of the amendments in items 2 and 3 to 178.51–19(a)(2), 178.56–19(a)(2), 178.61–20(a)(2), 178.36–20(a)(3), 178.37–20(a)(3), 178.38–20(a)(2), 178.39–19(a)(2), 178.42–14(a)(2), 178.44–23(a)(2), 178.47–21(a)(2), 178.50–19(a)(2), 178.53–18(a)(2), 178.54–20(a)(2), 178.55–20(a)(2), 178.57–20(a)(3), 178.58–21(a)(2), 178.59–18(a)(2), 178.60–22(a)(2) and 178.68–19(a)(2), which were published at 47 FR 16185, April 15, 1982 is changed from July 1, 1982 to January 1, 1983. The amendments contained in item 1 and items 4 through 10 of the April 15, 1982 rulemaking remain effective on July 1, 1982.

FOR FURTHER INFORMATION CONTACT: David E. Henry or James E. Jones, Approvals Branch, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 472–5982.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Issued in Washington, D.C. on June 29, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82–18354 Filed 7–7–82; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1493; Amdt. 15]

Escanaba and Lake Superior Railroad Co. Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 15 to Service Order No. 1493.

SUMMARY: Amendment No. 15 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company (ELS) to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). This extension permits ELS to continue its operation while finalizing its purchase agreement with the Milwaukee.

DATES: Effective: 12:01 a.m., July 1, 1982, and continuing in effect until 11:59 p.m., July 30, 1982, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided: July 1, 1982.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822, 25311, 34593, 39148, 44190, 49127, 54562, 58491; 47 FR 624, 4690, 13530, and 19150), and good cause appearing therefor:

It is ordered, that § 1033.1493 Service Order No. 1493, *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee),* is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company's operations, and to allow the Commission sufficient time to respond to its purchase application with the Milwaukee. This order shall expire at 11:59 p.m., July 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., July 1, 1982.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–18457 Filed 7–7–82; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[40th Rev. S.O. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Fortieth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATES: 12:01 a.m., July 6, 1982, and continuing in effect until 11:59 p.m., September 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided July 1, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting at Item 5. (P.) the authority for the Chicago and North Western Transportation Company (CMW) to operate at Worthington, Minnesota. At the same time CNW requested authority to operate at Hartley, Iowa, and that authority is added at Item 5. (P.). All other provisions of the order remain unchanged.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B to this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Traustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., July 6, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):*

A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. from East Des Moines, Iowa (milepost 350.8) to West Des Moines, Iowa (milepost 364.34).

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. at Sibley, Iowa.

*P. at Hartley, Iowa.

Q. from Carlisle to Indianola, Iowa.

R. at Omaha, Nebraska, (between milepost 502 to milepost 504).

S. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. at Washington, Iowa.

C. from Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. from Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

E. at Davenport, Iowa.

7. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. at North Topeka and Topeka, Kansas.

8. *Little Rock & Western Railway Company (LRWN):*

A. from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

9. *Missouri Pacific Railroad Company (MP):*

A. from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. from Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. from Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

D. from Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).

10. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

11. *Cadillac and Lake City Railway Company (CLK):*

A. from Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.

B. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.

C. from Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.

12. *Baltimore and Ohio Railroad Company (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. from Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

13. *Keota Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. at Vinton, Iowa (milepost 120.0 to 123.0).

C. from Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

14. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. from Gresham (Subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. from Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

15. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. at Alva, Oklahoma.

B. at St. Joseph, Missouri.

16. *The Brandon Corporation (BRAN):*

A. from Clay Center, Kansas (milepost 178.37), to Manhattan, Kansas (milepost 143.0), a distance of approximately 35 miles.

17. *Iowa Northern Railroad Company (IANR):*

A. from Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1).

B. at Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

18. *Iowa Railroad Company (IRRC):*

A. from Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.

B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage is currently leased to the CNW, see Item, 5.E.)

E. from East Des Moines, Iowa (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance of 113.79 miles.

F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. (This trackage is currently leased to the MILW, see Item 6.D.)

G. from Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35).

H. from Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.

I. at Rock Island, Illinois including 26th Street Yard.

J. from Altoona to Pella, Iowa.

19. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

20. *Chicago Short Line Railway Company (CSL):*

A. from Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. from Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

21. *Kyle Railroad Company (Kyle):*

A. from Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. Kyle will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

B. from Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.

C. from Belleville (milepost 225.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.

22. *North Central Texas Railway, Inc (NCTR):*

A. from Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

23. *Enid Central Railway, Inc. (ENIC):*

A. from Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City

Branch line from milepost 0.02 to milepost 0.30.

B. from North Enid, Oklahoma (milepost 0.30) to Ponca City, Oklahoma (milepost 54.8).

24. *North Central Oklahoma Railway, Inc. (NCOR):*

A. from Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).

B. from Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).

C. from Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).

D. from El Reno, Oklahoma (milepost 513.31) to Council, Oklahoma (milepost 494.5).

25. *South Central Arkansas Railway, Inc. (SCAR):*

A. from El Dorado, Arkansas (milepost 99) to Ruston, Louisiana (milepost 154.77).

26. *Burlington Northern Railroad Company (BN):*

A. at Burlington, Iowa (milepost 0 to milepost 2.06).

B. at Okeene, Oklahoma.

C. at Lawton, Oklahoma.

27. *Fort Worth and Denver Railway Company (FWD):*

A. from Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. at North Fort Worth, Texas (milesposts 603.0 to 611.4).

C. from Amarillo, Texas (milepost 760.6) to Groom, Texas (milepost 718.9).

28. *Okrache Central Railway, Inc. (OCRI):*

A. from Enid, Oklahoma (milepost 345.27) to El Reno Junction, Oklahoma (milepost 405.21).

B. from El Reno, Oklahoma (milepost 514.32) to Council, Oklahoma (milepost 496.40).

C. at El Reno, Oklahoma (milepost 402.73) to (milepost 404.19).

Note.—Certain segments of the above operation are overlapping with the NCOR (see Item 24). In the interest of operational clarity and efficiency, OCRI will be the supervising carrier for operations and maintenance.

*Changed.

[FR Doc. 82-18458 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 131
Thursday, July 8, 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 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanness, maturity and pack requirements. The regulation would promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due July 23, 1982.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Draft Impact Analysis relating to this proposed rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

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 proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. 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 not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR 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.

This proposed regulation is based upon recommendations made by the committee at its public meeting in Idaho Falls, Idaho, on June 2, 1982.

The proposed regulation is similar to those issued during past seasons. The grade, size, cleanness, maturity, pack and inspection requirements recommended herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. The specific proposed requirements would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and would tend to effectuate the declared policy of the act.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes would be exempt from maturity requirements in order to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) to allow a lot to be shipped which, after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity and pack requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Certified need would be exempt, because requirements for this outlet differ greatly from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipment differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are proposed for export and prepeeling shipments.

These standardization and marketing efficiency types of regulation would have no measurable effect on the quantity of potatoes shipped from the production area, nor will there be discernible effect on U.S. retail potato prices. This regulation should enable the Idaho-Eastern Oregon potato industry to better compete with other major fall crop potato producing areas by insuring the use of grades, sizes and maturities acceptable to buyers.

It is proposed that requirements contained in this proposed handling regulation, effective August 16, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through July 23, 1982 with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. However, virtually the same requirements have been imposed each season since 1970. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations would probably continue to change infrequency from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed change could

result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 945.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before July 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulation on shipments of potatoes from the production area would tend to effectuate the declared policy 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.

§ 945.340 [Removed]

It is proposed that § 945.340 (46 FR 32010) be hereby removed and

Section 945.341 be added to read as follows:

§ 945.341 Handling regulations.

On and after August 16, 1982, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements.* (1) *Grade. All varieties*—U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*—Size B if U.S. No. 1 grade.

(3) *Cleanness. All varieties*—"fairly clean."

(b) *Minimum maturity requirements.* *(1) White Rose and red skin varieties:* Each year from August 1 through December 31, "moderately skinned"; during other periods no maturity requirements.

(2) *Norgold varieties:* Each year from August 1 through August 15, "moderately skinned"; during other periods "slightly skinned."

(3) *All other varieties:* "Slightly skinned."

(4) *Exceptions:* (i) Subject to compliance with paragraph (b)(4)(iii) of this section, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foreoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with paragraph (b)(4)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count	Average count[1]	Weight
	10 pct over or under	5 pct over or under	15 oz or larger
Larger than 50 size:			
50	45–55	48–53	12–19
60	54–66	57–63	10–16
70	63–77	67–74	9–15
80	72–88	76–84	8–13
90	81–99	86–95	7–12
100	90–110	95–105	6–10
110	99–121	105–116	5–9
120	108–132	114–126	4–8
130	117–143	124–137	4–8
140	126–154	133–147	4–8
Smaller than 140	(2)	(3)	4–8

[1] Applicable to lots.
[2] 10 pct over or under.
[3] 5 pct. over or under.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) not to exceed 5 percent for undersize; and

(ii) not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons (except when used as a master container) shall be U.S. No. 1 or better grade. However, potatoes of U.S. Extra No. 1 grade shall be no smaller than 110 size nor larger than 60 size.

(d) *Inspection.* Except when relieved of such requirement pursuant to paragraphs (e) and (f), or (g) of this section,

(1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate, and

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Experimentation; and

(iv) Canning, freezing and "other processing" as hereinafter defined. Also, shipments of potatoes for the purpose specified in this subdivision (iv) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b), (c) and (d) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export:* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling:* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment, unless other arrangements are made with the committee office;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment, unless other arrangements are made with the committee office;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(4) Each handler making shipments of certified seed potatoes pursuant to paragraph (e) of this section shall furnish, at the request of the committee, reports on the total volume of seed potatoes handled.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. Extra No. 1," "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (7 CFR 51.1540–51.1566), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, rimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of the United States Standards for Peeled Potatoes (7 CFR 52.2421–52.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the standards for potatoes for the respective State. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: July 2, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 82-18472 Filed 7-7-82; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 82-005P]

Requirements for Imported Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would implement the provisions of the Agriculture and Food Act of 1981 that amend the Federal Meat Inspection Act. The proposed rule would amend the Federal meat inspection regulations to clarify that the inspection, sanitation, quality, species verification and residue standards applied to products (*i.e.*, carcasses, parts of carcasses, and meat and meat food products of cattle, sheep, swine, goats, horses, mules and other species capable of use as human food) offered for importation into the United States must be at least "equal to" the standards applied to such domestic products produced in the United States. The proposal would also require that each exporting country desiring to establish or maintain eligibility for the exportation of product to the United States implement a residue testing program on the internal organs and fat, as appropriate, for detecting residues in the carcasses from meat and meat food products offered for importation into the United States are produced.

DATE: Comments must be received on or before September 7, 1982.

ADDRESS: Written comments to: Regulations Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Argiculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. Grace Clark, Foreign Programs, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6971.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this proposed rule is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. There will be no major increase on costs or prices for consumers, individual industries; Federal, State or local government agencies, or geographic regions, and will not have a

significant adverse effect on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The purpose of the regulation is to clarify and conform existing regulations to the intent of the amendment to section 20 of the Federal Meat Inspection Act (Pub. L. 97–98). The principal impact of this action would be on foreign countries exporting meat products to the United States and is not expected to be substantial. Any portion of the increased cost not absorbed by the exporting countries and passed along to this country should be quite small and will not have a substantial impact on the domestic economy.

Effect on Small Entities

The Administrator has determined that this proposed 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 because to the extent it involves any costs, those costs would be borne primarily by the exporting country. The foreign countries exporting meat products to the United States must have a national inspection system at least "equal to" that of the United States, and must already have in place the programs necessary to comply with this proposed regulation. Those countries requiring certain modifications to their system should be able to develop the necessary programs at a minimal cost to them. Domestic businesses should incur little or no additional costs, either directly or indirectly.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Regulations Office. Comments should reference the docket number which appears in the heading. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Pursuant to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary of Agriculture is responsible for administering the FMIA which is designed to assure that products distributed to consumers are wholesome, not adulterated, properly marked, labeled, and packaged. In order to fulfill this obligation, the Secretary has delegated to the Administrator of the Food Safety and Inspection Service (FSIS), the authority to issue regulations and implement appropriate procedures to insure compliance with the requirements of the FMIA. The regulations addressing imported products are codified in 9 CFR Part 327. In these regulations the Administrator has established procedures by which foreign countries desiring to export meat or meat food products to the United States may become eligible to do so. These regulations also provide for certain supervisory and recordkeeping requirements as a means for FSIS to assure that eligible foreign countries are complying with on-going conditions of eligibility. FSIS has also implemented internal Agency programs to assure that products being offered for importation meet the same standards as products produced and marketed domestically.

The rules being proposed by FSIS are in response to a need to define and strengthen this existing system. The proposed rules, if adopted, would make clear that the inspection, sanitary, quality, species verification and residue standards applied to foreign products offered for importation into the United States must be at least "equal to" those standards applied to domestic products. The regulations would also be revised to include a requirement that each foreign country desiring to establish or maintain eligibility for the importation of such product into the United States implement a program to randomly sample, at the point of slaughter, the internal organs and fat of carcasses from which meat and meat food product intended to be offered for importation into the United States are produced, and to test such internal organs and fat for the presence of residues. The methods used to measure residue levels would be subject to the approval of the Administrator, or the Administrator's delegate.

Foreign Programs

The Foreign Program Division of FSIS has primary responsibility for determining that countries producing products for export to the United States have inspection programs that are designed to assure that all such exports are safe, wholesome, unadulterated and not misbranded and comply with all other provisions of the FMIA and regulations thereunder (9 CFR 301.1 *et seq.*). With the cooperation of the exporting countries this division reviews, evaluates and inspects the foreign meat inspection systems, as needed, to assure that the imported products comply with the FMIA and applicable regulations.

Any countries wishing to export meat and meat food products to the U.S. must first apply for eligibility. This process begins with a formal request being submitted to the U.S. through diplomatic channels. FSIS will then review and evaluate the meat inspection laws and regulations of the requesting country. Supplementary information is obtained during "on site" reviews of the foreign plants by the FSIS Foreign Program officers. The Agency uses these methods to determine whether the country's exporting plants are subject to requirements at least "equal to" those imposed upon plants in the United States.

Once the meat inspection system of a foreign country has been certified by the Agency as eligible to export products to the United States, the individual plants operating within that country desiring to export product to the United States must apply to their national inspection authorities for certification. The chief meat inspection official of the foreign country must in turn certify to FSIS that each establishment authorized to export to the United States meets all standards applicable to U.S. plants. This certification is valid only for a period of 1 year. At the beginning of each year a responsible official of the foreign country must recertify each plant.

The daily operation of a certified foreign plant is similar to the operation of a domestic plant. There is routine daily inspection conducted by inspectors authorized by the foreign meat inspection program. These officials monitor inspection, slaughter, sanitation, processing, labeling and the disposition of inedible and condemned products.

FSIS Foreign Program officers conduct periodic "on site" reviews of certified plants. A deficiency revealed during an "on site" review is dealt with according to the severity of the problem. A minor deficiency would normally not result in any disruption of a plant's export operations, provided the deficiency was expeditiously corrected. Serious or uncorrected deficiencies could result in loss of the plant's certification, or if indicative of problems with the inspection system, could result in the delisting of all plants in the country, and a refusal to accept any product from the exporting country.

All products being exported to the United States are certified as safe, wholesome, unadulterated and properly labeled by a responsible official of the exporting country. The certification is an additional assurance that the products have been prepared under a system that is at least "equal to" the domestic system.

FSIS inspectors randomly sample a portion of each shipment for inspection as it enters the U.S. to assure that the product meets the same standards applied to domestic products. The inspection assignment is determined by the computer-based Automated Import Information System (AIIS). The AIIS records, collates and stores daily inspection results from all ports-of-entry, laboratory sampling histories for each exporting country, and the product compliance history of each exporting plant. The information is used to determine the amount of product to be examined and the specific type of testing that will be conducted on a particular shipment. Port-of-entry inspection could include testing or examination for any of the following: species verification; residue levels; mishandling of the product; condition of product; appropriate labeling; or compliance with USDA standards of composition.

The entry inspection is used to verify the safety, wholesomeness, and proper labeling of imported products and is an additional means to assure that the inspection system of foreign countries exporting to the United States is functioning properly. Any shipment of product found unacceptable is refused entry and the product must be reexported within a prescribed time period or destroyed for human food purposes.

Agriculture and Food Act of 1981

On December 22, 1981, Congress enacted Public Law 97–98, the Agriculture and Food Act of 1981, (7 U.S.C. 1281) (hereinafter referred to as the Farm Bill). Section 1122 of the Farm Bill (21 U.S.C. 620(f)) addressed a recent incident involving product imported into the United States labeled beef that was discovered to contain kangaroo and horsemeat, and the continuing concern of the domestic meat industry that imported products are not as closely inspected as domestic meat products. Congress expressed concern that the United States placed too much reliance on assurances from the exporting country that the products were safe, wholesome and properly labeled. Congress believed that additional safeguards were required to assure compliance with the FMIA by imported products.

Section 1122 of the Farm Bill (21 U.S.C. 620(f)) amends section 620 of the FMIA (21 U.S.C. 620) by adding a new subparagraph (f) which requires that all imported products be subject to the same standards as domestic products with regard to inspection, sanitation, quality, species verification and residue. The new amendment to section 20 of the FMIA further requires that imported products not meeting such standards shall not be permitted entry into the United States. The Secretary is directed to enforce the provisions of the new section though the imposition of random inspection for species verification and residues. Additionally, the exporting country must provide for the random sampling and testing of internal organs and fat as appropriate for testing for residues in the carcasses at the point of slaughter. The residue testing methods must be approved by the Secretary.

Proposal

The Agency is proposing to amend section 327 of the Federal meat inspection regulations (9 CFR Part 327) to make clear that the inspection, sanitary, quality, species verification and residue standards applied to meat and meat food products being offered for importation into the United States must be at least "equal to" such standards applied to domestic meat and meat food products. Section 327 would be further amended so as to require foreign countries desiring to establish and or maintain eligibility for importation of products into the United States to have and maintain a program to test for residues in the internal organs and fat of carcasses from which meat and meat food products intended to be offered for importation into the United States are produced. Such a program would be required to provide for the sampling of internal organs and/or fat at the point of slaughter on a random basis, and the testing of such internal organs and fat for detection of residues likely to occur in meat and meat food product from the particular exporting country.

Analysis would be performed on the internal organs and/or fat, as appropriate for the detection of the specific residue. In addition, testing would be required only for those substances known to be in use in the production of meat and meat food products in the particular exporting country or otherwise known to be present in the environment of such country. The identification of such substances would be the responsibility primarily of the authorities of the exporting country. However, FSIS, as part of its obligation to assure that imported products meet the same standards applied to such domestic products, may request testing for residues of additional specific substances. Residue testing would have to be conducted in accordance with methods approved by the Administrator or the Administrator's delegatee.

FSIS currently has regulations which prohibit the importation of product that is adulterated, misbranded or does not comply with requirements appliable to domestically produced products (9 CFR 327.3(a)). Further, as stated earlier, FSIS has established programs to assure that products being offered for importation meet the same standards as such products produced and marketed domestically. These programs now include the random sampling for species verification and residues tolerance levels of the imported product at the point of entry. Authority to take samples for laboratory examinations from products offered for importation is provided in 9 CFR 327.10(a). FSIS is not proposing additional regulations under the Farm Bill (21 U.S.C. 620(f)) concerning the provisions of the Act that would: prohibit imported products not meeting U.S. standards entry into the United States; and impose mandatory random inspection for species verification on products offered for importation, as any such additional regulations would be a duplication of existing provisions.

Indexing Terms. As required by 1 CFR 18.20 (46 FR 1762, January 22, 1981), the following are the indexing terms for this regulation:

List of Subjects in 9 CFR Part 327

Imported products, Meat inspection.

PART 327—IMPORTED PRODUCTS

Accordingly, FSIS is proposing to revise the Federal meat inspection regulations as follows:

1. The authority citation for Part 327 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. 1254.

2. Section 327.2(a)(2)(i) would be amended by redesignating the present paragraph (*f*) as paragraph (*g*) and by adding a new paragraph (*f*) to read as follows:

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a)(1) * * *
(2) * * *
(i) * * *

(*f*) The inspection, sanitation, quality, species verification and residue standards applied to products produced in the United States.

* * * * *

3. Section 327.2(a)(2)(iv) would be amended, for the sake of clarity, by designating the present requirements contained in this paragraph as

paragraphs (a)(2)(iv) (*a*) and (*b*); and adding a new paragraph (a)(2)(iv)(*c*), to read as follows:

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a) * * *

(2) * * *

(iv) The foreign inspection system must maintain a program to assure that the requirements referred to in this section, at least "equal to" those of the Federal system of meat inspection in the United States, are being met. The program as implemented must provide for the following:

(*a*) Periodic supervisory visits by a representative of the foreign inspection system not less frequent than one such visit per month to each establishment certified in accordance with paragraph (a)(3) of this section to assure that requirements referred to in (*a*) through (*h*) of paragraph (a)(2)(ii) of this section are being met: *Provided,* That such visits are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States;

(*b*) Written reports prepared by the representative of the foreign inspection system who has conducted a supervisory visit, documenting his or her findings with respect to the requirements referred to in (*a*) through (*h*) of paragraph (a)(2)(ii) of this section, copies of which shall be made available to the representative of the Department at the time of that representative's review upon request by that representative to a responsible foreign meat inspection official: *Provided,* that such reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States; and

(*c*) Random sampling of internal organs and fat of carcasses at the point of slaughter and the testing of such organs and fat, for such residues having been identified by the exporting country's meat inspection authorities or by this Agency as potential contaminants, in accordance with sampling and analytical techniques approved by the Administrator: *Provided,* That such testing is required only on samples taken of carcasses from which meat or meat food products intended for importation into the United States are produced.

* * * * *

Done at Washington, D.C., on June 21, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-18519 Filed 7-7-82; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-82-7]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: September 8, 1982.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 2, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
22895	Southwest Airlines	To delete § 121.652, landing weather minimums. The petitioner contends that the airline industry considers that the regulation is unjustified, compromises safety, is costly for the passenger and airlines, is not consistent with fuel conservation policies, and with the quality of training available today, serves no positive purpose.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
21369	Public Citizen Health Research Group, Aviation Consumer Action Project, Sidney Wolfe, MD, and Eve Bargmann, MD.	Amend 14 CFR 121.309 and Part 121 Appendix A to require air carriers to provide emergency medical equipment (both medications and diagnostic and lifesaving equipment) in addition to the rudimentary first aid kits now required. *Petitioner's Reasons for Amendment:* Each day, unknown numbers of Americans develop serious medical problems while aboard an airplane. Many of these problems may be life-threatening if not promptly treated. Yet any doctor on board who is called to help will find that the plane carries no lifesaving medical equipment, no medications (other than burn compound)—not even a stethoscope. As a result, a person with severe asthma or diabetic coma, for example, could die for want of treatment while the doctor stands helplessly by. According to figures from the Air Transport Association, it receives reports of approximately 100 passenger deaths per year. Many of these might be prevented if lifesaving equipment were available.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED—Continued

Docket No.	Petitioner	Description and disposition of the rule requested
		Many doctors have expressed their grave concern at this problem. In a survey of over 300 physicians, 88.9% thought that airlines should be required to carry basic medical equipment and medications aboard aircraft. 20% of the 300 doctors had answered calls for help on flights. "Working on passengers without benefit of medications or the bare essentials posed a real problem for many responding physicians," the survey found. (*American Medical News*, p. 9, July 25, 1980). Other doctors have reported in medical journals being called to assist passengers with heart problems, strokes, severe gastrointestinal problems, and diabetic coma. Almost all found the available medical equipment inadequate. As the airlines carry more people, and more older persons fly, such problems become ever more likely. Especially on longer, overseas flights, medical assistance on the ground may be hours away. Solving this problem should be feasible and fairly inexpensive. Both the American College of Surgeons and the Air Transport Medicine Committee of the Aerospace Medical Association have published lists of emergency medical equipment that airlines should provide. Several foreign air carriers (including SAS, Air France, and El Al) already carry in-flight emergency medical equipment, such as drugs to treat asthma, heart problems, and diabetic insulin shock. Requiring U.S. carriers to do the same should be no great burden, and it may make the difference between a passenger's life and death. *DENIED 5/19/92.*

[FR Doc. 82-18501 Filed 7-7-82; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-8]

Proposed Alteration of Transition Area and Control Zone; Marquette, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to redescribe both the Marquette, Michigan, control zone and the Marquette, Michigan, transition area. The intended effect of this action is to redefine the geographical center of the Marquette County Airport at a point approximately 700 feet north of the current center; to make reference to true, rather than magnetic, bearings; and to eliminate all reference to the K.I. Sawyer, Michigan, Air Force Base from the Marquette transition area description.

DATE: Comments must be received on or before August 8, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official 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.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, 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 circumstance which initiated this action was the inadvertent omission from the **Federal Register** of the designated Marquette, Michigan, transition area as identified in Docket 72-GL-62. Prior to resubmitting the Marquette transition area for inclusion in the **Federal Register**, a review for currency suggested that both the Marquette, Michigan, control zone (Docket 79-GL-14) and transition are a (Docket 72-GL-62) and the nearby K.I. Sawyer, Michigan, control zone (Docket 77-GL-20) and transition area (Docket 77-GL-20) could be rewritten to better define and match airspace requirements with the appropriate airport. This action will make minor alterations to the Marquette Control zone alignment; will return small portions of airspace adjacent to the east and west arrival extensions to a non-controlled status; will eliminate portions of the designated 700-foot transition area west and southwest of Marquette County Airport; and will eliminate reference to K.I. Sawyer in the Marquette, Michigan, transition area description. Separate simultaneous docket action (Docket 82-AGL-9) is being taken to alter designations and descriptions involving the K.I. Sawyer, Michigan, control zone. Aeronautical maps and charts will reflect the defined areas, which will enable aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-8." The postcard will be date-time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's 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 Sections 71.171 and

71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Marquette, Michigan, and alter the control zone near Marquette, Michigan. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

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

Marquette, Michigan

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marquette County Airport (Latitude 46°32'02.7"N., Longitude 87°33'41.6"W.); and within 3.75 miles each side of the 077° true bearing from the geographical center of the airport extending from the 6.5-mile radius area to 15 miles east of the airport; and within 3.75 miles each side of the 257° true bearing from the geographic center of the airport extending from the 6.5-mile radius area to 10 miles west of the airport.

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

Marquette, Michigan

Within a 5-mile radius of the Marquette County Airport (Latitude 46°32'02.7"N., Longitude 87°33'41.6"W.); and within 3.5 miles each side of the 077° true bearing from the geographical center of the airport extending from the 5-mile radius zone to 7 miles east of the airport; and within 3.5 miles each side of the 257° true bearing from the geographic center of the airport extending from the 5-mile radius zone to 9.5 miles west of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It 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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 23, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-18420 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-15]

Proposed Revocation of Control Zone; Winona, Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the existing designated control zone serving Winona Muni-Max Conrad Field Airport, Winona, Minnesota, due to nonavailability of required weather observations. The intended effect of this action is to return designated airspace to a noncontrolled status.

The most recent action involving this control zone, excluding Notices to Airmen, was accomplished in Airspace Docket No. 80-GL-18, issued July 21, 1980.

DATE: Comments must be received on or before August 6, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-15, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official 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.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 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 Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within the perimeter of the area currently described as the Winona control zone will be raised from the surface to 700 feet above the surface. No changes will be required to any existing instrument approach procedures, but the minimum descent altitudes associated with those procedures may no longer be contained within controlled airspace. The control zone information will be removed from aeronautical charts and maps.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) to alter the control zone near Winona, Minnesota.

Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zone, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Winona, Minnesota [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-18419 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-2]

Proposed Designation of Transition Area; Amery, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Amery, Wisconsin, to accommodate a new NDB Runway 18 instrument approach into Amery Municipal Airport, established on the basis of a request from the Amery Municipal Airport officials 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.

DATE: Comments must be received on or before August 5, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 82–AGL–2, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official 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.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, 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 altitude 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 viaual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AGL–2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Amery, Wisconsin, Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Amery, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Amery Municipal Airport (Latitude 45°16′45N″., Longitude 92°22′20W″.) and extending 3 miles either side of the 352° bearing from the Amery, Wisconsin, NDB extending from 6½ to 8½ miles.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will note 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 June 21, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-18421 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-11]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published in the **Federal Register** on September 17, 1981 (46 FR 46141), to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71). The proposed amendment would have cancelled the existing Mt. Vernon, Illinois, Control Zone due to the non-availability of required weather observations. Subsequent to the publication of the Notice of Proposed Rulemaking, Air Kentucky Air Lines assumed the responsibility for recording and providing the required weather observations. From October 15, 1981, until present the observations have been in accordance with established procedures; and all indications are that they will continue to be in the future. As a result, the FAA has determined that the proposed amendment is no longer required.

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.

List of Subjects in 14 CFR Part 71

Control zone, Aviation safety.

Withdrawal of the Proposal

Pursuant to the authority delegated to me, effective April 1, 1982, the proposal to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as described in Airspace Docket No. 81-GL-11 and published in the **Federal Register** on September 17, 1981 (46 FR 46141), is hereby withdrawn.

The FAA certifies that this withdrawal of proposed rulemaking 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Des Plaines, Illinois on June 21, 1982.

Paul K. Bohr,

Great Lakes Region.

[FR Doc. 82-18423 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-276-81]

Certain Amounts Refunded in Reinsurance Transactions; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of certain amounts refunded in reinsurance transactions and the allocation of certain items in modified coinsurance transactions.

DATES: The public hearing will be held on August 19, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 5, 1982.

ADDRESSES: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-276-81), Washington, D.C. 20224

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 809, 811 and 820 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, March 19, 1982 (47 FR 11882).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 5, 1982. Each speaker will be limited to 10 minutes for oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Jason R. Felton,

Assistant Director, Legislation and Regulations Division.

[FR Doc. 82-18516 Filed 7-7-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Availability of Finding of No Significant Impact for Certain Proposed Revisions of Permanent Program Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability of finding of no signficant impact (FONSI) for proposed rules.

SUMMARY: OSM is making available a FONSI based on the environmental assessment (EA) prepared on May 3, 1982 (47 FR 18920), covering the cumulative impacts of certain proposed revisions of its permanent program rules (30 CFR Chapter VII) implementing title V of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.* These revisions are for subchapters A (general), C (non-Federal, non-Indian lands), F (areas unsuitable for mining), G (permits), J (bonding), K (performance standards), L (inspection and enforcement), and M (training and certification of blasters).

ADDRESSES (Where copies of FONSI may be obtained): Office of Surface Mining, U.S. Department of the Interior, Interior South Building, Room 134, 1951 Constitution Avenue, NW., Washington, DC 20240 (phone: 202–343–5854).

Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5315, 1100 L Street, NW., Washington, DC 20240 (phone: 202–343–7896).

Office of Surface Mining, U.S. Department of the Interior, Eastern Technical Service Center, Deputy Administrator's Office, Ten Parkway Center, Pittsburgh, PA 15220 (phone: 414–644–4462).

Office of Surface Mining, U.S. Department of the Interior, Western Technical Service Center, Administrator's Office, Brooks Tower, 1020 15th Street, Denver, CO 80202 (phone: 303–837–5421).

FOR FURTHER INFORMATION CONTACT: Dr. Mark Boster, Acting Chief, Branch of Environmental and Economic Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240 (phone: 202–343–2156).

Dated: July 2, 1982.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82–18529 Filed 7–7–82; 8:45 am]

BILLING CODE 4310–05–M

Notices

Federal Register
Vol. 47, No. 131
Thursday, July 8, 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.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Board of Certification, United States Courts of Appeals, Circuit Executive; Meeting

AGENCY: Board of Certification, United States Courts of Appeals, Circuit Executive.

ACTION: Notice of meeting of Board of Certification in San Francisco, California on August 16–17, 1982, to interview applicants who are interested in being certified for the positions of circuit executive.

Individuals who wish to serve as circuit executives in the United States judicial system must be certified as qualified by the statutorily created Board of Certification (28 U.S.C. Section 332(f)). While certification is a prerequisite for appointment as circuit executive, it does not ensure employment.

A personal interview with the Board is necessary for certification, and the Board cannot reimburse candidates for attendant travel expenses.

Details on how to apply may be had by writing to: Board of Certification, Administrative Office of the U.S. Courts, Washington, D.C. 20544.

The next meeting of the Board will be held in San Francisco, California on August 16–17, 1982. Applications must be received well in advance in order to be considered for a possible appointment on this date.

William E. Foley,

Secretary of the Board of Certification and Director, Administrative Office of the U.S. Courts.

[FR Doc. 82-18494 Filed 7-7-82; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

July, 2, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information.

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provided the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer (202) 447–6201.

New

- Food Safety and Inspection Service
  Economic Information Protocol
  Non-recurring
  Individuals, State or local governments, businesses: 250 responses; 750 hours; not applicable under 3504(h)
  John W. McCutcheon (202) 447–6525
- Rural Electrification Administration
  Supplemental Loan Proposal Summary
  REA Form 494
  On occasion
  Businesses or other institutions: 200 responses; 400 hours; not applicable under 3504(h)
  John D. Soma (202) 382–8529
- Rural Electrification Administration
  Construction Cost Estimates
  REA Form 495
  On occasion
  Businesses or other institutions: 200 responses; 2,800 hours; not applicable under 3504(h)
  John D. Soma (202) 382–8529
- Rural Electrification Administration
  Checklist for Review of Plants and Specifications, Telephone System Construction
  Contract
  REA–553
  Annually
  Businesses or other institutions: 175 responses; 175 hours; not applicable under 3504(h)
  John D. Soma (202) 382–8529

Revised

- Statistical Reporting Service
  Fruit Inquiry
  On occasion—in season
  Farms, businesses or other institutions: 46,390 responses; 14,982 hours; not applicable under 3504(h)
  Lee Sandberg (202) 447–6820

Extension

- Food and Nutrition Service
  Administrative Review Report (Sponsor) and Administrative Review Report (Site)
  FNS 19–1 and 19–2
  Nonrecurring
  State or local government, businesses other institutions: 3,425 responses; 24,692 hours; not applicable under 3504(h)
  Norma Ball (703) 756–3888
- Rural Electrification Administration
  Report of Compliance and Participation (Title VI, Civil Rights Act of 1964)
  REA Form 268
  Annually
  Businesses or other institutions: 1,850 responses; 1,233 hours; not applicable under 3540(h)
  Henry L. Taylor (202) 382–9500
- Soil Conservation Service
  Information Storage and Retrieval—Recreational Developments
  SCS–ECS–2
  On occasion
  State or local governments: 20 responses; 20 hours; not applicable under 3504(h)

Ralph C. Wilson (202) 447–4121

Richard J. Schrimper,

Statistical Clearance Officer.

[FR Doc. 82–18461 Filed 7–7–82; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Fasteners From India; Review of Countervailing Duty Order In Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Intent to review countervailing duty order in part

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review under section 751(b)(1) of the Tariff Act, regarding the countervailing duty order on certain fasteners from India. This review will cover only those fasteners from India which are now duty-free. Importations of dutiable feasteners will not be affected by this review.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202,337–2786).

SUPPLEMENTARY INFORMATION: On July 21, 1980, the Department of Commerce ("the Department") published in the Federal Register (45 FR 48607) an affirmative final countervailing duty determination regarding certain fasteners from India. Since India was not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act of 1930 ("the Tariff Act") at that time, and all of the fasteners subject to the order were at that time dutiable, the investigation was conducted under section 303 of the Tariff Act and was not referred to the United States International Trade Commission ("the ITC") for an injury determination.

Effective January 5, 1982, fasteners from India entering under items 646.5400 and 646.5600 of the Tariff Schedules of the United States Annotated (TSUSA) acquired duty-free status under the Generalized System of Preferences. On January 27, 1982, India requested the ITC to institute an investigation to determine whether an industry in the U.S. would be materially injured, or would be threatened with material injury, by reason of imports of Indian fasteners if the countervailing duty order on such merchandise was revoked. In a letter dated March 16, 1982, the ITC advised the Indian government that it had no authority under the applicable statutes (section 104(b) of the Trade Agreement Act of 1979 and section 751(b) of the Tariff Act) to conduct an injury investigation on fasteners.

The Government of India has stated to the Department that, where international obligations of the United States require an injury determination (as is the case the products from India), the Department lacks authority under the Tariff Act to impose countervailing duties on duty-free goods unless an affirmative injury determination is made. Section 303(a)(2) of the Tariff Act provides in relevant part that:

> In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there are affirmative determinations by the Commission under subtitle IV of this chapter. * * *

For the foregoing reasons we believe there is good cause shown and that circumstances have changed sufficiently to warrant our conducting an administrative review under section 751(b)(1) of the Tariff Act of the countervailing duty order ragarding these duty-free fasteners from India.

Imports covered by this review are those fasteners which receive duty-free treatment under the Generalized System of Preferences. Such fasteners are currently classifiable under items 646.5400 and 646.5600 of the Tariff Schedules of the United States Annotated. Importations of dutiable fasteners will not be covered by this review.

The Department is therefore initiating a review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on certain fasteners from India with regard to covered duty-free fasteners. We intend to publish preliminary results of this review as quickly as possible, and in no event later than 30 days from the publication of this notice.

This notice of intent to conduct an administrative review of countervailing duty order is published in accordance with section 751(b)(1) of the Tariff Act (19 U.S.C. 16754(b)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–18428 Filed 6–7–82; 8:45 am]

BILLING CODE 3510–25–M

Advisory Committee on East-West Trade; Notice of Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

TIME AND PLACE: July 28, 1982, 9:30 A.M.–3:30 P.M., U.S. Department of Commerce, Washington, D.C..

AGENDA: (Meeting in Executive Session):

(1) Review of current export control policy issues.

(2) Review of Economic/Political Reforms in China.

(3) Update on Polish situation.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the July 28, 1982 meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the agenda items to be discussed will be concerned with matters in 5 U.S.C. 552b (c) (1) and (9) (B); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 CFR 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determination to close the aforementioned portion of the July 28, 1982 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377–4217.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Lee, Committee Control Officer, Office of PRC and Hong Kong, International Trade Administration, Room 4317, U.S. Department of

Commerce, Washington, D.C. 20230, Telephone: (202) 377–3583.

Dated: June 30, 1982.

Eugene K. Lawson,

Deputy Assistant Secretary for East Asia and the Pacific.

[FR Doc. 82–18483 Filed 7–7–82; 8:45 am]

BILLING CODE 3510–25–M

Michelin X-Radial Steel Belted Tires from Canada; Final Results of Administrative Review and Revocation of Countervailing Duty order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review and revocation of countervailing duty order.

SUMMARY: On April 12, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on Michelin X-radial steel belted tires from Canada. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were invited to comment on the preliminary results. Upon review of all comments received, the Department has determined that countervailing duties equal to the calculated value of the aggregate net subsidy, 1.18 percent of the f.o.b. invoice price of the merchandise, shall be assessed on all shipments entered on or after January 1, 1980, and before January 9, 1980.

Further, the Department is revoking the countervailing duty order on Michelin X-radial steel belted tires from Canada because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after January 9, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Russo or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202, 377–1168/2786).

SUPPLEMENTARY INFORMATION:

Background

On January 8, 1973, a final countervailing duty determination on Michelin X-radial steel belted tires from Canada, T.D. 73–10, was published in the **Federal Register** 38 FR 1018).

On January 9, 1980, the International Trade Commission ("The ITC") notified the Department of Commerce ("the Department") that the Canadian government had requested an injury determination for this order under section 104(b) of the Trade Agreements of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on January 9, 1980 on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On October 26, 1981, the Court of International Trade ("the CIT") issued a partial decision and remand in *Michelin Tire Corporation v. United States,* Slip. Op. 81–94. On February 23, 1982, the Department forwarded its final results concerning the remanded issues to the court. The effects on the subsidy rates for 1980 of the Department's recalculation in response to the remand are discussed below under *Analysis of Comments Received.*

On April 12, 1982, the Department published in the **Federal Register** (47 FR 15616) the preliminary results of its administrative review of the order. A correction to that notice was published on April 19, 1982 (47 FR 16666). The Department has now completed the administrative review.

On June 16, 1982, the ITC published in the **Federal Register** (47 FR 26049) a notice of termination of its investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition.

Scope of the Review

Imports covered by the review are X-radial steel belted tires manufactured by Michelin Tires Canada, Limited. Such tires are currently classifiable under items 772.5109, 772.5127, 772.5136, and 772.5144 through 772.5155 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1980. The Department reviewed the three programs found countervailable in the original determination: (1) A Can. $50 million preferential long-term loan from the Industrial Estates Limited ("IEL"); (2) grants from the Department of Regional Economic Expansion ("DREE") and IEL; and (3) preferential property tax agreements.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. Only Michelin Tires Corporation ("MTC") submitted comments.

Comment 1: Michelin stated that the Department erred in calculating the interest subsidy on the IEL loan by (a) failing to take into account the decline beginning in 1973 in the loan principal as payments were deferred under the terms of the 1972 agreement, and (b) not calculating the interest differential based on the 7.15 percent *combined* net rate for the 1970 and 1972 agreements.

Position: As stated in our preliminary results, we have calculated the interest subsidy on the 1970 loan agreement in a manner consistent with the October 26, 1982 CIT opinion. In that decision, the court concluded that the preferential rate of 6 percent interest did not apply to less then the entire Can. $50 million of the original loan agreement and that the 1972 agreement constituted a second loan. Although the repayment schedule in the 1970 agreement specified that principal payments were to commence in 1973, no such payments were actually made until 1976. The Department, therefore, did not reduce the original Can. $50 million by the planned, but unexecuted, principal payments for the years 1973 through 1975.

Regarding MTC's second point, because the court opinion determined that the 1970 and 1972 agreements constituted separate loans, combining the applicable interest rates for these loans would be improper.

Comment 2: MTC argued that allocating the grants over half the accounting useful lives of the acquired assets is unlawful because the Department has failed to justify: a) The use of any accelerated method of recapture; b) the use of "half" the useful lives as a basis of allocation; and c) the use of accounting useful lives rather than physical useful lives.

Position: The Department has applied an accelerated method of recapture in order to comply with the congressional intent for front loading such benefits. The Department has determined that allocating the capital grants over half the useful lives of the acquired assets is a reasonable approach to meeting that directive. We have used the average accounting useful lives because they reflect the assets' economic lifespan. Such measurement more accurately incorporates considerations such as technological obsolescence than estimates of physical useful lives. In the case of Michelin-Canada, the accounting useful lives of the acquired assets are comparable to the average lives recorded in the depreciation guidelines of the U.S. Internal Revenue Service.

Comment 3: MTC argued that the Department should reduce one of the grants received in 1980 by the amount repaid in 1981. It further stated that such a retroactive adjustment is the preferred course of conduct under Generally Accepted Accounting Principles ("GAAP").

Position: The Department has determined that, since Michelin-Canada had full use of this money through the end of this review period, its inclusion in the calculation of the subsidy rate for 1980 correctly reflects the benefit conferred on production in that year.

Comment 4: MTC claimed that the Department is bound by GAAP to include the value of its labor costs for modification and installation of fixed assets in the total value of production.

Position: The value of production was calculated using the average f.o.b. prices of Michelin-Canada's exports to the United States multiplied by the number of each tire series produced in 1980. As such, all costs should already be incorporated in the prices charged for its products. The Department therefore has denied this adjustment.

Comment 5: MTC stated that, in light of the ITC negative injury determination, countervailing duties should not be collected beyond the date the ITC received the section 104(b) request from the Government of Canada.

Position: Under the transition provisions of the TAA, section 104(b) provides that revocations resulting from negative injury determinations apply retroactively to the date of the ITC's notification to the Administering Authority. The law is explicit in its instruction concerning this issue and this practice has been followed in all revocations previously issued under section 104(b) by the Department.

Final Results of the Review

Upon review of all comments received, we determine that the aggregate net subsidy conferred by the three programs cited above during the period of review is 1.18 percent *ad valorem*. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 1.18 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and before January 9, 1980, the date of the ITC's notification to the Department.

The ITC's termination of the section 104(b) investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of the merchandise covered by the order if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning Michelin X-radial steel belted tires from Canada with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after January 9, 1980.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after January 9, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

This administrative review, revocation and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)), section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note), and § 355.41 of the Commerce regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 2, 1982.

[FR Doc. 82-18506 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-25-M

Molasses From France; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on Molasses from France would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202, 377-1168/2786).

SUPPLEMENTARY INFORMATION: On May 5, 1971, a final countervailing duty determination on molasses from France was published in the **Federal Register** (T.D. 71-118, 36 FR 8365). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of molasses from France entered, or withdrawn from warehouse, for consumption on or after that date.

On October 28, 1981, the Department published the final results of its administrative review of the order, as required by section 751 of the Tariff Act of 1930 (46 FR 53200). The Department determined that no net subsidy was conferred on molasses from France during the period of review and reported that information to the ITC.

On May 26, 1982, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports covered by the order if the order were revoked (47 FR 23055). As a result, the Department is revoking the countervailing duty order concerning molasses from France with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 2, 1982.

[FR Doc. 82-18505 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00128. Applicant: National Radio Astronomy Observatory, Associated Universities Inc., 2010 N.

Forbes Blvd., Suite 100, Tucson, AZ 85745. Article: Klystron VRT2123A and Heat Sink VAT2002B9. Manufacturer: Varian Canada, Canada. Intended use of article: See Notice on page 15819 in the Federal Register of April 13, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides operation in the frequency range of 109.5—117.5 gigahertz. The National Bureau of Standards advises in its memorandum dated May 18, 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. 82-18500 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago; 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00105. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Telemetry Equipment. Manufacturer: Ruedin Biotelemetry Systems, Switzerland. Intended use of article: See Notice on page 13395 in the Federal Register of March 30, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a lightweight (2.8 grams) transmitter for small mammals (rats) with two-channel simultaneous recording of brainwave (EEG) and sleep state (EMG). The Department of Health and Human Services advises in its memorandum dated May 26, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivelent 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)

[FR Doc. 82-18502 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-25-M

University of Texas at Austin; Notice of 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 (Public Law 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 8:00 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00108. Applicant: University of Texas at Austin, Fusion Research Center, Robert L. Moore Hall, Room 12.206, 26th & Speedway Streets, Austin, TX 78712. Article: Carcinotron Electronic Tube, TH4218C. Manufacturer: Thomson-CSF, Groupement Tubes Electroniques, France. Intended Use of Article: See Notice on page 13395 in the Federal Register of March 30, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article operates in a frequency range of 370-404 gigahertz. The National Bureau of Standards advises in its memorandum dated May 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 intented 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. 18513 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council and Its Surf Clam and Ocean Quahog Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice

SUMMARY: The Mid-Atlantic Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265. The Council has also established a Surf Clam and Ocean Quahog Subpanel. The Council and its Subpanel will hold separate public meetings.

SUPPLEMENTARY INFORMATION:

Agendas

Council—will meet to discuss the Tilefish, Summer Flounder, Bluefish, Surf Clam and Ocean Quahog and Lobster Fishery Management Plans (FMP's); discuss the status of other FMP's, foreign fishing applications and other fishery management and administrative matters. The public meeting will convene on Wednesday, August 4, 1982, at approximately noon and will adjourn on Friday, August 6, 1982, at approximately noon, at the

Sheraton Inn-Coliseum, 1215 West Mercury Boulevard, Hampton, Virginia.

Subpanel—will meet to discuss limited entry. The public meeting will convene on Friday, July 30, 1982, at approximately 10 a.m., and will adjourn at approximately 4 p.m., at the Sheraton, Route 13, Dover, Delaware. These public meetings may be lengthened or shortened depending upon progress on the agendas.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building—Room 2115, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: July 1, 1982.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82–18523 Filed 7–7–82; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Meetings

AGENCY: National Commission on Excellence in Education, Education

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule of panel meetings of the National Commission on Excellence in Education. Notice of these panel meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: July 30, 1982 (8:30 a.m. until 5:00 p.m.), August 27 and 28, 1982 (8:30 a.m. until 5:00 p.m.).

LOCATIONS: July 30, 1982, The Aztec Center, San Diego State University, San Diego, California.

August 27 and 28, 1982, The University of Rhode Island, Kingston, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, N.W., Washington, D.C. 20208 (202) 254–7920, or (for the July 30 panel) Bill Oliveri, Staff Associate, (202) 653–5839), (for the August 27–28 panel) Clifford Adelman, Senior Staff (202) 254–5555.

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which sets forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

The meetings of the Commission are open to the public. The agendas will include:

July 30: Presentations of current research data, and a panel discussion on the role of intelligence, motivation and work in student achievement;

August 27–28: Presentations of current and historical research, and a panel discussion of the changing nature and grounds of college curriculum, the role of college faculty in interpreting curriculum, and the impact of college curriculum on high schools.

Records are kept of all Commission proceedings, and are available for public inspection at the office of the National Commission on Excellence in Education. 1200 19th Street, N.W. Room 639, from the hours of 8:00 a.m. to 5:00 p.m.

Dated: July 2, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82–18479 Filed 7–7–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–82–013; FC Case Number 50552–6292–34–22]

Chugach, Electric Association, Inc.; Order Granting Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration DOE

ACTION: Order Granting Chugach Electric Association, Inc. an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 5, 1982, Chugach Electric Association, Inc. (Chugach) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent reliability of service exemption for a powerplant from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any new powerplant without the capability to use coal or any other alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). The eligibility and evidentiary requirements for the reliability of service exemption are contained in 10 CFR 503.40 of the final rules.

Chugach requested a permanent reliability of service exemption in order to burn natural gas or petroleum in a new 26.6 MW package gas turbine unit, identified as Unit No. 4, to be operated at Chugach's Bernice Lake powerplant located near Kenai, Alaska.

Pursuant to section 212(f) of the Act and 10 CFR 503.40, ERA hereby grants a permanent reliability of service exemption from the prohibitions of FUA to Chugach for its new powerplant, Unit No. 4.

DATES: In accordance with section 702(a) of FUA, this Order shall take effect on September 6, 1982.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available at the Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E–190, Washington, D.C. 20585, Telephone (202) 253–6020, Monday through Friday, 8:00 a.m.—4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073G, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–8162.

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Federal Building, Room 7120, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone (202) 633–8108.

SUPPLEMENTARY INFORMATION: The powerplant for which the petition for exemption has been filed is a new 26.6 MW natural gas/No. 2 fuel oil fired package combustion turbine unit to be operated at Chugach's Bernice Lake powerplant, located in the vicinity of Kenai, Alaska. The new powerplant, identified as Unit No. 4 by Chugach, has a design heat input rate of approximately 12,200 Btu's per KWH (full load heat rate). The boiler will burn natural gas, with No. 2 fuel oil used during gas curtailment.

Pursuant to 10 CFR 503.40, Chugach filed the following certifications, together with exhibits containing the basis therefor:

1. Despite a diligent effort to purchase a firm alternative power supply to cover all or a part of the projected power shortfall, the reserve margin in the petitioner's service area in the absence of Unit No. 4 would fall below twenty (20) percent during the first year of proposed operation.

2. The use of a mixture of natural gas or petroleum and an alternate fuel for which a fuels mixture exemption would be available under 10 CFR 503.38 would not be economically or technically feasible for the proposed unit.

3. The petitioner is not able to construct an alternate fuel burning unit in time to prevent impairment of reliability of service; despite diligent, good faith efforts the petitioner is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements in time to prevent an impairment of reliability of service.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition on May 6, 1982 (47 FR 19578), commencing a 45 day public comment period pursuant to section 701 of FUA. As required by section 701(f) of the Act, ERA provided a copy of Chugach's petition to the Environmental Protection Agency for comment. Copies were also sent to the Alaska State Clearinghouse and Federal Energy Regulatory Commission for their comments. During the public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 21, 1982. No comments were received. No hearing was requested.

Decision and Order:

Based upon the entire record of this proceeding, ERA has determined that Chugach has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.40.

Accordingly, pursuant to section 212(f) of FUA, ERA hereby grants Chugach a permanent reliability of service exemption for Unit No. 4 located at its Bernic Lake powerplant near Kenai, Alaska.

The Rural Electrification Administration (REA) of the U.S. Department of Agriculture prepared an Environmental Assessment (EA) of the proposed operation of Unit No. 4 and on December 21, 1981, issued a Finding of No Significant Impact (FONSI). The FONSI was published in the **Federal Register** on January 4, 1982 (47 FR 86). ERA concurs in the FONSI issued by REA and concludes that it meets the requirements of the National Environmental Policy Act of 1969, as applied to ERA's present action granting Chugach its requested permanent exemption.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, D.C. on June 28, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-18449 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-008; OFC Case No. 55610-8112-01-12]

Order Granting Westvaco Corp. an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting Westvaco Corporation an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 25, 1982, Westvaco Corporation, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent fuels mixtures exemption for a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), that prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981). The criteria governing fuels mixture exemption criteria are contained in 10 CFR 503.38 of the final rules.

The petitioner requested a permanent fuels mixture exemption in order to burn black liquor solids in combination with petroleum or natural gas as a primary energy source in a boiler identified as Unit #10 to be operated at the petitioner's papermill located in Charleston, South Carolina. Unit #10 will have a design heat input rate of 1,250 million Btu per hour.

Pursuant to section 212(d) of the Act and 10 CFR 503.38(d), ERA hereby grants the petitioner a permanent fuels mixture exemption for the new MFBI identified as Unit #10. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on September 6, 1982.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-2993

Allan J. Stein, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, Telephone (202) 633-8755

SUPPLEMENTARY INFORMATION: The petitioner proposes to install Unit #10 at its papermill in Charleston, South Carolina. The primary purpose of the boiler is to recover the cooking chemicals for producing pulp in as pure a form as possible. Unit #10 will burn 95-100% black liquor in a mixture with petroleum or natural gas. Since additional petroleum or natural gas may have to be burned to maintain mill operations in the event of a breakdown in black liquor supply, or in existing bark or coal-fired boilers at the facility, the petitioner requests an exemption, under 10 CFR 503.38(d), to burn up to 25 percent petroleum or natural gas in a mixture with black liquor solids.

In accordance with 10 CFR 503.38(d), the petitioner certified in its petition for exemption that the amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five percent (25%) of the total annual Btu heat input of the installation. The petitioner also

submitted environmental certifications, pursuant to 10 CFR 503.13(b), indicating that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of its Acceptence of Petition for Exemption and Availability of Certification relating to Unit #10 in the Federal Register on April 29, 1982 (47 FR 18409), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by sections 701(f) and 701((g) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency and the Federal Trade Commission for their respective comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 14, 1982. No hearing was requested and no comments were received.

After a review by DOE's Office of Environment of the petitioner's completed environmental checklist submitted pursuant to 10 CFR 503.13, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Decision and Order

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all the eligibility requirements for the requested exemption as set forth in 10 CFR 503.38(d) and section 212(d) of FUA, and ERA hereby grants the petitioner a permanent exemption to use a fuel mixture containing up to 25 percent natural gas or petroleum in its proposed Unit #10 to be located at its papermill in Charleston, South Carolina.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before September 6, 1982.

Issued in Washington, D.C. on June 28, 1982.

James W. Workman,

Directory, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-18448 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

Vanderbilt Energy Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Vanderbilt Energy Corporation (Vanderbilt) of Denver, Colorado. This Proposed Remedial Order charges Vanderbilt with pricing violations in the amount of $509,404.05 connected with the sale of crude oil at prices in excees of those permitted by 10 CFR Part 212, Subpart D during the time period August 1, 1976 through December 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. On or before July 23, 1982 any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., NW., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 28th day of June, 1982.

James A. Martin,

Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.

[FR Doc. 82-18511 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Presurvey Consultation Program; Request for Comments on Proposed Revision to the Annual Survey of Domestic Oil and Gas Reserves, Form EIA-23.

AGENCY: Energy Information Administration, DOE.

ACTION: Request for comments on proposed revision to the Annual Survey of Domestic Oil and Gas Reserves, Form EIA-23.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a consultation program to provide the general public with an opportunity to comment during the early development stages of new or revised reporting forms. This program helps ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

At this time, the EIA requests comments on the revised Annual Survey of Domestic Oil and Gas Reserves, Form EIA-23. It is described in the Supplementary Information section of this Notice. Interested parties are asked to review the Form and its instructions and provide comments to the information contact described below.

EFFECTIVE DATE: August 9, 1982.

FOR FURTHER INFORMATION CONTACT: Ted L. Madison, Reserves and Production Branch, Energy Information Administration, Federal Building, Mail Stop 4430, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9696.

SUPPLEMENTARY INFORMATION: The EIA has the responsibility to develop credible and verifiable estimates of crude oil, natural gas, and natural gas liquids reserves and production. For survey years 1977 through 1981 these data were obtained from selected oil and gas well operators by utilizing the Form EIA-23.

Revisions are now proposed for the Form EIA-23 prior to collection of data for survey year 1982. These revisions reflect an effort to reduce the reporting burden of EIA-23 respondents through the elimination of redundant schedules and the utilization of a more space-efficient form format. The proposed changes would affect only Category I and Category II (large and intermediate sized) oil and gas well operators who file EIA-23. The version of the Form utilized by Category III (small) operators is already designed for minimum reporting burden and is not proposed to be revised. Therefore, Category III operators would be unaffected by these changes. No new data elements are proposed in this revision, although the relocation of some data elements may make them appear to be new. The gas commitment status data remains as collected in past surveys and would be reported on the proposed Schedule B.

Notable proposed changes are as follows:

- The Part 1 (Summary) schedules would be eliminated for Category I and II operators.
- Schedule 1 would be eliminated. However, natural gas commitment status data would still be collected on a separate schedule.
- Rather than using two different schedules, Category I and II operators would utilize a common schedule to report reserves and production on a field-level basis. Schedule 2 would be

eliminated, with Schedule 3 modified for use by Category I *and* Category II operators.

• Reserves data for four fields would be entered on one revised Schedule 3, rather than a single field per schedule as is now the case.

Printed below is a draft revised Form EIA–23 with instructions, along with a suggested format for providing comments. This format specifies areas of particular interest to the DOE and also provides opportunity for reviewers to comment on issues of concern to them. The use of this format is not required, but it will facilitate DOE's ability to address comments in a timely manner. Please review the revised Form and send your comments within 30 days of this notice to the above address.

Issued in Washington, D.C.

Dr. Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

July 2, 1982.

Comment Format

The following is the suggested format for providing comments on the revised Form EIA–23, "Annual Survey of Domestic Oil and Gas Reserves."

1. What is the basis of your interest in this annual survey of oil and gas reserves (e.g., are you a potential respondent, consultant, oil and gas analyst, corporate planner, etc.)?

2. Do the instructions provide enough information to enable you to complete the Form and are the instructions sufficiently clear? If not, which instructions require further clarification?

3. Should additional items be defined? Please list, if any.

4. Is the Form layout easy to follow and understand? What changes would you suggest to improve the clarity of the Form while retaining identical information content?

5. Given a choice, would you or your organization prefer to retain the current Form or adopt the proposed revision?

6. If you or your firm were a respondent to past Form EIA–23 surveys: (a) What is your estimate of the one-time cost and personnel hours necessary to accommodate the revised Form in your response procedures? (b) What is your estimate of the on-going cost and personnel hours necessary to respond to the entire Form on a continuing annual basis? (c) What is your estimate of the on-going cost and personnel hours required in providing *only* the gas commitment data collected on Schedule B?

[FR Doc. 82–18510 Filed 7–7–82; 8:45 am]

BILLING CODE 6450–01–M

Agency Forms Submitted to the Office of Management and Budget for Review

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a DOE proposal sent to OMB for approval on June 30, 1982.

The entry, listed by the DOE sponsoring office, contains the following information: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last notice published Thursday, July 1, 1982.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 7413, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–9464

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–7340

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., July 2, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form number	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
DP–467	Survey of Lifestyles, Food Habits, and Agricultural Practices.	Reinstatement	One-time	Voluntary	Households in Mohave County and Coconino Counties, AZ; Clark, White, Pine, Nye, and Esmeralda Counties, NV; and Kane County, UT.	3,400	367	This single-time form will be used to collect information on the estimation of radiation dose due to nuclear weapons testing at Nevada Test Site during the period 1951–1962. The data will assist DOE in its model estimating the health hazards to the population from external and internal doses of radiation.

[FR Doc. 82–18606 Filed 7–7–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Implementation of Special Refund Producers and Solicitation of Comments

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants $1,100,000 obtained by the DOE under the terms of a consent order entered into with Sid Richardson Carbon and Gasoline Co. and Richardson Products Co. The funds were provided by the firm in order to

settle enforcement proceedings brought by the Office of Enforcement.

DATE AND ADDRESS: Comments must be filed on or before Ausust 9, 1982, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW. Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF–0022.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants $1,100,000 obtained by the DOE under the terms of a consent order entered into with Sid Richardson Carbon and Gasoline Co. and Richardson Products Co. (hereinafter jointly referred to as "the Richardson companies") on November 15, 1979. The funds were provided to the DOE by the firms in order to settle all claims which the Office of Enforcement (OE) could have pursued under the DOE price regulations relating to transactions by the Richardson companies involving natural gas liquids and products (NGLs) for the period from September 1973 through June 1979. In the consent order, the parties stipulated that the OE would file with the OHA a petition for the implementation of special procedures for the distribution of refunds from the settlement fund, pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by the Richardson companies. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of covered products from the two firms during the audit period. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought products which were produced with or from the NGLs sold by the Richardson companies during the relevant time period. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by the Richardson companies, including specific documentation concerning the date, place, price, and volume of product purchases, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also discusses possible procedures for the distribution of any funds remaining after all valid claims are paid. In the Proposed Decision, the DOE identifies a number of alternatives that it will consider for the disbursal of any residual funds. The DOE solicits comments on those alternatives and other proposals for the distribution of any funds remaining after claims have been paid.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before August 9, 1982, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Avenue, NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on June 29, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 29, 1982.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of Sid Richardson Carbon and Gasoline Co., and Richardson Products Co.

Date of Filing: December 15, 1980
Case Number: BEF–0022

Under the regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals (OHA) to formulate and implement procedures for distributing funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR, Part 205, Subpart V. In accordance with these regulatory provisions, the OE filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with Sid Richardson Carbon and Gasoline Company and Richardson Products Company (hereinafter jointly referred to as "the Richardson companies"). Pursuant to the Consent Order, the Richardson companies agreed to make refunds for alleged violations of the DOE price regulations in the amount of $1,100,000. The funds have been paid to the Department of Energy and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding their distribution.

I. Background

The Richardson companies are "gas plant operators" as that term is defined in 10 CFR 212.152. They are also "refiners" within the meaning of 10 CFR 212.31. During the relevant time period, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of natural gas liquids and products (NGLs). The regulations also governed the purchase and resale of NGLs by gas plant operators and refiners.

The funds involved in this proceeding were obtained as a result of a consent order that the Richardson companies entered into with the DOE in settlement of alleged violations of the DOE regulations identified above. In an audit of the Richardson Companies' Keystone and Halley Gas Processing Plants, the OE found possible overcharges with respect to first sales of NGLs during the period from September 1973 through June 1979. The OE further found possible violations involving the firms' purchases and resales of NGLs during the same period. In order to settle all claims and disputes between the parties, the Richardson companies agreed to pay $1,100,000 to the DOE. (*1*) The parties further agreed that this amount would be distributed by the agency pursuant to 10 C.F.R. Part 205, Subpart V. On October 4, 1979, notice of the Proposed Consent Order was published in the **Federal Register** *See* 44 FR 57148 (1979). Interested persons were provided an opportunity to comment on the terms of the Proposed Consent Order and to submit written notice to the OE of potential claims against the settlement funds. In response, Diamond Shamrock Corporation and

McCulloch Gas Processing Corporation submitted comments identifying themselves as potential claimants for a portion of the refund account. (2) No other comments were received. The Proposed Consent Order was finalized without modification. *See* 44 Fed. Reg. 66656 (1979).

II. Jurisdiction

The procedural regulations of the Department of Energy set forth guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 C.F.R., Part 205, Subpart V. The Subpart V process is intended to be used in situations where the Department of Energy is unable to readily identify persons who are entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 C.F.R. § 205.280. For a more detailed discussion of Subpart V, *see Office of Special Counsel for Compliance,* No. DFF–0003 (March 13, 1981) (proposed decision), 46 Fed. Reg. 17643 (1981); *Office of Enforcement,* No. BEF–0021 (March 13, 1981) (proposed decision), 46 Fed. Reg. 17639 (1981) (hereinafter referred to as *Alcoa*).

After reviewing the record developed in the case involved in this proceeding, we have concluded that the implementation of Subpart V proceedings is appropriate. There is a significant degree of difficulty in identifying the persons who were injured by the alleged overcharges in the case of the Richardson companies. Moreover, even where an injured person can be identified, it is difficult to ascertain the level of refunds that such persons should receive. During the period covered by the consent order, NGLs were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to persons who were injured. However, on January 28, 1981, the President exempted crude oil and all refind petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 Fed. Reg. 9909 (1981). To direct refund moneys to the parties actually affected by the alleged overcharges in the absence of a comprehensive price regulations system, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers. In short, the persons eligible to share in the consent order funds are not readily identifiable, and the amounts of the refunds that persons should receive are not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism for devising a procedure to compensate persons who were actually injured by alleged pricing violations. The Office of Hearings and Appeals therefore proposes to exercise jurisdiction over the funds received from the Richardson companies in settlement of the proceeding underlying the Petition for Implementation of Special Refund Proceedings filed by the OE in this matter.

III. Authority to Fashion Refund Procedures

In several prior decisions involving Petitions for the Implementation of Special Refund Procedures we have discussed the OHA's authority to establish procedures to distribute funds obtained as a result of settlement agreements. *See, e.g., Office of Enforcement,* 9 DOE ¶ 82,508 at 85,046–49 (1981) (hereinafter cited as *Coline*); *Office of Enforcement,* No. DEF–0006 (March 5, 1981) (proposed decision), 46 Fed. Reg. 15320, 15322–23 (1981) (hereinafter cited as *Vickers*) Subpart V of the DOE procedural regulations, 10 CFR Part 205, authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR §§ 205.81, 205.282. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes. Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. § 751 (1976). NGLs are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent orders. *See Mobil Oil Corp.* v. *FEA,* 566 F.2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce the regulations governing the pricing of petroleum products such as NGLs was first exercised by the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. § 1904 note (1970), then delegated in turn to the Federal Energy Office, the Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) § 5, 15 U.S.C. § 765 (1974); Department of Energy Organization Act (DOE Act), § 301(a), 42 U.S.C. § 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR § 155.81(b) (1973); 10 CFR § 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V decisions, the DOE's equitable power to order restitution is design to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and providing refunds to persons injured by the regulatory violation. *Vickers; see also Sauder* v. *DOE,* 648 F. 2d 1341 at 1348 (Temp. Emer. Ct. App. 1981). The latter objective—compensating overcharged persons—furthers the specific goal in Section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. 753(b)(1)(F).

IV. Proposed Refund Procedures

To fulfill the objectives expressed in the statutes and regulations discussed above, and the Consent Order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who bore the effects of the alleged overcharges. As we have stated before, providing compensation to the overcharged persons is the primary focus of Subpart V. *See Alcoa,* 46 Fed. Reg. at 17641; *Vickers,* 46 Fed. Reg. at 15322. Subpart V proceedings offer a means of compensating many individuals who, because they either lack the resources or do not have a substantial enough financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it eliminates the need for long and costly court actions.

Based on our experience with Subpart V cases, we believe that the distribution of funds to overcharged persons should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate they are entitled to a portion of the funds received by the DOE. After meritorious claims are paid to firms and individuals in the first stage, a second stage may be necessary if there are funds remaining in the consent order account. The procedures by which we propose to distribute the funds obtained from the Richardson companies are discussed below at greater length.

A. Refunds to Identifiable Purchasers

As a first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of NGLs by the Richardson companies. To the extent that the first purchasers of NGLs from the two firms can establish that they absorbed the overcharges rather than passed them on to their customers, they will be entitled to a portion of the consent order funds. In order to qualify for a refund a first purchaser should logically be required to demonstrate that during the period covered by the Consent Order, it would have kept its prices at the same level had the alleged overcharges not occurred. By making such a showing, a firm will establish that it absorved the cost increases itself. While there are a variety of means by which a claimant could make this showing, geneally a reseller must demonstrate that at the time it purchased covered products from its supplier it had unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through additional costs. In addition, the firm must have maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. If the initial purchasers are able to make these showings, it is possible that the entire amount of the funds at issue in this proceeding might be disbursed to them. In the event they are

unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchased NGLs from the first purchasers. Applications for refund from subsequent downstream purchasers will be considered on the same basis during the first stage of the refund proceeding.

In order to establish entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of products which were produced with or from the NGLs sold by the Richardson companies. Privity with either the natural gas plant operator or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to one of the natural gas processing plants. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product should be in a position to show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb the cost increases that are represented by the alleged overcharges. In the absence of that showing, we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, in several previous Subpart V decisions, we have noted that the nature of the showing required may be too complicated for smaller individuals and firms who might otherwise be entitled to apply for refunds. *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,245 (1982); (hereinafter cited as *Tenneco*); *Office of Enforcement,* 8 DOE ¶ 82,597 at 85,396. We have also observed that requiring smaller purchasers to fully document their injuries might discourage them from applying for a refund since the expense of preparing such an application could well exceed the refund to be gained. *Tenneco* at 85,245. In certain cases we have therefore established a threshold level of purchases (50,000 gallons per month or 600,000 gallons per year) under which applicants—primarily smaller firms and individuals—were not required to make a detailed showing of actual injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of products purchased by the applicant during the consent order period. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from interested parties and the public on this issue.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. However, we note that according to the DOE Regional Office which conducted the audit of the Richardson companies, many of the NGLs that originated from the firms' Halley and Keystone processing plants during the consent order period were exported. Any export sales would not have been a basis for any of the alleged overcharges involved in this proceeding because export sales (including sales to domestic firms that certified that the product was to be exported) were exempt from price controls throughout the consent order period. *See* 10 CFR 212.53(a); 6 CFR 150.54(d)(1). Since export sales were not subject to DOE regulations governing maximum selling prices, they would not have been covered by the consent order. Consequently, applications based on export purchases of NGLs originating from the Richardson companies during the consent order period will be presumptively ineligible for any portion of the refund monies being distributed in this proceeding.

Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs (unless the claim falls below any threshold that is subsequently established), and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent orders involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all of the claims of parties identifying themselves as adversely affected purchasers of the NGLs sold by the Richardson companies have been filed and the share of the settlement fund to which applicants are entitled has been determined, the refund account provided by the Richardson companies pursuant to the Consent Order, while diminished, may not be exhausted. A second-stage proceeding may then be necessary to complete the disbursement of the consent order funds.

In this Decision, we are not proposing specific second-stage refund procedures. Such a step would be of little value at this stage of the proceeding, since the amount of funds remaining after all meritorious claims have been paid during the first-stage directly affects the appropriateness of the second-stage distribution scheme. However, in order for members of the public to be made aware of the second-stage procedures that we might adopt, we note that a number of alternatives have been set forth in prior proposed decisions involving the distribution of funds received in settlement of enforcement proceedings in which the OE alleged that overcharges had occurred in sales of NGLs. *See Office of Enforcement,* Nos. BEF–0030 *et al.* (May 1, 1981) (proposed decision), 46 Fed. Reg. 25535 (1981); *Office of Enforcement,* Nos. BEF–0014 *et al.* (May 22, 1981) (proposed decision), 46 Fed. Reg. 28929 (1981); *Office of Enforcement,* Nos. BEF–0049 *et al.* (August 18, 1981) (proposed decision), 46 Fed. Reg. 42743 (1981). Very similar second-stage alternatives were proposd in *Vickers,* 46 Fed. Reg. at 15323–24 (proposed decision).

The comments that the OHA has received regarding possible second-stage procedures in prior cases are summarized and briefly addressed in the final decision and order issued in the Vickers case. *See Office of Enforcement,* 8 DOE at 85,398–99. We will not reiterate our discussion of the issues raised by these comments here. We will, however, accept and consider comments received within 30 days after publication of this decision in the Federal Register, and then issue a final decision establishing procedures for the first-stage distribution of the Richardson companies' consent order funds. In the final decision, we will discuss summarily the comments received concerning the proposed second-stage procedure, and solicit another round of comments on the distribution of the residual funds. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage, if any, of this proceeding.

It is Therefore Ordered That:

The $1,100,000 refund amount supplied by Sid Richardson Carbon and Gasoline Company and Richardson Products Company will be distributed in accordance with the foregoing Decision.

Footnotes

(*1*) As of May 31, 1982, the $1,100,000 principal had accrued $375,014.67 in interest, bringing the total in the Richardson companies consent order refund account to $1,475,014.67.

(*2*) McCulloch's (now MGPC, Inc.) intended claim arose out of partial nonpayment for purchases from MGPC by a firm that was a first purchaser of NGLs from the Richardson companies. On June 18, 1982, MGPC notified the OHA that it had recovered on the debt and would therefore not assert a claim against the consent order funds.

[FR Doc. 82–18447 Filed 7–7–82; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of May 3 Through May 7, 1982

During the week of May 3 through May 7, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

TEXACO, INC., May 7, 1982; BEA–0300

On April 1, 1980, Texaco, Inc., filed an Appeal from an Emergency Allocation Order that was issued to the firm by the Economic Regulatory Administration on March 4, 1980. In that Order, the ERA directed Texaco to sell 3,080,090 barrels of suitable crude oil to

the Clark Oil and Refining Company. After reviewing the Texaco Appeal and the record in the proceeding, the Office of Hearings and Appeals determined that the ERA had issued the Order properly, and that the Texaco submission be denied.

Remedial Orders

Allen Union, Bob's Texaco, Gary Pfister's Mobil Service, Peter Aljian Chevron, Shaw & 99 Chevron, May 3, 1982; BRO-1492, BRO-1500, BRO-1547, BRO-1495, BRO-1545

Allen Union, et al. objected to Proposed Remedial Orders that were issued to the firms by the DOE Office of Enforcement. In the Proposed Remedical Orders, the Office of Enforcement found that the objecting firms had charged prices higher than those permitted by 10 C.F.R. § 212.93(a)(2). After considering the firms' objections, the DOE determined that the Proposed Remedial Orders should be issued as final Remedial Orders. The DOE also determined that the Proposed Remedial Orders should be modified to require that payment of the overcharges be deposited into the U.S. Treasury. The important issues discussed in the Decision include: (i) whether charging a combined cents-per-gallon price for gasoline and service in excess of the maximum lawful price permitted by DOE regulations violates 10 C.F.R. § 212.93(a)(2), and (ii) the procedural and substantive validity of 10 C.F.R. § 210.62(d)(1).

Bridewell, Cobb, Cobb, Jeffers and Whyte, May 7, 1982; DRO-0019

Messrs. Bridewell, Cobb, Cobb, Jeffers and Whyte (the Bridewell Group) objected to a Proposed Remedial Order which the Southwest District of the Department of Energy's Economic Regulatory Administration (ERA) issued to the firm on July 17, 1979. In the Proposed Remedial Order, the ERA found that crude oil produced from the Dan Graham lease during the period November 16, 1973 through August 31, 1976, was improperly sold at exempt stripper well prices. In the present proceeding, the DOE concluded that the Bridewell Group's Statement of Objections should be denied. The important issues discussed in the Decision and Order include (i) the exclusion of an injection well from the calculation of a crude oil producing property's average daily production; (ii) the procedural and substantive validity of Ruling 1974-29; and (iii) the DOE's authority to order refunds administratively.

Paul Lovelady, d.b.a. George W. Hiatt, Mobil Service, May 6, 1982; HRW-0018, HRR-0017

The Economic Regulatory Administration filed a Motion for Modification of a Proposed Remedial Order issued to Paul Lovelady d/b/a George W. Hiatt Mobil Service, a motor gasoline retailer. Although the record reflects that the ERA served the firm with both the PRO and the Motion for Modification, no aggrieved party filed a Notice of Objection or a Statement of Objections with the Office of Hearings and Appeals. In considering the Motion for Modification, the DOE determined that the interest rates in the PRO should be modified so that interest is assessed on the overcharges at the rate of one percent per month, instead of the prime rate. The DOE noted that the modification reduced Lovelady's interest obligation and that it made the PRO conform with current DOE policy. Accordingly, the Motion for Modification was granted and the PRO, as modified, was issued as a final Remedial Order.

Stephen Savignano, d.b.a. Mike's Texaco, May 5, 1982; HRW-0004, HRR-0016

The Economic Regulatory Administration filed a Motion for Modification of a Proposed Remedial Order issued to Stephen Savignano d/b/a Mike's Texaco, a motor gasoline retailer. Although the record reflects that the ERA served the firm with both the PRO and the Motion for Modification, no aggrieved party filed a Notice of Objection or a Statement of Objections with the Office of Hearings and Appeals. In considering the Motion for Modification, the DOE determined that it was not feasible to locate overcharged customers and therefore that Stephen Savignano d/b/a Mike's Texaco should be required to pay to the Treasury of the United States the full amount of the overcharges plus interest. In addition, the DOE found that the interest provisions should be modified to call for interest to be assessed on the overcharges at the rate of one percent per month. Accordingly, the Motion for Modification was granted and the PRO, as modified, was issued as a final Remedial Order.

Requests for Exception

Getty Refining and Marketing Company, May 7, 1982; DEE-2098

Getty Refining and Marketing Company filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Getty to increase the base period allocation of motor gasoline at the firm's company operated stations and certain other service stations supplied by Getty. With respect to the Getty stations that were operated by independent marketers, the DOE determined that exception relief was warranted and increased the base period allocation of motor gasoline at each of the affected stations to a level that would permit each station to remain viable. With regard to Getty's company-operated stations, the DOE determined that a different form of exception relief would be more appropriate. In this connection, the DOE noted that it was especially concerned that the approval of substantial amounts of exception relief to Getty might have a significant adverse impact on the independent marketers also supplied by the firm. Consequently, the DOE concluded that if any of the retail service stations owned and operated by Getty would not achieve a break-even level of operations unless the motor gasoline volumes to be supplied to it exceeded the levels permitted to be transferred among a company's outlets under the provisions of 10 CFR § 211.106(b)(3)(ii), then exception relief was appropriate to permit Getty to transfer sufficient volumes of motor gasoline to the affected station to achieve a break-even level of operations.

Rogers Fuels, Inc., May 4, 1982; HEE-0015

On February 16, 1982, Rogers Fuels, Inc. (Rogers) filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. In its submission, Rogers requested that it be relieved of the requirement to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering Rogers' request, the DOE determined that the hospitalization of the firm's owner, the person responsible for filing the EIA form, warranted the approval of exception relief for a limited period of time. Accordingly, Rogers was relieved of the obligation to file Form EIA-9A for the six months following the owner's release from the hospital.

Motion for Discovery

Meeker and Company, May 3, 1982; BED-0124

Meeker and Company filed a Motion of Discovery in connection with an Application for Exception the firm filed with the Office of Hearings and Appeals on August 21, 1978 (Case No. DEE-1669). The firm' discovery request sought to diect certain interrogatories and document production reguests to the Department of Energy. In considering the request, the Department of Energy found that the discovery was not relevant to the underlying Application for Exception. In particular, Meeker and Co. failed to demonstrate how discovery with respect to the promulgation and interpretation of the crude oil pricing regulations would provide factual information material to the determination of the existence of a gross inequity, serious hardship or unfair distribution of burdens. Accordingly, the Motion for Discovery was denied.

Interlocutory Orders

Gulf Oil Corporation, May 2, 1982; HRZ-0015.

Gulf Oil Corporation sought an order deeming as admitted by the Office of Special Counsel for Compliance (OSC) certain matters in an enforcement proceeding pending before the Office of Hearings and Appeals. The DOE entered an order deeming as admitted those factual assertions made by Gulf in its Statement of Factual Objections, Part II (SFO II) to a Proposed Remedial Order issued to the firm on May 1, 1979, by OSC not controverted by OSC in its Response to SFO II.

Marathon Oil Company; Office of Special Counsel, May 6, 1982; HRZ-0055 Through HRZ-0056

The DOE considered several procedural motions filed in connection with Proposed

Remedial Order proceedings involving Marathon Oil Company. The DOE determined that Marathon's motion to consolidate Statements of Objections filed by aggrieved parties in the Marathon PRO proceedings should be denied. The DOE also denied Marathon's motion to limit participation of Landmark, Inc. In the Marathon PRO proceedings. The DOE granted a motion filed by OSC to limit the filing of further Motions for Evidentiary Hearing by Marathon in connection with Case Nos. HRO–0024 and 0025. Specifically, the DOE held that Marathon would be permitted to file further Motions for Evidentiary Hearing in those cases only if the facts in dispute were made known to Marathon through discovery ordered by the DOE. The DOE also determined that Marathon would not be permitted to file alternative computations in Case Nos. HRO–0024 and 0025 because the firm had not shown that those computations were relevant to the DOE's consideration of its objections to the PROs.

Supplemental Orders

Redman Service, Inc., May 7, 1982; HEX–0026

On September 26, 1980, the Department of Energy issued a Remedial Order to Leon Anton d/b/a Redman Service, Inc. By the end of August 1980, however, the firm had already made the required restitution of overcharges. Therefore, the Department of Energy found that the Remedial Order should be rescinded.

State of New York, May 5, 1982; HRX–0024

The State of New York filed a motion for the issuance of a supplemental order pursuant to 10 CFR § 205.199G in which the state requested that the OHA reconsider its previous decision and allow the state to participate as a full party in remedial order proceedings against Shell Oil Co., rather than restricting the state to the remedy issue. In considering the New York motion the OHA determined that as a direct purchaser from Shell, the State of New York has a substantial financial interest in the remedial proceedings and should therefore be allowed to participate fully in the proceedings.

Refund Applications

Vickers Energy Corporation/State of Kansas; Vickers Energy Corporation/State of Wisconsin, May 10, 1982; HFX–0022

On July 17, 1981, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures with respect to a $2,850,000 fund obtained by the DOE through a consent order with Vickers Energy Corporation. *See Office of Enforcement* (*Vickers*), 8 DOE ¶ 82,597 (1,981). The July 17 Decision stated that the DOE would accept applications for refund filed by purchasers of Vickers motor gasoline from other than company-operated outlets. The May Decision addresses applications for refund filed by the Treasurers of the State of Kansas and of the State of Wisconsin. Each Treasurer claimed a refund under the state statute requiring persons holding unclaimed property belonging to a citizen of the state to turn that property over to the state for disposition. In denying those claims, the DOE held that the states' unclaimed property statutes do not apply to escrow funds held by the DOE for distribution pursuant to special refund proceedings. In addition, the DOE rejected a number of additional claims by the Wisconsin Treasurer. Accordingly, the states' applications for refund were denied.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company name and Case No.

Ashland Oil, Inc., Tosco Corporation, HEJ–0019

Dismissals

The following submissions were dismissed without prejudice:

Company name and Case No.

Cracker Barrel Stores, Inc., HRO–0002; HRH–0004

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management; Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B Breznay,

Director, Office of Hearings and Appeals.

June 29, 1982.

[FR Doc. 82–18512 Filed 7–7–82; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders Filed the Week of May 24 Through May 28, 1982

During the week of May 24 through May 28, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 29, 1982.

Appeals

Hughes, Hubbard & Reed, 5/25/82, HFA–0054

Hughes, Hubbard & Reed filed an Appeal from a partial denial by the Deputy General Counsel for Enforcement and Litigation of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the documents which were initially withheld under exemption 4 should be remanded for further determination and that the documents withheld under exemption 5 should not be released. Important issues that were considered in the Decision and Order were (i) the applicability of *Exxon Co., U.S.A.*, 8 DOE ¶ 80,166 (1981) to documents withheld under exemption 5, (ii) public interest considerations and (iii) the adequacy of the justification for withholding documents under exemption 4.

Professional Analysts, 5/25/82, HFA–0051

Professional Analysts filed an Appeal from a denial by the Bonneville Power Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain portions of the documents which were initially withheld under exemption 4 should be released to the public. Important issues that were considered in the Decision and Order were (i) the likelihood that release of confidential portions of a proposal for a government contract would cause substantial competitive harm to the submitter, (ii) the release of segregable factual material in the contract proposal, (iii) public interest considerations; and (iv) the fact that the FOIA request was filed after the government contract had been awarded to the company submitting the proposal.

Requests for Exception

Clark Oil and Refining Corporation, 5/26/82; BEE–1582

On January 6, 1981, Clark Oil and Refining Corporation filed an Application for Exception from the provisions of 10 CFR 212.83(c) in which the firm sought to be allowed to pass through retroactively on a dollar-for-dollar basis its increased non-product marketing costs incurred since February 1, 1976. In considering the request, the DOE found that the firm failed to meet the threshold standard for prospective exception relief, and that in addition the firm presented no compelling reasons why retroactive relief should be granted. Accordingly, exception relief was denied. An important issue discussed in the Decision and Order is the fact that a firm fails to realize projected levels of profitability does not constitute a compelling reason for granting exception relief.

West Coast Oil Company, 5/26/82, BEE-1587

West Coast Oil Company filed an Application for Exception from the provisions of the DOE Entitlements Program, 10 CFR 211.67 for the period February through March 1981. The firm claimed that as a result of the Strategic Petroleum Reserve Program, its entitlement sales revenues were reduced, causing a cash flow problem to the firm. West Coast therefore requested an increase in the number of entitlements to be accorded to the firm for the two months February and March 1981. The DOE found that the firm's financial problem was mainly caused by the firm's business agreements with Getty Oil Company by which West Coast relinquished its ability to independently adjust prices for its refined products. The DOE therefore denied West Coast's exception request.

Motions for Discovery

Emond Oil Company; 5/24/82, BED-0021, BEH-0021

Emond Oil Company filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Appeal of a Remedial Order issued to Emond on September 27, 1976, by the Federal Energy Administration. In considering Emond's Motion for Discovery, the DOE determined that some of the firm's requests had already been satisfied and that the remainder of the information which the firm sought was not relevant to any disputed issue of fact Nevertheless, the DOE released a single FEA Region I decision granting retroactive exception relief that was found in the OHA files that was responsive to one aspect of Emond's discovery request. With regard to Emond's Motion for Evidentiary Hearing, the DOE found that the firm did not specify any factual disputes that exist with respect to the findings in the Remedial Order. The DOE therefore granted Emond's Motions for Discovery in part and denied the Motion for Evidentiary Hearing.

Office of Special Counsel for Compliance, 5/28/82, HRD-0024

The Office of Special Counsel for Compliance (OSC) filed a Motion for discovery in connection with a Proposed Remedial Order (PRO) which it issued to Texaco Inc. In the PRO the tentative determination is reached that Texaco overcharged the Office of General Services (GS) in the sale of motor gasoline as a result of Texaco's assignment of GS to an improper class of purchaser. In considering the OCS Motion, the DOE noted that in its Statement of Objections to the PRO, Texaco made factual allegations which contradicted statements it made prior to the issuance of the PRO. The DOE ruled that discovery is necessary in order to establish Texaco's historic pricing policy regarding customers such as GS and to determine the class of purchaser to which GS should have been assigned. The DOE also ruled that deposition discovery is warranted in this instance because relevant documentary evidence cannot currently be produced by Texaco on an expeditious basis as a result of a marketing department reorganization within the firm. The DOE therefore granted OCS's request for deposition discovery and deferred ruling on OCS's requests for document production and the use of written interrogatories

Interlocutory Order

McCulloch Gas Processing Corp., 5/28/82, HEZ-0067

On April 10, 1980, the United States District Court for the District of Wyoming remanded two exception proceedings involving McCulloch Gas Processing Corp. for reconsideration by the Office of Hearings and Appeals. In those proceedings, McCulloch had sought exception relief that would permit it to increase its selling prices of natural gas liquids produced at eight of its plants above the levels permitted by the regulations.

Upon reconsideration, the DOE rejected McCulloch's argument that it should be permitted to pass through as increased non-product costs, increases in per unit depreciation recorded by the firm. The DOE found that the alleged increases in depreciation did not represent actual increased costs, but were only paper increases resulting from the firm's use of a straight-line accounting method which allocated equal annual levels of depreciation over declining annual levels of production. The DOE concluded that when calculating a gas plant's increased costs, depreciation must be calculated on a units-of-production basis.

McCulloch also argued that early FEA regulations had interfered with its ability to compete for new sources of natural gas for processing because some of its competitors were permitted under the regulations to charge higher selling prices than McCulloch and could pay higher producer royalties than could McCulloch. The DOE found that this competitive disadvantage, if substantiated, could form a basis for additional exception relief. However, the present record did not indicate the degree to which McCulloch had been competitively disadvantaged by the regulations in obtaining new natural gas supplies, or the resulting financial impact on the firm. Accordingly, the DOE issued a Interlocutory Order indicating the additional information that McCulloch must supply in order to establish its claim that additional exception relief is warranted.

Supplemental Orders

Energy Corporation of America; 5/24/82, HRX-0029

A final decision and Order was issued to Energy Corporation of America in Case No. DRO-0238 on May 10, 1982. In that Order the DOE incorrectly stated that the firm could seek administrative review of the Order. In the supplemental Order the DOE deleted the paragraph stating that Energy could seek administrative review and substituted a paragraph properly stating that Energy could seek judicial review of the Order.

Vinson and Elkins; 5/24/82, HEX-0025

On May 24, 1982, the DOE issued a Supplemental Decision and Order to Vinson and Elkins in which it reconsidered the determination reached in *Vinson and Elkins*, 9 DOE ¶ 80,150 (1982). In the Supplemental Order, the DOE determined that the holding in the previous Decision and Order be affirmed. The DOE found that the fact that the Energy Information Administration continues to collect Form EIA-460 does not alter the determination reached in the previous Decision.

Dismisals

The following submissions were dismissed without prejudice:

Name and Case No.

Commonwealth of Pennsylvania—HEG-0014, HES-0014
Golden Eagle Refining Co., Inc.—BRO-1426
OAHU Gas Service, Inc.—BEX-0072; BED-0083
Spruce Oil Corp.—HRO-0006, HRD-0028, HRH-0028
The Denver Post—HFA-0053

[FR Doc. 82-18509 Filed 7-7-82; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed the Week of June 7 Through June 11, 1982

During the week of June 7 through June 11, 1982, the notice of objection to a proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

June 29, 1982.

Timco Oil Company, Long Beach, California; HRO-0061, crude oil

On June 7, 1982, Timco Oil Company, 845 E. Willow St., Long Beach, California 90806, filed a Notice of Objection to a Proposed Remedial Order which the DOE Los Angeles District Office of Enforcement issued to the firm on May 10, 1982. In the PRO the Los Angeles Office found that from January 1, 1974 to December 31, 1977, the firm overcharged purchasers of crude oil. According to the PRO the Timco Oil

Company violation resulted in $132,994.24 of overcharges.

[FR Doc. 82-18507 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed the Week of June 14 Through June 18, 1982

During the week of June 14 through June 18, 1982, the notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before July 28, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons who may also be placed on the official service list as nonparticipants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 29, 1982.

Robert J. Heald Shell, Fairfax, California: HRO-0063

On June 18, 1982, Robert Gregory d/b/a Robert J. Heald Shell, 1942 Sir Francis Drake Blvd., Fairfax, CA 94930 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to the firm.

In the PRO the ERA found that during July 1, 1980 to November 30, 1980, Robert J. Heald Shell sold motor gasoline at prices which exceeded its maximum lawful selling prices.

[FR Doc. 82-18508 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of June 14 Through June 18, 1982

During the week of June 14 through June 18, 1982, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a notice of objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 29, 1982.

Memphis Aero Corporation, Memphis, Tennessee; DEE-2810, aviation rules

On March 20, 1979, Memphis Aero Corp. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart F. The exception request, if granted, would permit the firm to increase retroactively its prices for aviation fuels above the maximum allowable selling prices for the period November 1, 1973 through August 31, 1976. On June 14, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 82-18618 Filed 7-7-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 19, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

AGREEMENT No.: T-4053.

Filing party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

SUMMARY: Agreement No. T-4053, between Georgia Ports Authority (Port) and Sea-Land Service, Inc. (Sea-Land), provides for the one-year lease by Port to Sea-Land of certain premises at Port's Garden City Terminal, Chatham County, Georgia, for the storage and handling of containers, trailers and chassis. As compensation, Sea-Land will pay Port $5,381.25 per month base rental for 311 container slots plus $18.75 per month for each additiona slot.

By Order of the Federal Maritime Commission.

Dated: July 2, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18534 Filed 7-7-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842(a)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in Section 3 of the Act (12 U.S.C. 1842).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. 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. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *The Central Bancorporation, Inc.* Cincinnati, Ohio; to acquire 51 percent or more of the voting shares or assets of The Union Commerce Corporation, Cleveland, Ohio, and thus indirectly acquire The Union Commerce Bank, Cleveland, Ohio, The Southern Ohio Bank, Cincinnati, Ohio; The Port Clinton National Bank, Port Clinton, Ohio; and the First National Bank of Nelsonville, Nelsonville, Ohio. This application may be inspected at the Federal Reserve Bank of Cleveland. Comments on this application must be received not later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18436 Filed 7-6-82; 8:45 am]

BILLING CODE 6210-01-M

The Central Bancorporation, Inc.; Acquisition of The Union Commerce Leasing Corp. and The Union Capital Management Corp.

The Central Bancorporation, Inc., Cincinnati, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The Union Commerce Leasing Corporation, Cleveland, Ohio and the Union Capital Management Corporation, Cleveland, Ohio.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and act as a financial or investment advisor, respectively. These activities would be performed from offices of Applicant's subsidiary in Cleveland, Ohio, and the geographic area to be served is the State of Ohio. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18435 Filed 7-7-82; 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 New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Hubco, Inc.*, Union City, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Hudson United Bank, Union City, New Jersey. Comments on this application must be received not later than July 31, 1982.

B. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *New Bancshares, Inc.*, Newport, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Newport National Bank, Newport, Kentucky. Comments on this application must be received not later than July 31, 1982.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Northern of Tennessee Corp.*, Clarksville, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Northern Bank of Tennessee, Clarksville, Tennessee. Comments on this application must be received not later than July 31, 1982.

2. *West Alabama Bancshares, Inc.*, Millport, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Merchants & Farmers Bank, Millport, Alabama. Comments on this application must be received not later than July 31, 1982.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First National Hoffman Bancorp, Inc.*, Hoffman Estates, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Hoffman Estates, Hoffman Estates, Illinois. Comments on this application must be received not later than July 29, 1962.

2. *Somonauk FSB Bancorp., Inc.*, Somonauk, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank of Somonauk, Somonauk, Illinois. Comments on this application must be received not later than July 31, 1982.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bridgeport Bankshares, Inc.*, Bridgeport, Nebraska; to become a bank holding company by acquiring 100

percent of the voting shares of The Bridgeport State Bank, Bridgeport, Nebraska. Comments on this application must be received not later than July 29, 1982.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *P.V. Financial,* Modesto, California; to become a bank holding company by acquiring 100 percent of the voting shares of Pacific Valley National Bank (In Organization). This application may be inspected at the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18431 Filed 7-7-82; 8:45 am]

BILLING CODE 6210-01-M

Moore Financial Group Inc.; Proposed Acquisition of FMA Thrift and Loan Company and FMA Leasing Company

Moore Financial Group Incorporated, Boise, Idaho, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(c)), for permission to acquire voting shares of FMA Trust Company, Salt Lake City, Utah ("FMA Trust"), FMA Thrift and Loan Company, Salt Lake City, Utah ("FMA Thrift"), and thereby indirectly acquire FMA Thrift's subsidiary, FMA Leasing Company ("FMA Leasing").

Applicant states that FMA Thrift and FMA Leasing would engage in the following activities: obtaining thrift passbook accounts; issuing thrift certificates; making loans to individuals, partnerships and corporations; leasing real and personal property; acting as agent for sale of credit life insurance directly related to extending credit; lease and loan servicing; and extending credit by credit cards. These activities would be performed from offices of FMA Thrift in Sandy, Salt Lake City, Ogden, and Provo, Utah, and FMA Leasing in San Rafael, California, and Tempe, Arizona, and the geographic area to be served is the State of Utah. FMA Trust would engage in trust services from offices in Salt Lake City, Utah, serving the State of Utah. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18432 Filed 7-7-82; 8:45 am]

BILLING CODE 6210-01-M

NCNB Corp.; Proposed Acquisition of Gulfstream Banks, Inc.

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Gulfstream Banks, Inc., Boca Raton, Florida, and thereby indirectly acquire Gulfstream Insurance Agency, Inc., Boca Raton, Florida; Gulfstream Mortgage Co., Boca Raton, Florida; Gulfstream Leasing Corporation, Boca Raton, Florida; and Gulfstream Real Estate Properties, Inc., Fort Lauderdale, Florida.

Applicant states that the proposed subsidiary would engage in the activities of acting as an insurance agent relating to extensions of credit made by a bank; leasing activities; fiduciary services and making and acquiring for its account or the account of others loans and other extensions of credit such as would be made by a mortgage or finance company. These activities would be performed from offices of Applicant's subsidiary in Boca Raton, and Fort Lauderdale, Florida, and the geographic areas to be served are Palm Beach and Broward Counties in Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18433 Filed 7-7-82; 8:45 am]

BILLING CODE 6210-01-M

Pine River Holding Co.; Formation of Bank Holding Company

Pine River Holding Company, Pine River, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.8 per cent or more of the voting shares of Pine River State Bank, Pine River, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Pine River Holding Company, Pine River, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pine River Agency, Inc., Pine River, Minnesota.

Applicant states that the proposed subsidiary would engage in the sale of general insurance in a town not exceeding 5,000 in population. These activities would be performed from offices of Applicant's subsidiary in Pine River, Minnesota, and the geographic areas to be served are Pine River, Minnesota and the surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 31, 1982.

Board of Governors of the Federal Reserve System, July 1, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-18434 Filed 7-7-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Form R-2, Quarterly Report on Working Capital and Long Term Debt; Information Collection Requirement

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of Form R-2, Quarterly Report on Working Capital and Long Term Debt.

SUMMARY: Form R-2 requests quarterly corporate data on current assets and liabilities from a sample of 220 electric, gas and telephone utility corporations. These data are combined with similar data collected through other series to provide users with the most timely and accurate working capital statistics of non-financial corporations. Principal users are the Federal Reserve Board for calculation of the flow of funds accounts, and the Department of Commerce for GNP estimation. The data series is published through the Federal Reserve Board's quarterly *Bulletin.*

DATE: Comments on the request for approval must be submitted on or before August 9, 1982.

ADDRESS: Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Carl D. Hevener, OMB Clearance Officer, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3373.

SUPPLEMENTARY INFORMATION: This application concerns reinstatement of an information collection requirement that expired on December 31, 1981. Form R-2, as modified in this request, contains 12 items of information, 2 less than in the form used in 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-18416 Filed 7-7-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Cancer Review Subcommittee); Amended Notice of Meeting

Notice is hereby given of the cancellation of the scientific presentation of biology, biochemistry and immunology of colon cancer at the meeting of the Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Cancer Review Subcommittee), National Cancer Institute, National Institutes of Health, July 7-9, 1982; which was published in the **Federal Register** on June 22, 1982, (47 FR 26912). Notification has just been received that the speakers for the scientific presentation have had a last minute change in schedule and will be unable to fulfill this commitment. Therefore, the open portions of the meeting which are on July 7 from 7:30 p.m. to adjournment; July 8 from 8:00 a.m. to 9:00 a.m., and 7:30 p.m. to adjournment; and on July 9 from 8:30 a.m. to adjournment, will now be reserved for the review of workshop planning, administrative details, a and discussion of the future of the organ site program. This change in the program will be advertised in the July 6 edition of the *Houston Post.* Attendance by the public will be limited to space available. The meeting will remain closed to the public on July 8, from 9:00 a.m. to approximately 5:00 p.m., for the review, discussion and evaluation of individual grant applications.

For further information, please contact Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 7A05, National Institutes of Health, Bethesda, Maryland 20205 (301/427-8800).

Dated: July 2, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-18606 Filed 7-7-82; 8:45 am]

BILLING CODE 4140-01-M

Office of Community Services

Statement of Organization, Functions, and Delegations of Authority

Part C (Office of Community Services) (46 FR 49211, October 6, 1981) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services is amended to reflect the transfer of the Office of Community Services' audit and investigative work related to funds expended by the former Community Services Administration of the Department of Health and Human Services' Office of the Inspector General.

On September 30, 1981, pursuant to Subtitle B of Title VI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), the Community Services Administration and all its functions were terminated. Pub. L. 97-35 also vested authority in the Director of the Office of Management and Budget to provide for the termination of the affairs of the Community Services Administration. Accordingly, through directives issued on September 4, 1981, the Director of the Office of Management and Budget assigned to the then-Inspector General of the Community Services Administration, the new and specific task of supervising,

during Fiscal Year 1982, the conduct of audits of funds expended under financial awards made prior to October 1, 1981, by the Community Services Administration.

The Director of the Office of Management and Budget also directed that the then-Inspector General of the Community Services Administration, when carrying out his new assignment in Fiscal Year 1982, should report directly to, and receive administrative support from, the Secretary of Health and Human Services. The Director of the Office of Management and Budget requested, and the Congress subsequently approved, specific funding authority during Fiscal Year 1982 to carry out audit administrative activities related to funds expended by the former Community Services Administration. This funding authority expires on September 30, 1982.

There will be a continuing need during Fiscal Year 1983 for audit work related to funds expended by the former Community Services Administration. To insure that there is no discontinuity of effort in this important area, the responsibility for overseeing audits of former programs of the Community Services Administration will be integrated, effective October 1, 1982, with the ongoing audit and investigative responsibilities of the Inspector General of the Department of Health and Human Services. This change is also made to accord with 42 USC 3523, which requires that the Inspector General supervise audit and investigative activities related to all programs and operations of the Department of Health and Human Services. The changes are as follows:

1. Part C, Office of Community Services, *Section C.10 ORGANIZATION* is amended by eliminating the term "Office of the Inspector General."

2. Part C, *Section C.20 FUNCTIONS* is amended by removing the subsection titled "Office of the Inspector General for the Office of Community Services."

The Statement of Organization, Functions, and Delegations of Authority for the Office of the Inspector General of the Department of Health and Human Services is not changed because the current Statement contains a comprehensive description of the Office of Inspector General's functions which includes the responsibility to supervise an audit and investigation program for all programs in the Department, including programs operated by the Office of Community Services.

This action is effective October 1, 1982.

Dated: June 17, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-18524 Filed 7-7-82; 8:45 am]

BILLING CODE 4150-04-M

Office of Human Development Services

[Program Announcement No. 13623-831]

Runaway and Homeless Youth Program; Availability of Funds

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of availability of Financial assistance for the Runaway and Homeless Youth Program—National Communications System.

SUMMARY: The Administration for Children, Youth and Families (ACYF), Youth Development Bureau (YDB), announces the availability of Fiscal Year 1983 funds for a National Communications System. This grant is authorized by the Runaway and Homeless Youth Act, 42 U.S.C. 5101 et. seq., enacted by Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), as amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95-115) and the Juvenile Justice Amendments of 1980 (Pub. L. 96-509). Regulations governing this program are published in 45 CFR Part 1351. Competition for grant awards in other ACYF program areas will be announced at a later date in the **Federal Register.**

DATE: The closing date for receipt of applications is September 7, 1982.

A. Program Scope

This Program Announcement describes the application process for a National Communications System grant to be awarded during Fiscal Year 1983.

B. Program Purpose

The National Communications System is a component of the program funded under the Runaway and Homeless Youth Act (RHYA) as administered by the administration for Children, Youth and Families of the Office of Human Development Services, Department of Health and Human Services. The Runaway and Homeless Youth Act provides financial assistance to establish or strengthen community based centers designed to address the immediate needs of runaway and homeless youth and their families. As a part of this national effort, the National Communications System is designed to provide a neutral and available channel of communication in the contiguous United States between runaway and homeless youth and their families and to refer runaway or otherwise homeless youth to agencies within their communities (or immediate vicinity) for needed services or assistance.

This communications system is a confidential telephone information, referral and crisis intervention service to runaway and otherwise homeless youth and their families. The system must operate 24-hours a day and 365 days a year and be staffed by trained individuals. The National Communications System must also have the capability to be a technical resource to assist youth-serving agencies in delivering more effective services by allowing communication among service providers about specific cases which would ensure continuity in service provision, aid in processing requests for parental consent and facilitate discussions around mutual program and client concerns.

The overall function of a communications system is to link youth with a resource that provides the services needed by the caller. An effective communications system must be able to fulfill this function in three ways. They include:

(1) Providing a neutral and available channel of communication through which runaway and homeless youth may re-establish contact with their parents or guardians;

(2) Identifying agency resources to runaway and other homeless youth in the area where the runaway is located; and

(3) Identifying home-community resources for those young people who are contemplating running away, but contact the communications system before they run.

The significant reasons for the development of the communications system are: (a) the interstate nature of the runaway and homeless youth problem and (b) the increased vulnerability of youth to various forms of exploitation when they are away from home and/or in unfamiliar environments.

C. Program Goals and Objectives

The goals of this program are: (a) to alleviate the problems of runaway and homeless youth, (b) to reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services, (c) to strengthen family relationships and to encourage stable living conditions for youth, and (d) to help youth decide upon a future course of action. The National Communications System funded under this program is

required to address these goals on a Nation-wide basis by:

(1) Providing, on a 24-hour basis, a neutral channel of communications for runaway and homeless youth to establish contact with their families and/or to arrange for the provision of needed services.

(2) Providing access to agencies to facilitate case referrals and program and resource linkages between youth-serving agencies relating to the provision of services to runaway and homeless youth and their families.

(3) Serving as a national clearinghouse for resource and referral information regarding the location of services for runaway and homeless youth and their families during the crisis period.

(4) Providing the equipment and technical expertise for the arrangement of conference calls and counseling services among runaway programs, youth and parents or legal guardians.

(5) Publicizing the existence and availability of services to runaway and homeless youth throughout the contigious United States.

(6) Providing descriptive information on the effect of a communications system on the overall availability of services to runaway and homeless youth.

(7) Establishing formal linkages with existing centers for runaway and homeless youth and other appropriate agencies (e.g., social services, juvenile justice agencies, schools, drug and alcohol agencies, and emergency care shelters) for the delivery and further development of referral sources.

(8) Collecting and maintaining statistical data detailing the socio-economic characteristics of the youth served, the types of problems, the services provided, and the referrals made.

(9) Submitting quarterly reports providing a programmatic and statistical account of the National Communications System's activities and achievements in meeting its stated goals and objectives.

D. Eligible Applicants

States, localities, private nonprofit agencies, and coordinated networks of such agencies are eligible to apply for a grant to establish or strengthen a National Communications System unless they are a part of the law enforcement structure or the juvenile justice system. States are defined to include any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territories of the Pacific Islands, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands. (See 42 U.S.C. 5603(7) as amended by Sec. 5(c) of P.L. 96–509.) Indian tribes and Indian organizations which are not Federally recognized are eligible to apply for grants as private nonprofit agencies. Federally recognized Indian tribes are eligible to apply for grants as local units of government. A coordinated network of agencies is an association of two or more private nonprofit, public or any combination of such agencies providing services to runaway or homeless youth and their families.

E. Priorities for Funding

The Administration for Children, Youth and Families will give priority in considering grant applications to organizations which have a demonstrated experience in the provision of information and referral services to runaway and homeless youth and their families, in working with such youth on a national basis, and whose grant request demonstrates the administrative and programmatic capacity to handle a minimum of 150,000 calls annually.

Demonstrated experience means that the major activity of such an organization or institution has been the provision of information, referral and counseling services to runaway and homeless youth and their families and to other community based organizations either directly or through linkages established with other community agencies. These linkages should be established and periodically updated with appropriate agencies on a local and national basis.

F. Available Funds

The Administration for Children, Youth and Families expects to award one new grant in the amount of $300,000 to support the operation of a National Communications System in Fiscal Year 1983. A new grant is the award made in support of an appoved application for Federal financial assistance. The grant will be awarded on an open competitive basis. Organizations previously funded must compete with all other applicants for funding.

The National Communications System will be funded for a project period of two years at $300,000 for each year, with renewal on an annual basis. However, continued support for the grant will depend upon the availability of funds, the grantee's satisfactory performance and the decision that continued funding is in the best interest of the government.

G. Grantee Share of the Project

The Administration for Children, Youth and Families will pay up to 90 percent of the costs of operating a National Communications System for a fiscal year. The non-Federal portion may be for grantee incurred costs or third party in-kind contributions which must be project-related and allowable under the Department's applicable cost principles, published in 45 CFR Part 74 (Sec. 46 FR 30500, June 9, 1981, as amended).

H. The Application Process

1. Availability of Application Forms

Application kits which contain the prescribed forms and information for the applicant may be obtained by writing to the Acting Director of the Youth Development Bureau, Room 3853, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201, Attention: Ms. Pamela Johnson. The telephone number is (202) 755–0587.

2. A–95 Notification Process

All applications are subject to the Project Notification and Review Procedures required by OMB Circular A–95, Part I. This circular requires applicants to notify State and area-wide A–95 Clearinghouses of their intention to apply for a grant and, if requested by a Clearinghouse, to submit a copy of the application. Some State and area Clearinghouses provide their own forms on which such information is to be submitted.

Applicants should immediately contact the appropriate State Clearinghouse for information on the A–95 requirements. Applicants which are Federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so.

Instructions for meeting these requirements and the names and addresses of State and area Clearinghouses will be provided in the application kit or applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

3. Application Submission

In order to be considered for a grant, all applicants must adhere to the following:

- Applications must be executed by an individual authorized to act on behalf of the applicant agency and to assume responsibility for the agency

obligations imposed by the terms and conditions of the grant award;
- Applicants must complete the standard forms provided in the application kit; and
- Applicants must submit one original and two copies of the application. To facilitate the review process, the government encourages the submission of one original and five copies of the application.

Completed applications must be submitted to: Receiving Office, Division of Grants and Contracts Management, Office of Human Development Services—DHHS, 330 Independence Avenue, S.W., Room 1740, Washington, D.C. 20201, ATTN: 13623–831.

The closing date for receipt of applications under this program announcement is September 7, 1982. An application will be considered to have arrived by the closing date if:
- The application is received or sent by registered or certified mail not later than September 7, 1982, as evidenced by a U.S. Postal Service postmark or an original receipt from the U.S. Postal Service;
- The application is hand delivered to the office designated to receive the application no later than the close of business on the established closing date. Hand delivered applications will be accepted daily 9:00 a.m. to 5:00 p.m., except Saturdays, Sundays and Federal holidays. Evidence of the date and time of receipt will be maintained by the Department of Health and Human Services.

I. Application Consideration

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process. This review will be conducted at the HHS/HDS Central Office by persons knowledgeable in the areas of youth development and/or human services programs who are outside and independent of the Administration for Children, Youth and Families. The consideration of applications by the competitive review panel may also take into account the comments of appropriate specialists inside and outside the Federal Government. The results of the competitive review will be reported to the Commissioner of the Administration for Children, Youth and Families, who will make the final selection of the successful applicant. Organizations whose applications have been disapproved will be notified in writing of that decision.

The successful applicant will be notified through the issuance of a Notice of Financial Assistance Awarded (NFAA) which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total project period for which support is provided.

J. Criteria for Review and Evaluation of Financial Assistance Applications

Competing applications for financial assistance will be reviewed and evaluated against the following criteria:

1. The extent to which the applicant has documented the need for information, referral and counseling services to runaway and homeless youth and their families on the basis of a comprehensive service assessment and knowledge of the resources available to serve runaway and homeless youth and of the problems inherent in serving this population; and the capability of the applicant to develop appropriate working relationships with existing runaway and homeless youth programs and other youth-serving agencies for the purpose of making referrals to these programs and agencies on a national basis. (20 points)

2. The ability of the applicant to maintain and/or expand the equipment and technology necessary to achieve the program objectives as detailed in Part B of this announcement; and the extent to which the applicant organization has demonstrated an established relationship with the company that will provide the telephone (hardware) services. (20 points)

3. The reasonableness of the proposed budget and the extent to which the applicant has access to other resources, including supplemental funding from private sources which broaden the base of support for the existing system or its proposed activities. (20 points)

4. The extent to which the applicant organization has demonstrated prior experience in planning, organizing and providing information and referral services to runaway and homeless youth and their families. (15 points)

5. The capacity of the applicant to provide adequate facilities and a level of staffing appropriate for the implementation of a National Communications System. (15 points)

6. The capability of the applicant to provide the granting agency with quarterly progress reports detailing information on the types of significant telephone contacts and the characteristics of the clients served. (10 points)

(Catalog of Federal Domestic Assistance Program Number 13.623 Runaway Youth)

Dated: June 15, 1982.

Warren Master,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: June 30, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-18312 Filed 7-7-82; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Community Development Corporation

[Docket No. D-82-675]

Delegation of Authority

AGENCY: New Community Development Corporation, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: The Secretary is granting concurrent authority, with the General Manager, New Community Development Corporation, to the Deputy General Manager, New Community Development Corporation.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel, New Communities Division, 451 Seventh Street, S.W., Washington, D.C. 20410, 202–755–6550. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The New Community Development Corporation performs the functions of the Secretary with respect to Part B of the National Urban Policy and New Community Development Act of 1970, Title VII of the Housing and Urban Development Act of 1970, Pub. L. 91–609, and performs such additional functions, powers, and duties as the Secretary may prescribe from time to time. Accordingly, the Secretary is now delegating, in the following Sections, his authority and power under section 726 of the Housing and Urban Development Act of 1970.

Section A. Authority Delegated. The General Manager, New Community Development Corporation and the Deputy General Manager, New Community Development Corporation each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Part B of the National Urban Policy and New Community Development Act of 1970, Title VII of the Housing and Urban Development Act of 1970, Pub. L. 91–609 (42 U.S.C. 4511), and section 1.02 and

4.03 of the Bylaws of the New Community Development Corporation, duly adopted March 3, 1971, and amended on May 7, 1971, February 6, 1975, October 19, 1977, and March 17, 1980.

Section B. Authority to issue rules and regulations. The General Manager of the New Community Development Corporation is further authorized to issue such rules and regulations as may be necessary to carry out the power and authority delegated herein.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: June 30, 1982.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 82-18470 Filed 7-7-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-82-676]

Order of Succession, Acting General Manager, New Community Development Corporation

AGENCY: New Community Development Corporation, HUD.

ACTION: Order of succession.

SUMMARY: The General Management, New Community Development Corporation is revising the designation of officials authorized to serve as Acting General Manager, New Community Development Corporation when, by reason of absence, disability, or vacancy in office, neither the General Manager, New Community Development Corporation nor the Deputy General Manager, New Community Development Corporation is available to exercise the power or perform the duties of the Office.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Ed Winkler, Office of Administration, New Community Development Corporation, HUD, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-5365. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 29, 1981 the previous designation of Acting General Manager, New Community Development Corporation was revoked, 46 FR 9783. This Order of Succession establishes a new designation of authority. This Order is being executed by the General Manager of the New Community Development Corporation. The authorization to act under this Order is subject to the thirty-day limitation of the vacancies Act, 5 U.S.C. 3348, whereby a vacancy caused by death or resignation of an appointee, whose appointment is vested in the President by and with the advice and consent of the Senate, may be filled temporarily for not more than thirty days.

Accordingly, the General Manager designates as follows:

(a) During any period when, by reason of absence, disability, or vacancy in office, neither the General Manager, New Community Development Corporation nor the Deputy General Manager, New Community Development Corporation is available to exercise the powers or perform the duties of the Office of General Manager, New Community Development Corporation, the following officials (and those designated to act in their absence, disability, or vacancy) are hereby designated to serve as Acting General Manager, New Community Development Corporation with all the powers, functions, and duties delegated or assigned to the General Manager, New Community Development Corporation, provided that (1) no official is authorized to serve as Acting General Manager, New Community Development Corporation unless all other officials (or those designated to act for them) whose position titles preceding his/hers in this designation are unable to act by reason of absence, disability, or vacancy in office, and (2) such authorization to serve as Acting General Manager, New Community Development Corporation does not exceed thirty days pursuant to the Vacancies Act, 5 U.S.C. 3348:

(1) Executive Assistant to the General Manager.

(2) Director, Office of Operations.

(3) Director, Office of Planning.

(4) Controller.

(5) Director, Office of Administration.

(6) Director, Office of Surplus Land.

(b) Each head of an organizational unit of New Community Development Corporation is authorized to designate an employee under his/her supervision to act for him/her by reason of absence, disability, or vacancy in the position of head of the unit.

(c) This Order of Succession establishes a new designation of authority. The former designation of officials authorized to act as General Manager of the New Community Development Corporation, 44 FR 15774 was revoked on January 29, 1981 by 46 FR 9783.

[Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d)]

Dated: June 30, 1982.

Warren T. Lindquist,

General Manager, New Community Development Corporation.

[FR Doc. 82-18469 Filed 7-7-82; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary of Housing—Federal Housing Commissioner

[Docket No. D-82-677]

Order of Succession; Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner

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

ACTION: Order of succession.

SUMMARY: This Order of Succession revises the designation of officials authorized to serve as Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner when, by reason of absence, disability, or vacancy in office, neither the Assistant Secretary nor the General Deputy Assistant Secretary is available to exercise the power or perform the duties of the Office.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mildred E. Moore, Management Analysis and Services Division, Office of Management, HUD, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-8694. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This Order of Succession supersedes the Order of Succession of designees to act as Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner published on May 2, 1980 at 45 FR 29417. The Order is being executed by the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner pursuant to a concurrent delegation of authority published in the **Federal Register** on August 4, 1976, at 41 FR 32635. The authorization to act under this Order is subject to the 30-day limitation of the Vacancies Act, 5 U.S.C. 3348, whereby a vacancy caused by death or resignation of an appointee, whose appointment is vested in the President by and with the advice and consent of the Senate, may be filled temporarily for not more than 30 days.

Accordingly, the General Deputy Assistant Secretary designates as follows:

(a) During any period when, by reason of absence, disability, or vacancy in office, neither the Assistant Secretary

for Housing—Federal Housing Commissioner nor the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner is available to exercise the powers or perform the duties of the Office of Assistant Secretary for Housing—Federal Housing Commissioner, the following officials (and those designated to act in their absence, disability, or vacancy) are hereby designated to serve as Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Housing—Federal Housing Commissioner, provided that (1) no official is authorized to serve as Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner unless all other officials (or those designated to act for them) whose position titles preceding his/hers in this designation are unable to act by reason of absence, disability, or vacancy in office, and (2) such authorization to serve as Acting Assistant Secretary for Housing—Acting Federal Housing Commissioner does not exceed 30 days pursuant to the Vacancies Act, 5 U.S.C. 3348:

(1) Associate General Deputy Assistant Secretary for Field Operations.

(2) Associate General Deputy Assistant Secretary for Housing.

(3) Deputy Assistant Secretary for Policy and Budget.

(4) Deputy Assistant Secretary for Multifamily Housing Programs.

(5) Deputy Assistant Secretary for Public and Indian Housing.

(6) Deputy Assistant Secretary for Single Family Housing and Mortgagee Activities.

(7) Director, Office of Management.

(b) Each head of an organizational unit of the Office of Housing is authorized to designate an employee under his/her supervision to act for him/her by reason of absence, disability, or vacancy in the position of head of the unit.

(c) Supersedure. This Order of Succession supersedes the Order published on May 2, 1980, at 45 FR 29417.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Delegation of Authority published on March 16, 1971, at 36 FR 5004)

Dated: June 30, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 82-18468 Filed 7-7-82; 8:45 am]

BILLING CODE 4210-27-M

Office of the Secretary

[Docket No. N-82-1138]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Robert G. Masarsky, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension of reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Robert G. Masarsky, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Submission of Proposed Information—Collection to OMB

Proposal: Determination of Minimum Development Cost
Officer: Housing
Form No. HUD-52397
Frequency of submission: On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 1,000
Status: Reinstatement
Contact: Raymond W. Hamilton, HUD, (202) 755-6860 Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Notice of Property Transfer and Application for Insurance Benefits
Office: Administration
Form No. HUD-1025
Frequency of Submission: On Occasion
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 6,250
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747;
Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Reporting Requirements Associated with 24 CFR 203.508 and 235.1001
Office: Housing
Form No. None
Frequency of Submission: Annually
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 3,000
Status: New
Contact: Richard B. Buchheit, HUD, (202) 755-8680; Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Fiscal Data to Support Claim for Insurance Benefits
Office: Administration
Form No. HUD-2767
Frequency of Submission: On Occasion
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 12,500
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Multifamily Insurance Benefits Claims Forms
Office: Administration
Form No. HUD-2744A Thru 2744E

Frequency of Submission: On Occasion
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 900
Status: Extension
Contact: Betty Belin, HUD, (202) 755-5747; Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Request for Financial Information
Office: Housing
Form No. HUD-92068F
Frequency of Submission: On Occasion
Affected Public: Individuals or Households; Businesses or Other Institutions (except farms)
Estimated Burden Hours: 9,660
Status: Revision
Contact: Richard B. Buchheit, HUD, (202) 755-8680; Robert Neal, OMB, (202) 395-6880

Submission of Proposed Information—Collection to OMB

Proposal: Background Data on Request for Temporary Mortgage Assistance Payments Assignment of Mortgage to HUD
Office: Housing
Form No. HUD-92206
Frequency of Submission: On Occasion
Affected Public: Individuals or Households; Businesses or Other Institutions (except farms)
Estimated Burden Hours: 9,800
Status: Revision
Contact: Richard B. Buchheit, HUD, (202) 755-8680; Robert Neal, OMB, (202) 395-6880

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Dated: June 23, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-18467 Filed 7-7-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of Draft Environmental Impact Statement; Rawlins District, Wyoming

June 18, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land management, U.S. Department of the Interior, has prepared the Green Mountain Draft Environmental Impact Statement on grazing management in the Lander Resource Area of Wyoming, and has made copies of the document available for public review and comment.

In addition, notice is also given that a public hearing will be held at Lander, Wyoming, on August 12, 1982, in the Carnegie Room of the Fremont County Library from 7 to 9 p.m. Written and oral comments on the Green Mountain Grazing Environmental Impact Statement will be received at that time.

DATES: Written comments on the proposed action and alternatives contained in the draft environmental impact statement will be accepted up to and including September 3, 1982, at Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming 82301.

ADDRESSES: Written comments on the proposal in the document are to be addressed to Bob Tigner, Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming 82301.

The draft environmental impact statement is available for inspection at the following locations: Rawlins District Office, 1300 Third Street, Rawlins, Wyoming 82301, and Lander Resource Area, Jett Building, Highway 287 South, Lander, Wyoming 82520.

The draft environmental impact statement can be obtained from Bob Tigner, Rawlins District Office, Box 670, Rawlins, Wyoming 82301 and Dale Brubaker, Lander Resource Area, Box 589, Lander, Wyoming 82520.

SUPPLEMENTARY INFORMATION: The draft statement analyzes environmental impacts that would result from grazing management. The statement further analyzes the environmental impacts that would result from the implementation of each of four alternatives to that proposal. The alternatives are elimination of livestock grazing, enhanced livestock grazing, no action, and management based on available forage data.

All comments will be considered. Those which raise questions or issues concerning the effects of the proposed action, present new data, or question facts or analyses will be responded to in the final EIS.

Elbert W. Spencer,

Acting District Manager.

[FR Doc. 82-18491 Filed 7-7-82; 8:45 am]

BILLING CODE 4310-84-M

[W-74546]

Wyoming; Realty Action Exchange of Public Lands for Private Lands In Johnson County

June 25, 1982

The surface estate of the following described public lands has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian, Wyoming

T. 42 N., R. 85 W.,
Sec. 19, S½NE¼ and SE¼NW¼;
Sec. 20, SW¼NW¼.
Containing 160.00 acres.

In exchange for the above lands, the United States will acquire the surface estate of the following lands from the Ellis Sheep Company, Casper, Wyoming:

Sixth Principal Meridian, Wyoming

T. 42 N., R. 85 W.,
Sec. 20, E½SW¼ and W½SE¼.
Containing 160.00 acres.

The Bureau's purposes for the exchange are to acquire stream frontage on the Middle Fork Power River and on Sullivan Creek, valuable habitat for big game and other wildlife species, and legal access along a segment of Middle Fork Power River. The lands proposed for acquisition will be added to the Bureau's Middle Fork Recreation Area and managed primarily for outdoor recreation and wildlife habitat.

Grazing preference now held by Ellis Sheep Company on the lands being transferred out of Federal ownership will be cancelled. Grazing preference on the lands being acquired by the United States will be offered to Ellis Sheep Company.

The public lands proposed for disposal are not essential for any Bureau resource management program. The public lands and the private lands described above are equal in value.

The proposed exchange is consistent with the requirements of Section 206 of the Federal Land Policy and Management Act of 1976 and consistent with land use planning requirements of Section 202 of that Act. The authorized officer has determined that the public interest will be well served by making the exchange.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for the lands being transferred out of Federal ownership;

2. Reservation to the United States of all minerals in the lands being transferred out of Federal ownership;

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record);

4. The requirements of 43 CFR 4110.4-2(b) regarding authorized grazing use;

5. Reservation of a right-of-way to the United States pursuant to Section 507 of the Federal Land Policy and Management Act of 1976 for the existing unimproved road crossing the above-described public lands as shown on The United States Geological Survey 7.5 minute series topographic map *Gordon Creek Quadrangle, Wyoming.*

6. Grant of a road easement for administrative access to the United States by Ellis Sheep Company on the existing unimproved road crossing Lot 2 of Section 19, T. 42 N., R. 85 W., 6th P.M., as shown on The United States Geological Survey 7.5 minute series topographic map *Gordon Creek Quadrangle, Wyoming.*

The above described public lands are withdrawn from appropriation under the public land laws, including the mining laws, by Public Land Order 5345 dated May 31, 1973. Public Land Order 5345 was modified by Public Land Order 6253 dated May 25, 1982 to allow the exchange of lands proposed in this Notice.

Detailed information concerning the exchange including the planning documents and environmental assessment, is available for review at the Buffalo Resource Area Office, Bureau of Land Management, P.O. Box 670, Buffalo, Wyoming 82834.

Until August 10, 1982, interested parties may submit comments to the State Director, Bureau of Land Management (910), P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this Notice of Realty Action will become the final determination of the Department of the Interior.

Marla B. Bohl,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-18474 Filed 7-7-82; 8:45 am]

BILLING CODE 4310-84-M

[Int DEIS 82-43]

Availability of the Draft Environmental Impact Statement (DEIS) on Grazing in the Reno EIS Area

Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the BLM Carson City District has prepared a DEIS on a proposed livestock grazing management program for the Reno EIS Area.

The Reno Grazing EIS analyzes the effects of grazing available vegetation by livestock, wildlife, and wild horese on public lands in Carson City, Washoe, Sotrey, and Douglas Counties in Nevada, and Alpine, Plumas, and Lassen Counties in California. The alternatives considered along with the Proposed Action are No Action, Maximization of Livestock, and Resource Protection.

Two public hearings have been scheduled to solicit public comments concerning the DEIS. They are:

August 17, 1982

7:30 p.m.
The Cortez Room, Eldorado Hotel, 345 N. Virginia Street, Reno, Nevada 89503

August 18, 1982

9:30 p.m.
Carson City District Office, Bureau of Land Management, 1050 E. William Street, Suite 344, Carson City, Nevada 89701

FOR FURTHER INFORMATION CONTACT:
Thomas J. Owen, District Manager, Attention: EIS Team Leader, Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701, (702) 882-1631.

Written comments on the draft statement should be submitted to the District Manager at the address shown above by August 30, 1982.

Copies of the DEIS are available for review at the following locations:

Bureau of Land Management, Nevada State Office, 300 Booth Street, Reno 89520, (702) 784-5602
Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, NV 89801, (702) 738-4071
Bureau of Land Management, Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV 89445, (702) 623-3676
Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, NV 89701, (702) 882-1631
Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289-4865
Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89102, (702) 385-6403
Bureau of Land Management, Battle Mountain District Office, North 2nd & Scott Streets, Battle Mountain, NV 89820, (702) 635-5181
Bureau of Land Management, Susanville District Office 705, Hall Street, Susanville, CA 96130, (916) 257-5385

Copies are also available for review at the following public libraries:

Churchill Public Library, 553 S. Main St., Fallon, NV 89406
Government Publications Dept., University of Nevada Library, Reno, NV 89557
James Dickinson Library, University of Nevada, 4505 Maryland Parkway, Las Vegas, NV 89514
Alpine County Library, Markleeville, CA
Washoe County Library, 301 South Center Street, Reno, NV
Washoe County Library, 1125 12th Street, Sparks, NV
Nevada State Library, Library Building, Carson City, NV 89710
Lyon County Library, 20 Nevin Way, Yerington, NV
Douglas County Public Library, Minden, NV 89423
Washoe County Library, Mt. Charleston and Avenues, Stead, NV
Lassen County Public Library, Susanville, CA 96130

Dated: July 1, 1982.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-18533 Filed 7-7-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Intent To Prepare an Environmental Statement; Muddy Ridge Area, Riverton Unit, Wyoming; Withdrawal

The Bureau of Reclamation (formerly the Water and Power Resources Service) published a Notice of Intent to Prepare an Environmental Statement on the Muddy Ridge Area, Riverton Unit, Wyoming, on December 4, 1979. Because of the lack of local support for any plan that does not include reservoir storage, which is economically infeasible, the investigation was terminated and a concluding report was released to the public on May 25, 1982. Since the investigation has been terminated we are withdrawing the notice of intent and do not plan to prepare an environmental statement.

Dated: July 1, 1982.

Eugene Hinds,

Assistant Commissioner.

[FR Doc. 82-18450 Filed 7-7-82; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Request for Comments on the Status of Kuwait, Sweden and Cyprus Under the Mineral Lands Leasing Act

AGENCY: Office of the Secretary, Interior.

ACTION: Request for comments on the status of Kuwait, Sweden and Cyprus under the Mineral Lands Leasing Act

SUMMARY: The Mineral Lands Leasing Act of 1920 provides, in pertinent part, that "[c]itizens of another country, the laws, customs or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not buy stock ownership, stock holding or stock control, own any interest in any lease acquired under the provisions of this Act." (30 U.S.C. 181). In light of the Secretary's responsibilities under the Mineral Lands Leasing Act, the Department of the Interior will accept written comments to gather additional information which may be used in determining whether Kuwait, Sweden or Cyprus deny similar or like privileges. Following the public comment period, the Secretary of the Interior will be in a better position to determine whether these nations deny similar or like privileges within the meaning of the Mineral Lands Leasing Act.

DATE: All comments should be submitted by August 9, 1982. Comments received after that date may be considered depending upon the stage of review when received.

ADDRESS: Comments should be sent to: Director (503), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 3413 of the above address Monday through Friday from 7:15 a.m. to 4:15 p.m.

FOR FURTHER INFORMATION CONTACT: Mark A. Alexander, (202) 343–3352.

SUPPLEMENTARY INFORMATION: The Department of the Interior invites all persons interested in the status of Kuwait, Sweden and Cyprus under the Mineral Lands Leasing Act as amended and supplemented (30 U.S.C. 181 *et seq.*) to submit written comments. Interested persons may include national and local government officials from the United States, Kuwait, Sweden and Cyprus, repesentatives of interested corporations, and interested U.S. citizens as well as nationals from the other three countries mentioned above. Although submission of all relevant data is encouraged, the Department is especially interested in receiving information on the following particulars:

1. Whether, and under which conditions, U.S. citizens or corporations may own stock in the subject country's companies and the effect of such ownership on a company's ability to participate in the country's mineral development of its public lands.

2. Whether the laws, customs or regulations of the subject country provide for methods of investment in that nation's minerals by means other than stock ownership.

3. Whether the laws, customs or regulations of the subject country concerning investment in that nation's minerals treat citizens or companies of the country differently than U.S. citizens or corporations.

4. The specific minerals governed by particular laws, customs or regulations of the subject country.

5. The effect of the laws, customs or regulations of the subject country on the investment behavior of U.S. citizens or corporations in the country's minerals.

Frank A. DuBois,

Deputy Secretary of the Interior.

June 30, 1982.

[FR Doc. 82-18493 Filed 7-7-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Decision-Notice; Finance Applications

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 any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does its appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 28, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14874, filed June 8, 1982. CONDOR CARRIER, INC. (Condor) (656 Wooster Street, Lodi, OH 44254)—

PURCHASE—ADAMS CARTAGE COMPANY, INC. (Adams) (Route 1, Lorraine Wood Drive, Macon, GA 31210). Representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, ME 68501. Condor seeks to purchase the interstate operating rights of Adams. Hamilton W. Lord, Jr. and Betty Jean Lord who jointly control Condor, seek authority to acquire control of said rights through the transaction. The operating rights to be purchased are contained in Adams' Permit No. MC–126244 and sub-numbers thereunder, and certificate No. MC–149575 and sub-numbers thereunder. The permits generally authorize the transportation of *new furniture trailers, campers, building board,* and *materials and supplies used in the manufacture of buildings clay, latex, lighting fixtures,* and *general commodities,* between points in the United States under continuing contract(s) with Armstrong World Industries, Inc., of Lancaster, PA. The certificates generally authorize the transportation of *ground limestone and barytes, lumber and forest products, roofing and roofing products, polyvinyl chloride pipe, plastic pipe and fittings,* between those points in the United States in and east MN, IA, NE, CO, OK, and TX. Condor is a motor carrier pursuant to permits issued in MC–138054 and sub-numbers thereunder and certificates and permits issued in MC–144513.

MC–F–14876, filed June 14, 1982. RED LINE, INC. (Red Line) (2805 Belair Drive, Emporia, KS 66801)—purchase (portion)—GRAVES TRUCK LINE, INC. (Graves) (8717 West 110th Street, Suite 700, Overland Park, KS 66210). Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. Red Line seeks authority to purchase a portion of the interstate operating rights of Graves. Red Line is a motor carrier operating under MC–118178 and sub-numbers thereunder. Thomas E. Wilson, an officer and director of Red Line, is the sole stockholder of Tom Wilson, Inc., a motor carrier in MC–153839. Red Line is seeking to purchase that authority held by Graves in Permit No. MC–53965 (Sub-No. 186), which authorizes the transportation of *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL; and Certificate No. MC–53965 (Sub-Nos. 35, 37, 38, 39, 40, 46, 49, 50, 51, 53, 63, 71, 74, 76, 77, 79, 82, 85, 98, 99, 106, 121, 122, 125, 129, 137, 139, 149, 151, 154, 157, 158, 159, 166, 177, 184X, 191X, 193, and E–1), which authorize the tramsportation of *meat and meat products and food and related products* between specified points throughout the U.S. Impediment: Certain duplications exist between the authority to be sold and the authority to be retained. For example, Graves would retain Certificate No. MC–53965 (Sub-No. 197) which authorizes the transportation of general commodities (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI). This authority completely encompasses the authority to be sold. Generally, and absent a showing of public need, the Commission disapproves the sale and retention of duplicate operating rights because the resulting split of authority creates new competitive services without a showing of public need. Therefore, final approval and authorization of this transaction will be withheld until applicants submits (1) a plan for the elimination of the split of authority or (2) justification for the grant of duplicating operating rights. Condition: Although Don L. Nelson, the majority stockholder of Red Line has signed the application on behalf of applicant, as President, he has failed to join in the application as person (individual) in control of the applicant. He must submit an affidivit stating that as person in control of aplicant he joins in this application.

MC–F–14879, filed June 16, 1982 HUSS, INCORPORATED (Huss) (Hwy 47 West, P.O. Box 666, Chase City, VA 23924—Merger—R. S. POWELL, INCORPORATED (Powell) (P.O. Box 338, Madison Heights, VA 24572). Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Huss seeks authority to merge the interstate operating rights and property of Powell into Huss for ownership, management and operation. W. Paul Huss and Baxter Huss seek authority to continue in control of said rights and property through the transaction. Common control of Huss and Powell was approved in MC–F–11646. The rights to be merged are contained in Powell's Permit Nos. MC–52614 (Sub-Nos. 13, 14, 15X and 16), which authorize the transportation of *metal products, food and related products, lumber and wood products, building materials, clay, concrete, glass or stone products, rubber products, ores and minerals, gypsum and gypsum products, paper and paper products, chemicals and plastic products,* between points in the U.S., under continuing contract(s) with Griffin Pipe Products Co. and Georgia-Pacific Corporation. Huss holds authority to operate as a contact carrier under MC–114015 and sub-numbers thereunder.

[FR Doc. 82–18459 Filed 7–7–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the

compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–144

Decided: June 23, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–603, filed June 2, 1982, published in the **Federal Register** issue of June 30, 1982, and republished, as corrected, this issue. Applicant: AJAX INTERNATIONAL, INC., 112 E. Woodbridge Lane, Kansas City, MO 64165. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, 202–833–8884. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage and used automobiles,* between points in the U.S. (including AK and HI). The purpose of this republication is to include AK and HI in the territory description.

Volume No. OP1–113

Decided: June 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1630 (Sub-14), filed June 24, 1982. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INCORPORATED, 630 22nd St., Chesapeake, VA 23324. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in VA, MD, NC, SC, GA and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 2890 (Sub-59), filed June 21, 1982. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655–7937. Over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Dayton, OH, and junction Interstate Hwys. 75 and 70, at or near Mulin Heights, OH, over Interstate Hwy. 75, serving all intermediate points.

MC 8771 (Sub-83), filed June 23, 1982. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 113271 (Sub-89), filed June 24, 1982. Applicant: TRANSYSTEMS, INC., 1627 Third St., N.W., Great Falls, MT 69404. Representative: Kenneth G. Thomas (same address as applicant), (406) 727–7500. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 119631 (Sub-49), filed June 24, 1982. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (705) 731–2441. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Invacare, Inc., of Bensonville, IL.

MC 119791 (Sub-5), filed June 24, 1982. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–7900. Transporting (1) *pulp, paper and related products;* (2) *plastic products;* and (3) *reels,* between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 139410 (Sub-6), filed June 21, 1982. Applicant: MIKE PHILLIPS ENTERPRISES, INC., 301 S. Third St., Phoenix, AZ 85004. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *building materials,* between points in WA, OR, CA, ID, NV, AZ, UT, CO, NM, TX and WY.

MC 144331 (sub-10), filed June 23, 1982. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 304, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Koppers Company, Inc., of Pittsburgh, PA.

MC 145321 (Sub-3), filed June 24, 1982. Applicant: RAY L. and CHERYLE RICHTER, d.b.a. WOOD-PLY MATERIALS TRADING AND TRANSPORT CO., P.O. Box 23127, Portland, OR 97223. Representative: Ray L. Richter (same address as applicant), (503) 636–3654. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with West Materials, Inc., of Lake Oswego, OR.

MC 145970 (Sub-9), filed June 25, 1982. Applicant: SKILLETT & SONS, INC., P.O. Box 196, Rush Center, KS 67575. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting (1) *metal products;* and (2) *machinery,* between points in KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146630 (Sub-4), filed June 21, 1982. Applicant: SAWDUST SIERRA, INC., 2996 Timber Lane, Verona, WI 53593. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of brick and masonary products, and fireplace supplies, between points in the U.S. (except AK and HI), under continuing contract(s) with Wisconsin Brick and Block Corp., of Madison, WI.

MC 147771 (Sub-8), filed June 21, 1982. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *lumber and wood products,* between Oklahoma City, OK and points in Tulsa County, OK, on the one hand, and, on the other, points in TX; (2) *chemicals and related products,* between Oklahoma City, OK, points in UT, and points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (3) *machinery, metal products, and transportation equipment,* between points in the U.S. (except AK and HI).

MC 150631 (Sub-2), filed June 24, 1982. Applicant: HENRY W. FREDENBERG, LTD., Route 1, 2360 Uphoff Rd., Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in

the U.S. (except AK and HI), under continuing contract(s) with Neil's Fixtures, Inc. and Wohl Shoe Co., d.b.a. Famous Footwear, each of Madison, WI.

MC 152031 (Sub-2), filed June 24, 1982. Applicant: LEE RICHARD OHRMAN, d.b.a. LEE OHRMAN TRUCKING, 511 Southwest St., Benkelman, NE 69021. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (308) 423–2882. Transporting *food and related products and chemicals and related products,* between points in CO, MT, NE, NM, and WY.

MC 152281 (Sub-3), filed June 21, 1982. Applicant: MODERN TRANSPORTATION, INC., One Woodsweather Rd., Kansas City, KS 66118. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, KS 64141, (816) 842–8600. Transporting *household applicances, cookbooks and fire escape ladders,* between points in MO and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152730 (Sub-19), filed June 21, 1982. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, County Rd. 300 South, Hartford City, IN 47348–0349. Representative: Larry Garrett, (same address as applicant), (317) 348–0051. Transporting *paper and related products,* between points in IL and IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154190 (Sub-2), filed June 24, 1982. Applicant: N. J. BART CORP., 561 Bay Ave., Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI).

MC 158410 (Sub-1), filed June 25, 1982. Applicant: KARE–TRANS SYSTEMS, P.O. Box 2515, Chattanooga, TN 37407. Representative: Jon Soderlund (same address as applicant), (615) 624–1300. Transporting (1) *paper and paper products, and rubber and plastic products,* between points in AL, GA, TN, SC, and TX, on the one hand, and, on the other, points in AL, GA, TN, OH, LA, MS, TX, AR, IN, IL, PA, VA, WV, KY, MD, DE, NJ, MA, NC, SC, and MO; (2) *foundry products, chemicals and related products, and clay, concrete, glass, and stone products,* between points in OH, MD, PA, AL, MS, and TX, on the one hand, and, on the other, points in TN, GA, AL, and SC; (3) *ores and minerals,* between points in GA, on the one hand, and, on the other, points in TN, FL, AR, AL, KY, IL, IN, OH, PA, NC, SC, VA, MN, MI, WI, TX, OK, SD, ND, KS, and NE; and (4) *metal and metal products,* between points in TN, and AL, on the one hand, and, on the other, points in AL, MS, LA, FL, TN, and MI.

MC 158680, filed June 25, 1982. Applicant: CLOUD TRADING COMPANY, INC., 709 S. Lane St., Seattle, WA 98104. Representative: R. Patrick McGreevy, 2208 N.W. Market, Seattle, WA 98107, (206) 784–5344. Transporting *alcoholic beverages,* between Seattle, WA, on the one hand, and, on the other, points in WA and OR, under continuing contract(s) with Fairn and Swanson, Inc., of Oakland, CA.

MC 159590, filed June 21, 1982. Applicant: SPECIALIZED TRANSPORTATION SYSTEMS, INC., 5080 Amelia Earhart Drive, Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. (801) 531–1777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in UT, WY and CO.

MC 159680 (Sub-1), filed June 25, 1982. Applicant: CAMP TRUCKING, INCORPORATED, 1408 West Main St., Forest City, NC 28043. Representative: Lee Camp (same address as applicant), (704) 248–1921. Transporting *general commodities* (except classes A and B explosives explosives and household goods) between points in the U.S. (except AK and HI) under continuing contract(s) with (1) Albany International Corp.; (2) AG Industries; (3) Duall Industries, Inc.; and (4) The Furniture Barn of Forest City, Inc., each of Forest City, NC; (5) Genpak Corporation, of Glens Falls, NY; and (6) Mastercraft Corporation; and (7) Spindale Mills, Inc., each of Spindale, NC.

MC 160411, filed June 21, 1982. Applicant: VIRGIL JAEGER d.b.a. 8–J'S TRUCKING, Box 3, Washburn, ND 58577. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. Transporting (1) *such commodities* as are dealt in or used by agricultural equipment dealers, between points in IL, OH, IA, WI and MN, on the one hand, and, on the other, those points in ND on and west of U.S. Hwy 281, and (2) *chemicals and janitorial supplies,* between points in MN and IL, on the one hand, and, on the other, points in ND, and (3) *soda ash,* between points in Sweetwater County, WY, on the one hand, and, on the other, points in ND.

MC 160880, filed June 21, 1982. Applicant: DALBERT RALEY AND WILLIS REASONER d.b.a. R & R TRUCKING COMPANY, P.O. Box 224, Stigler, OK 74462. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 225–6279. Transporting (1) *coal;* and (2) *clay, concrete, glass or stone products,* between points in OK, on the one hand, and, on the other, point in AR, KS, LA, MO and TX.

MC 161481, filed June 25, 1982. Applicant: SAMMY MOORE d.b.a. MOORE & SONS TRUCKING, Route 1, Udell, IA 52593. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 224–2329. Transporting *aggregates,* between points in Appanoose County, IA, on the one hand, and, on the other, point in MO, IL, MN, and WI.

MC 162260, filed June 21, 1982. Applicant: MATERIAL CONTRACTING, INC., 7th & Olive, St. Joseph, MO 64501. Representative: Tom B. Dretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *commodities in bulk,* between points in MO, KS, NE, IA, and OK.

MC 162461, filed June 21, 1982. Applicant: KENNETH D. LYON AND CAROLYN D. LYON d.b.a. LYON & LYON ENTERPRISES, 430 Washington, Chillicothe, MO 64601. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *construction machinery or equipment,* between Joplin and Kansas City, MO; Wichita, KS; and points in Starr and Cameron Counties, TX, on the one hand, and, on the other, points in IA, IL, KS, MO, NE, OK, and TX.

MC 162570, filed June 21, 1982. Applicant: EAGLE TOURS, INC., 25 Tufts Rd., P.O. Box 633, Clifton, NJ 07012. Representative: Edward F. Bowes, 7 Becker Farm Rd., Roseland, NJ 07068, (201) 992–2200. As a *broker* at New York, NY, in arranging for the transportation of *passengers and their baggage in the same vehicle as passengers,* in special and charter operations, between points in the U.S.

MC 162590, filed June 21, 1982. Applicant: J. BAR L COMPANY, INC., 1000 First Avenue North, Billings, MT 59101, Representative: Joel E. Guthals, P.O. Box 1977, Billings, MT 59103, (406) 245–3071. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MT, under continuing contract(s) with Billings Shipping Corportation, Billings Furniture Pool Association, Billings Retail Shippers Association and Montana Shippers and Receivers Association, Inc., all four of Billings, MT, Great Falls Shipping Association, of Great Falls, MT, and Missoula Shippers Association, of Missoula, MT.

MC 162630, filed June 23, 1982. Applicant: TRIPLE L TRANSPORATION, INC., 1047 Lowell

Dr., Apple Valley, MN 55124. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *clay, concrete, glass or stone products,* between points in MN, ND, SD, IA and WI.

MC 162631, filed June 23, 1982. Applicant: M. FEMAN ENTERPRISES, INC., 198 South St., Middeletown, NY 10940. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. As a *broker,* at Middletown, NY, in arranging for the transporation of passengers and their baggage in the same vehicle with passengers, between points in the U.S.

162650, filed June 25, 1982. Applicant: TAYLOR MADE HORSE COMPANY, INC., Box 599, Chouteaux, OK 74337. Representative: J. G. Dail, Jr., PO Box LL, McLean, VA 22101, (703) 893–3050. Transporting *race horses,* between points in the U.S. (except AK and HI).

Volume NO. OP3–100

Decided: June 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 1515 (Sub-311), filed June 22, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: M. G. Gragg (same address as applicant), (602) 248–6586. Over regular routes, transporting *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, Between Ephrata, WA and the junction of Interstate Hwy 90 and WA Hwy 171, from Ephrata, over WA Hwy 282 to junction WA Hwy 17, then over WA Hwy 17 to junction WA Hwy 171, then over WA Hwy 171 to Moses Lake, and then over WA Hwy 171 to junction Interstate Hwy 90, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 6805 (Sub-4), filed June 24, 1982. Applicant: SIEBERT TRUCKING CO., 122 W. Sheffield Ave., Englewood, NJ 07631. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NJ, NY, CT, MA, RI, PA, DE, MD and DC.

MC 30845 (Sub-10), filed June 17, 1982. Applicant: ROBERT M. JOHNSON, NANNIE L. JOHNSON AND MARY PITTMAN d.b.a. ELLIS MOVING & STORAGE, P.O. Box 23295, Nashville, TN 37202. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with The General Electric Company, Small A/C Motor Department of Hendersonville, TN.

MC 110325 (Sub-186), filed June 21, 1982. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as applicant), (213) 640–1800, ext. 693. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E. I. duPont de Nemours and Company, Inc. and its subsidiaries of Wilmington, DE.

MC 117954 (sub-35), filed June 21, 1982. Applicant: H. L. HERRIN, JR., P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *foodstuffs and related products,* between New Orleans, LA, on the one hand, and, on the other, points in U.S. (except AK and HI).

MC 123075 (sub-34), filed June 21, 1982. Applicant: SHUPE & YOST, INC., P.O. Box 1123, Greeley, CO 80631. Representative: Stuart L. Poelman, P.O. Box 3000, Salt Lake City, UT 84110, (801) 521–9000. Transporting *salt and salt products,* between points in the U.S., under continuing contract(s) with Domtar Industries, Inc., (Sifto Salt Division), of Schiller Park, IL.

MC 135185 (sub-70), filed June 21, 1982. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with MBPXL Corp. of Wichita, KS.

MC 135444 (sub-9), filed June 18, 1982. Applicant: SOUTHERN OHIO TRUCK LINES, INC., 3585 Hamilton-Trenton Rd., Hamilton, OH 45011. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *lumber and wood products, forest products, pulp, paper and related products, rubber and plastic products, janitorial equipment and supplies, housewares and kitchen utensils, packaging materials and equipment, and printing equipment and supplies,* between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 135924 (sub-37), filed June 22, 1982. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in St. Louis and Itasca Counties, MN, on the one hand, and, on the other, points in U.S. (except AK and HI).

MC 136275 (Sub-33), filed June 21, 1982. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same address as applicant), (915) 532–2691. Transporting *fly ash,* in bulk, between points in Potter, Lamb and Grey Counties, TX, on the one hand, and, on the other, points in AZ, CO, NM, OK, KS and WY.

MC 140645 (Sub-23), filed June 23, 1982. Applicant: UNITED TRUCKING, INC., P.O. Box 398, Tallapoose, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *such merchandise* as is dealt in by wholesale and retail paint stores, between Charlotte, NC, Chicago, IL, Indianapolis, IN, and Memphis, TN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 142214, filed June 23, 1982. Applicant: LANE MOTOR SERVICE, INC., 45 South Summit, Villa Park, IL 60181. Representative: Michael W. O'Hara, 300 Reisch Bldg. Springfield, IL 62701, (217) 544–5468. Transporting *iron and steel articles,* between points in Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 144724 (Sub-2), filed June 24, 1982. Applicant: WALTER J. SHEETS & SON, INC., 100 Bittles St., Lewisburg, WV 24901. Representative: Walter J. Sheets (same address as applicant), (304) 645–2101. Transporting *plastic articles,* between Ronceverte, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Jiffy Foam, Inc., of Ronceverte, WV.

MC 146404 (Sub-5), filed June 23, 1982. Applicant: C & J TRUCKING, INC., 2200 McKinley Ave., Columbus, OH 43204. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614)

228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OH, on the one hand, and, on the other, points in MI, IL, IN, KY, TN, WV, PA, NY and NJ.

MC 147784 (Sub-6), filed June 21, 1982. Applicant: TRANS-WAY, INC., Rt. 1 and Inman Ave., Avenel, NJ 07001. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B exlosives, household goods and commodities in bulk), between points in NJ, NY, CT, MA, RI, PA, DE, MD and DC.

MC 148635, filed June 18, 1982. Applicant: FALCON TRUCKING, INC., P.O. Box 43, Branchton, PA 16021. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *coke and foundry facings*, between points in Butler County, PA, on the one hand, and, on the other, points in OH, PA, IN, IL, MI, KY, and WV, under continuing contract(s) with Limewood Corporation, a subsidiary of U.S. McCormick Co., of Boyers, PA.

MC 150534 (Sub-1), filed June 18, 1982. Applicant: ENGERY SALES, INC., P.O. Box 128, Cabook, MO 65689. Representative: David Montgomery (same address as applicant), (417) 962–4263. Transporting *petroleum and petroleum products*, (1) between points in IL, on the one hand, and, on the other, points in KS, MO, and OK; and (2) between points in TN, on the one hand, and, on the other, points in MO.

MC 151814 (Sub-2), filed June 21, 1982. Applicant: DON H. PHIPPS d.b.a. REFERGERATED TRANSPORT, 3707 Calhoun Ave., Ames, IA 50010. Representative: Don H. Phipps, 3707 Calhoun Ave., Ames, IA 50010 (515), 232–0895. Transporting *printed matter, paper, and related products*, between those points in the U.S. in and east of WI, IA, IL, KY, TN, and AL.

MC 152685 (Sub-2), filed June 21, 1982. Applicant: RON NOBACH TRUCKING, INC., 7404–44th Ave. NE., P.O. Box 284, Marysville, WA 98270. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting (1) *fertilizer, fertilizer ingredients, chemicals, animal and poutry feed, feed ingredients, feed additives, feed supplements, seed and salt*, between points in WA, OR, CA, ID, NV, AZ, and UT; (2) *lumber and wood products*, between points in WA, OR, ID, and CA; (3) *limestone and limestone products*, between points in WA and OR; and (4) *paper products, lignen pitch, wood pulp, and pulp board*, between points in Whatcom and Skagit Counties, WA, on the one hand, and, on the other, points in AZ and CA.

MC 154945 (Sub-1), filed June 21, 1982. Applicant: JOSEPH J. MEIGHAN d/b/a JOSEPH J. MEIGHAN MOVING, 307 Columbia St., Cohoes, NY 12047. Representative: Neil D. Breslin, 11 N. Pearl St., Albany, NY 12207, (518) 434–1136. Transporting *household goods*, between points in CT, ME, MA, NH, NJ, NY, PA, RI, VT, and VA.

MC 155364 (Sub-1), filed June 21, 1982. Applicant: SINCLAIR CARTAGE, INC., 9700 South Madison St., Hinsdale, IL 60521. Representative: Edward G. Finnegan, 134 N. LaSalle St., Suite 1016, Chicago, IL 60602, (312) 782–9500. Transporting *petroleum, petroleum products, chemicals, and tar products*, between points in IA, IL, KY, MI, MN, OH, IN, and WI.

MC 156405 (Sub-1), filed June 21, 1982. Applicant: BRUCE SNAPP, Rt. 4 Box 314B, The Dalles, OR 97058. Representative: (same as applicant), (503) 478–3759. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Diamond Fruit Growers, Inc., of Hood River, OR.

MC 158785 (Sub-1), filed June 21, 1982. Applicant: CORNPATCH EXPRESS, INC., Box 387, Ayshire, IA 50515. Representative: Larry Rustan, Box 387, Ayshire, IA 50515, (712) 426–4100. Transporting *meat* and *packinghouse products*, between points in the U.S., under continuing contract(s) with Beef Specialists of Iowa, Inc., of Hartely, IA.

MC 159115, filed June 17, 1982. Applicant: MMS TERMINALS, INC., 525 W. 47th Street, Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), between points in AR, IL, IA, IN, KS, WI, MI, MN, and MO.

MC 159684, filed June 21, 1982. Applicant: HARRY L. MYERS, d.b.a. MYERS TRANSFER, 1543 Mariner Dr., Reynoldsburg, OH 43068. Representative: E. H. Van Deusen, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *metal products*, between points in Franklin County, OH, on the one hand, and, on the other, points in U.S.

MC 160685, filed June 21, 1982. Applicant: MICHAEL NOVELLO d.b.a. K.J.S. TRUCKING, 75 Warner Road, Hubbard, OH 44425. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469–0333. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Fab Art Inc. of Youngstown, OH.

MC 161224, filed June 21, 1982. Applicant: DOUG JILEK AND MAYNARD JILEK d.b.a. D & M TRUCKING, Route 4, Dickinson, ND 58601. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *salt, chemicals, and fertilizers*, between points in UT, on the one hand, and, on the other, points in the U.S. in and west of MI, WI, IL, MO, AR, and LA (except AK and HI).

MC 162245, filed June 23, 1982. Applicant: GROFF TRUCKING, INC., RD #1, Box 112A, Troy, NY 12180. Representative: Earl F. Groff (same address as applicant), (518) 279–9555. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Bev Pak Incorporated of Scotia, NY.

MC 162545, filed June 21, 1982. Applicant: FRANCRETE CORPORATION, One Van St., P.O. Box 137, Staten Island, NY 10310. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068. Transporting *food and related products*, between points in the U.S., (under continuing contract(s) with Refined Sugars, Inc., of Yonkers, NY.

MC 162584, filed June 21, 1982. Applicant: SOUTHERN STATES TRANSPORTATION, INC., 1720 Magoffin Avenue, El Paso, TX 79902. Representative: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701, (512) 476–8066. Transporting *metal products, lumber and wood products*, and *building materials*, between points in AR, AZ, CA, CO, KS, NM, NV, OK, TX and UT.

MC 162585, filed June 21, 1982. Applicant: J.M.G. TRUCKING CORP., 106 Hart Rd., Cherry Hill, NJ 08034. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ, NY, PA, DE, MD, VA, CT, MA, RI, and DC.

MC 162594, filed June 21, 1982. Applicant: JOSEPHINE JOHNSON, d.b.a. J. JOHNSON TRUCKING, P.O. Box 493, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *paper products, plastic products, and petroleum products*, between points in the U.S. (except AK and HI), under

continuing contract(s) with Exxon Company, U.S.A., of Houston, TX.

MC 162604, filed June 23, 1982. Applicant: R & J BULTEMEIER TRUCKING, INC., 18607 East 6th Street, N., Independence, MO 64056. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *food and related products,* between points in CO on the one hand, and, on the other, points in Leavenworth, Wyandotte and Johnson Counties, KS and Platte, Clay and Jackson Counties, MO.

MC 162605, filed June 21, 1982. Applicant: TAMAKI INTERNATIONAL, INC. d.b.a. HIKKOSHI NO TAMAKI DESU, 1330 W. Walnut Parkway, Compton, CA 90220. Representative: John S. Torii, 633 Wilshire Blvd., Fifth Fl., Los Angeles, CA 90017, (213) 624–4888. Transporting *household goods,* between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145625 (Sub-8), filed May 20, 1982, and previously published on June 8, 1982. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Ave., Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *food and related products* (1) between points in WI, on the one hand, and, on the other, points in IL, IA, and MN, and (2) between points in IL, IA, MN, and WI, on the one hand, and, on the other, points in AR, KS, LA, MO, NE, OK, and TX.

Note.—This republication includes the State of NE, and deletes the State of ME.

Volume No. OP4–239

Decided: June 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 128497 (Sub-20), filed June 21, 1982. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, IA 52040. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *meats, meat products, meat by products and articles distributed by meat packinghouses* between points in Tama County, IA, on the one hand, and, on the other, points in MA, NJ, NY, and PA.

MC 128837 (Sub-54), filed June 21, 1982. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (271) 544–5468. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150267 (Sub-13), filed June 21, 1982. Applicant: MCARDLE TRANSPORTATION, INC., Rt. 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *such commodities* as are dealt in by grocery and food business houses, department stores, and variety stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Incorporated, of Oakland, CA.

MC 150917 (Sub-1), filed June 21, 1982. Applicant: FOOD EXPRESS, INC., 4325 Fruitland Ave., Los Angeles, CA 90058. Representative: Michael L. Springer (same address as applicant), (213) 589–2194. Transporting *food products,* between points in AZ, CA, ID, NV and UT, under continuing contract(s) with Yoplait USA, of Minneapolis, MN.

MC 157057 (Sub-2), filed June 21, 1982. Applicant: PHIL–DAN TRUCKING, INC., Rt. 2, Box 355, Commerce, GA 30529. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI),

MC 162567, filed June 21, 1982. Applicant: ADAMS TRUCKING, INC., 1470 East Kentucky Ave., Woodland, CA 95695. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162597, filed June 21, 1982. Applicant: MASTER CONTRACT MOVERS, 1554 Trimble Rd., San Jose, CA 95131. Representative: Andrew J. Skaff, 256 Montgomery St., Fifth Fl., San Franciso, CA 94104, (415) 421–6743. Transporting *such commodities* as are dealt in by manufacturers and distributors of telephone and telecommunications equipment, between points in the U.S., under continuing contract(s) with ROLM Corporation, of Santa Clara, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–18460 Filed 7–7–82; 8:45 am]

BILLING CODE 7035–01–M

[S.O. 1344; Fifth Revised I.C.C. Order No. 80]

Rail Carrier; Rerouting of Traffic

To: St. Louis Southwest Railway Company; Cadillac & Lake City Railway Company; Chicago and North Western Transportation Company; Iowa Railway Company; North Central Texas Railway; Enid Central Railway; South Central Arkansas Railway, and Okarche Central Railway.

In the opinion of Bernard Gaillard, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly traffic offered for movement via its lines, because of an embargo of its lines.

Rerouting authority previously granted in Reroute Order No. 63, was continued in Reroute Order No. 80, and should be extended for those carriers which have indicated that tariff modifications in progress could not be completed by the expiration of that order. This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore requires this action by the Commission.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company (RI), being unable to transport promptly traffic offered for movement via its lines because of an embargo of its lines, that lines interim operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

St. Louis Southwestern Railway Company
Cadillac & Lake City Railway Company
Chicago and North Western Transportation Company
Iowa Railroad Company
+North Central Texas Railway Inc.
+Enid Central Railway Inc.
+South Central Arkansas Railway Inc.
+Okarche Central Railway Inc.

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be rerouted, before rerouting.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and

shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agency provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., June 30, 1982.

(g) *Effective date.* This order shall expire at 11:59 p.m., August 31, 1982, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-18452 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

[S.O. 1344; Amdt. 2 to Fourth Revised I.C.C. Order No. 80]

Rail Carriers; Rerouting of Traffic

TO: St. Louis Southwestern Railway Company; Cadillac & Lake City Railway Company; Chicago and North Western Transportation Company, and Iowa Railroad Company.

Upon further consideration of Fourth Revised I.C.C. Order No. 80 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 80 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., August 31, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., June 30, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-18456 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

[S.O. 1344; Amdt. No. 2 to I.C.C. Order No. 82]

Rail Carriers; Rerouting of Traffic

To: Consolidated Rail Corporation; Michigan Interstate Railway Company; Chesapeake and Ohio Railway; Grand Trunk Western Railroad Company; Michigan Northern Railway Company; Green Bay and Western Railroad Company; Chicago and North Western Transportation Company; Soo Line Railroad Company; Norfolk and Western Railway Company; and Detroit, Toledo and Ironton Railroad Company.

Upon further consideration of I.C.C. Order No. 82 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 82 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., August 31, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective 11:59 p.m., June 30, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-18455 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

[S.O. 1344; Amdt. No. 1 to I.C.C. Order No. 83]

Rail Carriers; Rerouting of Traffic

To: Consolidated Rail Corporation; Chesapeake and Ohio Railway; Grand Trunk Western Railroad Company; Michigan Northern Railway Company; and Soo Line Railroad Company.

Upon further consideration of I.C.C. Order No. 83 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 83 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., August 31, 1982, unless otherwise modified, amended or vacated.

Effective date. The order shall become effective at 11:59 p.m., June 30, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1982.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 82-18453 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29958]

Rail Carriers; Oregon-Washington Railroad & Navigation Co., and Union Pacific Railroad Co.; Exemption of Abandonment and Discontinuance in Tacoma, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Oregon-Washington Railroad & Navigation Company and discontinuance of service by the Union Pacific Railroad Company over approximately 2.022 miles of railroad in Tacoma, WA, subject to conditions for protection of employees.

DATES: The exemption is effective on August 9, 1982. Petitions for reconsideration must be filed by July 28, 1982 and petitions for stay must be filed by July 19, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioners' representative: Joseph A. Anthofer, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

Pleadings should refer to Finance Docket No. 29958

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll-free for outside the D.C. area.

Decided: June 30, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18454 Filed 7-7-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-48 (Final)]

Certain Amplifier Assemblies and Parts Thereof From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Japan of certain amplifier assemblies and parts thereof,[3] provided for in item 685.29 of the Tariff Schedules of the United States, which are being, or are likely to be, sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective December 30, 1981, following a preliminary determination by the Department of Commerce that certain amplifier assemblies and parts thereof from Japan are being sold, or are likely to be sold, in the United States at LTFV. Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on January 20, 1982, (47 FR 2946). The hearing was held in Washington, D.C., on May 20, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Alfred E. Eckes, and Commissioners Michael J. Calhoun, Eugene J. Frank, and Veronica A. Haggart

Introduction

We have determined that an industry in the United States is materially injured by reason of imports of certain amplifier assemblies and parts thereof from Japan, which are being sold at less than fair value. In our consideration of the conditions of trade, competition, and development regarding the domestic industry, we have focused particularly on those factors which determine the economic viability of a telecommunications-related industry. In such an industry, the ability to generate capital for continued research and development and the opportunity to gain developmental experience as the outgrowth of sales determine the producer's ability to compete in the marketplace. It is critically important that producers remain in the forefront regarding technological advances within the field. Our assessment of the impact of the less-than-fair-value (LTFV) imports on the domestic industry is that it has been materially injured because of the loss of contracts to such imports on the basis of significantly lower prices. The loss of these sales to LTFV imports has denied the domestic industry needed capital for research and development and foreclosed the opportunity to gain practical and developmental experience which accompanies such sales.

The Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [4] "Like product" is defined as a product that is like, or in the absence of like, most similar in characteristics and uses with, the articles under investigations.[5]

The articles subject to this investigation are radio-frequency power amplifiers with a power rating of 1-kilowatt (kW) or more specially designed for transmission in the C, X, and Ku bands [6] from fixed earth stations to communications satellites. The articles imported from Japan were made according to specifications in Communications Satellite Corporation (COMSAT) contracts ESOC 1263 and ESOC 1264. ESOC 1263 is a contract for nine klystron 3 kW amplifiers designed for use in the C band. ESOC 1264 is a contract for 20 traveling-wave-tube (TWT) [7] 3-kW amplifiers designed for use in the C band.[8] Both of these contracts were for amplifiers for sending signals to communications satellites and both were won by Nippon Electric Co. of America (NECAM), a subsidiary of Nippon Electric Co. of Japan (NEC).

We find that the "like product" in this investigation includes klystron and TWT amplifiers of over 1 kW for use in

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting.

[3] For purposes of this investigation, these articles are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X, and Ku bands from fixed earth stations to communication satellites and having a power output of 1 kilowatt or more.

[4] 19 U.S.C. 1677(4)(A).

[5] 19 U.S.C. 1677(10).

[6] Operating frequencies for radio transmitters are assigned by the Federal Communications Commission. Commercial satellite communications systems are assigned the C band (5.9–6.4 gigahertz (GHz)) and Ku band (12–14 GHz) frequencies, and military systems are assigned the X band (7.9–8.4 GHz).

[7] Both klystron and traveling-wave tubes provide the power amplification needed to transmit the signals to a satellite. The klystron and TWT amplifiers are somewhat different in terms of the manner in which they perform. The TWT amplifier is capable of sending signals over a much wider bandwidth than a klystron amplifier. As a result, the TWT amplifier does not need to be retuned and one amplifier can be used to send signals to several transponders on a satellite. Nevertheless, klystron and TWT amplifiers are essentially performing the same function, in that they amplify the signals for uplink transmission to a communications satellite. We therefore believe that klystron and TWT amplifiers are like in terms of the statute.

[8] The COMSAT contracts call for amplifiers designed to broadcast in the C bank, which is the principal bank in the United States for civilian satellite broadcasting. Amplifiers that broadcast to satellites on the X or Ku bands are essentially the same as C-band amplifiers except that radio-frequency components and the tubes are designed to broadcast on the appropriate wavelengths. Because this is only a minor variation, we are of the view that the C, X, and Ku band amplifiers are like in terms of the statute.

the C, X, and Ku band specially designed for transmission from fixed earth stations to communications satellites. Amplifiers that have power ratings above 1 kW can be used to send all types of signals to communications satellites, including video signals.[9] On this basis, we have concluded that only amplifiers above 1 kW should be considered like the 3–kW amplifiers involved in the two COMSAT contracts.[10]

Thus, for the purpose of assessing material injury, the relevant domestic industry consists of all firms that have produced the subject amplifiers within the period of investigation. The domestic producers of the like product are those portions of Aydin Corp., Varian Associates, Inc., MCL, Inc., LogiMetrics, Inc., and Comtech Telecommunications devoted to the production of the subject HPAs.[11]

Counsel for respondent NEC argued that the domestic industry should be broadened to include producers of amplifiers for use in a tropospheric scatter (troposcatter) system. Troposcatter systems utilize radio signals bounced off the troposphere, rather than being sent to a satellite and beamed back to earth. Transmission ranges extending from 400 to 600 miles are usual for the troposcatter systems whereas amplifiers for satellite transmission have a range of up to 38,000 miles. The troposcatter amplifiers generally use a different frequency and a narrower bandwidth than satellite amplifiers.[12] A consultant for NEC testified that, if the difinition of the industry is based upon use in the market, troposcatters would probably not be included in the domestic industry.[13] He also indicated that troposcatter and satellite amplifiers are not interchangeable, and thus one could not plug a 10 kW troposcatter amplifier into a satellite system and have it work.[14] In addition, there is uncontroverted testimony that a troposcatter amplifier could not have been substituted for the amplifiers purchased by COMSAT.[15] Based on the record, we therefore find that troposcatter amplifiers are not like amplifiers for use with earth satellites.

Material Injury

Section 771(7) of the Tariff Act of 1930 directs the Commission to consider in making its determination, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on price, and (3) the consequent impact of the imports on the domestic industry.[16] In assessing the impact on the domestic industry, we are further directed by section 771(4)(C)(iii) to evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to: production, sales, market share, profits, productivity, return on investments, capacity utilization, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

According to the Senate Finance Committee Report on the Trade Agreements Act of 1979:

> Neither the presence nor the absence of any factor listed in the bill can necessarily give decisive guidance with respect to whether an industry is materially injured, and the significance to be assigned to a particular factor is for the ITC [Commission] to decide. It is expected that in its investigation the Commission will continue to focus on the conditions of trade, competition, and development regarding the industry concerned.[17]

The consideration of the conditions of trade, competition, and development of the domestic industry in this investigation focuses our assessment on an industry that is highly competitive in terms of technological developments. Producers in this industry must maintain the ability to keep abreast of and contribute to technological advances. In order to do so, it is important that domestic producers be able to internally fund research and development and work closely with end users such as COMSAT.

In this investigation, we have found the pricing information, the profitability information, and the research and development figures to be particularly revealing as to the competitive condition of this industry. The loss of two contracts to LTFV imports has caused material injury to the domestic industry by its adverse effect on profitability, and ability to raise capital and to internally fund research and development. Further, the loss of the TWT contract (ESOC 1264) has had a particularly deleterious effect on the domestic industry's competitive position. The loss of the contract for these amplifiers, which represent the latest in technology for such amplifiers means that the domestic industry has been precluded from obtaining vital practical and developmental experience.

The High-Power Amplifier (HPA) Industry and Market

As we mentioned above in our discussion of the products subject to this investigation, the domestic industry produces both klystron HPAs and TWT HPAs. HPAs are typically custom-made to specifications provided by the purchaser. Klystron HPAs, which have constituted the largest segment of the HPA market for many years, increasingly are being replaced by TWT amplifiers in higher-powered satellite systems. The TWT amplifier has the advantage of being "frequency-agile," i.e., it can address any of the satellite's transponders without having to be retuned. The TWT amplifier called for in ESOC 1264 represents an advancement in TWT technology use.

The HPA market has been characterized by very high growth rates, and that growth rate is expected to continue. In a study done for NEC by Arthur D. Little, Inc., the annual growth rate of satellite transponders to which satellite amplifiers broadcast will be 22 percent for C-band and 73 percent for Ku-band over the period 1982–85. The Arthur D. Little study states that these impressive growth rates do not seem unreasonable in the context of the 86 percent growth of satellite earth stations in 1981 alone.[18] As satellite technology has become more developed in the United States and worldwide, the worldwide production and use of HPAs have soared. Producers must be able to meet the demands of this dynamic market which requires the latest and most efficient technology. Therefore, it is imperative that domestic producers have the ability to fund research and development.

In the United States, the purchaser employing the latest technology in TWT HPAs is COMSAT, the acknowledged worldwide leader in the common carrier field. The particular technical features that distinguish the subject TWT HPAs as the forefront of technology are the high level of power involved, the wide bandwidth (500 MHz at C band), and the clarity of the final transmission. Thus, the awarding of a contract for TWT amplifiers by COMSAT has the effect of affording NEC, the winner of the bid, the

[9] Report p. A–3.

[10] It is our view that an amplifier with a linearizer, which is included in ESOC 1264, but not in ESOC 1263, is not significantly different in characteristics or uses from an amplifier without a linearizer. The purpose of a linearizer is to adjust for distortions in a signal as it passes through the amplifier. ESOC 1264 is the first COMSAT contract that has called for the use of this device. Although the linearizer may have a beneficial effect, the essential characteristics of the amplifier remain the same.

[11] Report, pp. A–7–9.

[12] *Id.*, p. A–3.

[13] Hearing Transcript (Transcript), p. 122.

[14] *Id.*, p. 123.

[15] *Id.*, p. 41.

[16] 19 U.S.C. 1677(7).

[17] S. Rept. 96–249 (96th Cong., 1st Sess.) at 88.

[18] Study of Supply Record and Markets (1979–1985) for Satellite Earth Station High Power Amplifiers, p. 19.

opportunity to gain developmental and practical experience in the use of this technology and design improvements in the product for the future. At the same time, the loss of this opportunity places the domestic industry at a distinct competitive disadvantage with respect to growth opportunities that may arise out of utilization of these TWT amplifiers. When similar contracts are let in the future, NEC will hold a competitive advantage since that company will have the best and most recent experience with the technology.

Volume of Imports

In 1981, the year in which the deliveries for ESOC 1263 and ESOC 1264 were made, market penetration (by quantity) of imports from Japan of klystron and TWT HPAs under investigation was a significant share of apparent consumption for klystron HPAs and almost all of apparent consumption for TWT HPAs.[19] ESOC 1264 constituted 100 percent of apparent consumption of commercial TWT HPAs subject to this investigation in 1981. Because the commercial market has only one buyer, COMSAT, and the military market is effectively closed to foreign bidders, the capturing of the newest HPA market, namely the higher-power TWTs, is particularly significant, as we discuss below.

Impact on Pricing

It is difficult to compare HPAs on a one-to-one basis since there are no "off-the-shelf" units. HPAs are purchased for diverse needs requiring special features, which often result in variations in cost. Reliable price comparisons do exist for those HPAs meeting the specifications set forth in ESOC 1263 and ESOC 1264.

COMSAT's procurement activities are governed by the Communications Satellite Procurement regulations (47 CFR 25.151 et seq.). Those regulations state that COMSAT will evaluate a supplier's proposal for technical sufficiency as a first step, and then consider other factors in a second step. In following those regulations with regard to the contracts at issue here, COMSAT rated two domestic bids in response to both ESOC 1263 and ESOC 1264 as technically responsive. After evaluating the technical aspects of the bids submitted, COMSAT considered other factors, among which price was an important consideration.[20] The final bids of NEC on both ESOC 1263 and ESOC 1264 were significantly below the bids of the domestic producers.[21]

No domestic contracts for commercial TWT HPAs have been let since 1980, and thus there is no information on price suppression with regard to that segment of the industry. An adverse impact on prices has been felt in the klystron segment of the industry, however. The unit value of domestic bids showed a general downward trend from the amounts bid prior to the awarding of the COMSAT contracts.[22] This price suppression has been evident in the klystron segment of the industry as domestic companies have been forced to lower their prices as a result of the loss of the TWT segment of the market to NEC.[23]

The Effect on the Domestic Industry

Domestic shipments of the klystron HPAs subject to this investigation showed an upward trend from 1978 to 1981. The domestic shipments of TWT HPAs have fallen dramatically since 1979, the last year before the award of the COMSAT contracts.[24] The fact that employment has not increased at a time when the market for HPAs was expanding shows one aspect of the injury that the domestic industry has suffered. This industry depends upon highly educated and skilled scientists, engineers, and technicians for its labor. It is critically important that the industry maintain this labor force in order to remain in the forefront of technological advances within the field. There is information on the record that indicates the domestic industry's ability to retain the vital skilled labor force has been jeopardized by the loss of the two COMSAT contracts.[25]

Net sales of the domestic industry were up in 1981 from the 1979 and 1980 levels. However, much of the increase is a result of a substantial initial shipment pursuant to a 5-year contract entered into in 1978 between one company and the U.S. Army.[26] Sales during the first quarter of 1982 were down from the same period in 1981.[27]

The ratio of net operating profit *before* taxes to net sales for the domestic industry fell from 6.1 percent in 1980 to 5.5 percent in 1981.[28] We note, however, that these profit levels are well below those for comparable industries that also require returns adequate to continue the research and development which keeps the industry competitive. For example, the median return on net sales *after* taxes for the electronic components and accessories industry was 7.6 percent in 1981. For the telephone communications industry, the median return *after* taxes was 13.4 percent in 1981.[29]

The inability to achieve an adequate profit has had a particularly detrimental effect on research and development expenditures. Research and development in the domestic industry must be internally generated, unlike in earlier years when the National Aeronautics and Space Administration (NASA) developed much of that technology used by the industry. According to Arthur D. Little, a consultant for NEC, the minimum level of research and development that is necessary to be a leader in technology is 5 percent of net sales.[30] Although research and development expenditures increased during the period of 1979–81, they have remained below the 5 percent figure during this period.[31]

The adverse impact of LTFV imports on the domestic industry's ability to generate funds for research and development is injury of the most serious sort. The performance of this industry is determined in substantial part by its ability to fund research and development and to acquire experience in TWT technology through its sales. The loss of ESOC 1263 and 1264 and the concomitant loss of sales revenues have resulted in diminished funds for research and development.

Therefore, based upon information on the record, we determine that an industry in the United States is materially injured by reason of imports of certain amplifier assemblies and parts thereof from Japan, which are being sold at less than fair value.

Views of Commissioner Paula Stern

Based on the record in this final investigation I determine that there is no material injury or threat of material injury by reason of imports of certain amplifier assemblies and parts thereof from Japan at less than fair value (LTFV). Maintaining the U.S. competitive position in

[19] Report, pp. A–22 and A–23. Specific data on market penetration are confidential.

[20] Letter of General Counsel of COMSAT to the Commission of August 27, 1981.

[21] Report, p. A–27. The exact amount of the domestic bids is confidential.

[22] *Id.*, p. A–26.

[23] Transcript, p. 21.

[24] Report, p. A–11. We note that shipments in this industry are responsive to the availability and timing of contracts.

[25] Post-hearing submissions for 1st quarter data of 1982. See also, Transcript, pp. 43–44.

[26] *Id.*, p. A–17.

[27] Post-hearing submissions of the domestic industry.

[28] The profit figures for 1979 and 1980 were affected by the start-up costs for two companies.

[29] *Selected Key Business Ratios of 125 Lines of Business*, Dun & Bradstreeet (1981), p. 7.

[30] Transcript, p. 139.

[31] Report, p. A–18.

telecommunications technology is a subject of considerable importance. While I agree with the majority that in these investigations the Commission should focus carefully on the conditions of trade, competition and development regarding the industry concerned, my analysis of the particular facts before us regarding the domestic high powered amplifier (HPA) industry differs in significant respects. I find the U.S. HPA industry to be healthy and within the meaning of the statute not threatened with material injury due to LTFV imports from Japan.

The Domestic Industry

I concur with the majority's definition of the scope of the industry, but emphasize that this definition restricts the Commission's assessment to high powered amplifiers (HPAs) alone and not to the tubes for HPAs. Producers of tubes are not a part of the industry subject to the investigation.[32]

No Present Material Injury by LTFV Imports

Information provided to the Commission indicates that the domestic HPA industry enjoyed its best year for the period under investigation in 1981, the year in which all the HPAs from Japan were imported. Between 1980 and 1981 production, shipments, employment, sales, profits, capital expenditures and research and development all increased.[33]

I agree with the majority that our analysis of the effects of imports on telecommunications-related industries centers on information which is most likely to reveal the impact of imports on the domestic industry's ability to keep abreast of technological advances. My assessment, however, differs from that of the majority.

It has been argued that the imports from Japan in 1981 have restricted the domestic industry's efforts to continue research and development (R&D) and to gain experience in traveling wave tube (TWT) technology. The available data do not support this view. In quantity terms the domestic HPA industry increased its research and development expenditures in 1981 by over 100 percent over 1980 levels. As a percent of net sales, the industry's 1981 R&D expenditures were at their highest level for the period of the investigation.[34]

Furthermore, domestic shipments of HPAs in 1981 increased from the high level achieved in 1980. In spite of the Nippon Electric Co. (NEC) success on the two COMSAT contracts, the domestic industry made sizeable sales of TWT amplifiers in 1981,[35] and its 1981 sales of klystron HPAs were more than twice as high as sales in every other year covered by this investigation.[36] As shipments increased, employment also showed an increase from 1980 to 1981 in spite of a concern expressed during this investigation that the domestic industry might not be able to maintain employees attracted to high technology assignments. The industry has continued to gain experience in both TWT and klystron technology.

The petitioner alleges that this industry has been hampered in its ability to attract capital. There is no data available to the Commission on the ability to attract capital. Information on capital expenditures shows that such expenditures were at their highest level in 1981 for the period of this investigation—roughly 54 percent above the 1979 level.

Between 1979 and 1981 the industry's gross profit increased from $1.1 million to $2.6 million or nearly 150 percent. The increase in net operating profit from 1978 to 1981 was even more impressive. In 1978 net operating profit amounted to $130.000; in 1981 it was $716,000. This is a 450 percent increase. The record also shows that the ratio of net operating profit to net sales rose from 1.7 percent in 1979 [37] to 5.5 percent in 1981. The ratio of net operating profits before taxes to net sales in 1981 is down somewhat from the 1980 level of 6.1 percent. The Commission report points out, however, that the 1981 ratio includes profitability data on a large military contract at an unusually low profit. Excluding this military contract, for which imports did not compete, the industry's ratio of net operating profits before taxes to net sales in 1981 was 8.1 percent, a level which is roughly comparable to the median level for other electronic components and accessories industries.[38]

Arguments on price suppression are not compelling. Information reported in response to the Commission's inquires concerning price suppression elicited examples of suppressed price only in instances of competition among domestic competitors where NEC was not bidding. Further, the allegations only apply to the commercial market for 1 to 3 kw klystron HPAs (which represents only about a fifth of the market of HPAs 1 kw and above). As I will discuss in greater detail below, NEC has not bid on any U.S. HPA contracts in 18 months. Since NEC has not participated in competition for contracts since the 1980 awards, any price suppression that may exist cannot be attributed to it. Rather it must stem from domestic competition.

In sum, the 1981 data do not reveal a deterioration in the performance of the U.S. HPA industry or declines in R&D and investment. Benefiting from a growing market, the industry is performing well and has attracted a new entrant, Raytheon Corporation. The industry has been able to make the sales necessary to generate or attract new capital and to fund the necessary R&D to fuel its continued growth. The record of this investigation does not demonstrate material injury to the domestic HPA industry by reason of the LTFV imports from Japan.

No Threat of Material Injury by LTFV Imports

Standards

The majority has found present material injury by reason of imports of high powered amplifiers from Japan.[39] In so doing, it rests its conclusion on the impact on the domestic industry of the loss of two contracts to Japan. Its analysis seems to imply a concern that because this is an advanced technology industry these sales will affect the *future* of the domestic industry.[40] In effect then, the majority's present material injury finding appears in part to address the question of threat, at least

[32] One domestic producer, Varian Associates, Inc. also produces tubes for HPAs. For the purposes of this investigation, however, only data regarding the company's performance on the HPA line is under consideration.

[33] Report, pp. A–11, 14, 17, 18 and 24.

[34] It is important to keep in mind that the industry subject to this investigation does not fund the R&D efforts on the tubes used in HPAs. The tubes, particularly TWT tubes, are the most technologically sophisticated component of HPAs. The klystron HPA tube was invented in the 1930s, and has been in commercial use since the early 1960s in satellite communications. The TWT HPA tube was developed in the 1950s and is currently coming into widespread commercial use.

[35] The industry's domestic TWT HPA sales were made in the military market. TWT HPAs used by the military require the most sophisticated TWT technology.

[36] Report, p. A–24.

[37] This depressed level is partially attributable to costs incurred by a domestic producer in establising its microwave equipment operations.

[38] I hesitate to make such a contract across industries but since this comparison is made by the majority, I feel compelled to discuss and contrast these figures. The industry's ratio of net operating profits to net sales is on a before-taxes basis. Available information on the median ratio of net operating profits to net sales for the electronic components and accessories industries is only available on an after-taxes basis. For 1981 this figure was 7.6 percent.

[39] In the preliminary investigation the Commission unanimously found only a reasonable indication that an industry in the United States is threatened with material injury.

[40] Majority Opinion, pp. 9 and 11.

insofar as it is concerned with predicting the future of the domestic industry.

In my view, the Commission task in assessing the future of the domestic industry must rest fully on the standards and guidelines established by the statute, legislative history, and legal precedent. This legal framework applies to all industries—whether advanced technology in nature or not. In the U.S. there is a general concern that U.S. advanced technology industries are vulnerable to competition from Japan. The legal standards and guidelines for a finding of "threat" from the analytical framework which enables the Commission to identify objectively situations in which the future of a particular U.S. advanced technology industry is actually threatened by LTFV imports from Japan. When examined within this legal framework—the only one at the Commission's disposal—the case for future injury to the domestic HPA industry is negative.

The leading precedent on the threat standard is *Alberta Gas Chemical v. United States* [41]. In that case the Court of International Trade reiterated that a Commision affirmative determination of likelihood of injury must be supported by substantial evidence. In *Alberta Gas* Judge Newman cited the language in the House Ways and Means Committee Report [42] on the Trade Agreements Act of 1979 that there must be "information showing that the threat is real and injury is imminent, not a mere supposition or conjecture," [43] for the Commission to find threat of material injury. The Judge overturned the Commission's vote in *Alberta Gas* [44] because he found that "the record before the Commission shows simply a mere *possibility* that injury might occur at some remote future time."

Findings

In the preliminary investigation I joined the majority in finding a reasonable indication of threat of material injury of the domestic HPA industry based on the increase in imports from Japan in 1981 and a belief that if the increase became a trend then it might result in price suppression, poor financial performance and negative effects on investment, the ability to retain highly skilled personnel, and research and development plans.

The more complete information available in this final investigation indicates that the increase in imports in 1981 has not continued. NEC has not bid on any HPA contracts since late-1980 and has not delivered and is not scheduled to deliver a single HPA 1kW or above during 1982.

The most tangible threat argument made by the majority in the preliminary case rested on the issue of the options portions of COMSAT contracts ESOC 1263 and ESOC 1264. Under these provisions petitioners argued that COMSAT may purchase up to sixty additional HPAs and spares, totalling some $7 million. However, the Commission has learned from COMSAT officials that the possibility that these options will be exercised is remote at best. [45]

The petitioners' claims that NEC's entrance into the U.S. HPA market is a valuable beachhead from which NEC could capture the domestic market. However, NEC has been exporting smaller HPAs and satellite communications equipment to the U.S. since the mid-1960s, and there is no evidence that it dominates that market. COMSAT has been the only U.S. purchaser of the subject HPAs from NEC. As indicated above, NEC has neither won nor bid on any domestic contracts for the subject HPAs since the award of the COMSAT contracts in question. A well-founded case for future injury to the domestic industry would require knowledge of the number and value of future contracts that may be won by NEC beyond the end of this year. Absent such data, the Commission can only speculate on the future.

Furthermore, future Japanese participation in the U.S. market is limited by the fact that sales to the military effectively are closed to imports. [46] Currently, this sheltered market accounts for nearly a quarter of all HPAs sold. And the military market for HPAs shows every indication of expanding substantially in coming years. Data provided by Arthur D. Little, Inc. for the respondents indicate that various branches of the military will require hundreds of units of the subject HPAs in the coming years. [47]

Therefore, I have determined that there is no real and imminent threat of material injury to the domestic HPA industry by reason of LTFV imports from Japan.

Issued: July 1, 1982.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-18530 Filed 7-7-82; 8:45 am]

BILLING CODE 7020-02-M

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[41] 515 F. Supp. 780 (CIT 1981).

[42] There is comparable language as well in the Senate Report on the Trade Agreements Act of 1979, at 88–89. (S. Rep. No. 249, 96th Cong., 1st Sess.).

[43] H.R. Rep. No. 317, 96th Cong., 1st Sess. 47 (1979).

[44] The Commission voted in the affirmative by a vote of 3 to 2, Commissioners Stern and Alberger dissenting. *(Methol Alcohol from Canada,* Investigation AA1921-202 (1979).

[45] Telephone conversation of June 22, 1982 between Stephen Miller, Commission investigator and Francois Giorgio, Senior Engineer, COMSAT.

[46] Field notes of Stephen Miller, Staff Investigator, March 17, 1982.

[47] "Study of Supply Record and Markets (1979–1985) for Satellite Earth Station High Power Amplifiers," Arthur D. Little, Inc., pp. 46 and 51.

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (Viz, PAC-MAN and Rally-X); Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of general exclusion order.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation or sale of certain coin-operated audiovisual games and components thereof, and published notice of its investigation in the Federal Register of July 1, 1981 (46 FR 34436).

On June 22, 1982, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain coin-operated audiovisual games which infringe complainant Midway Manufacturing Co.'s PAC-MAN copyright and trademark. The Commission further determined that the appropriate remedy is an order excluding from entry into the United States coin-operated audiovisual games which infringe complainant's PAC-MAN copyright and/or trademark, except where such importation is licensed by the owner of the property right in question.

Copies of the Commission's Action and Order, the Opinion of the Commission, and all other non-confidential documents on the record of this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commision, telephone 202–523–0311.

Issued: July 1, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-18531 Filed 7-7-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-122]

Certain Miniature, Battery-Operated, All-Terrain, Wheeled Vehicles; Termination of Respondent

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondent Larco, Inc.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent Larco, Inc., on the basis of an oral motion made by complainants at the preliminary conference. Respondents and the Commission investigative attorney do not oppose the motion.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and concerns alleged unfair trade practices in the importation into and sale in the United States of certain miniature, battery-operated, all-terrain, wheeled vehicles allegedly infringing U.S. Letters Patent 4,306,375 and copying of complainant's vehicles resulting in false designation of source. The motion to terminate the investigation with respect to Larco, Inc., included information that Larco is a trade name used to identify certain products of respondent Pensick & Gordon Company. In addition, the Larco, Inc., named by complainants, identified Pensick & Gordon Co. as users of the trade name Larco.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Catherine Field, Esq., Office of the General Counsel, telephone (202) 523-0143.

Issued: July 2, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-18526 Filed 7-7-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-145 (Final)]

Certain Steel Wire Nails From Korea

AGENCY: International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: As a result of the affirmative preliminary determination, by the International Trade Administration, United States Department of Commerce, which is the Commission received on June 22, 1982, that there is a reasonable basis to believe or suspect that benefits are granted by the Government of Korea with respect to the manufacture, production, or exportation of certain steel wire nails which constitute a subsidy within the meaning of the countervailing duty law, the United States International Trade Commission (hereafter "the Commission") hereby gives notice of the institution of investigation No. 701-TA-145 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury or the establishment of an industry is materially retarded by reason of imports of such merchandise. For purposes of this investigation, the term "steel wire nails" refers to nails of one-piece construction which are made of round steel wire and which enter the United States under item numbers 646.25 and 646.26 of the TSUS.[1]

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Judith C. Zeck, Office of Investigations, U.S. International Trade Commission, (202-523-0339).

SUPPLEMENTARY INFORMATION: On February 23, 1982, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 701-TA-145 (Preliminary), that there was a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Korea of steel wire nails upon which bounties or grants are allegedly being paid. As a result of the Commission's affirmative preliminary determination, the Department of Commerce continued its investigation into the question of subsidized imports. The final subsidy determination will be made by the Department of Commerce on or before September 1, 1982.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and fourteen (14) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before September 7, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information". Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of facts will be available to all interested parties on August 26, 1982.

Service of documents.—Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR 201.11). Each entry of appearance must be filed with the Secretary no later than July 29, 1982.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and data of such service. The certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Public Hearing

The Commission will hold a public hearing in connection with this investigation at 10:00 a.m. on September 14, 1982, in the Hearing Room of the U.S. International Trade Commission Building. Requests to appear at the

[1] For purpose of this investigation, brads, spikes, staples and tacks are not included.

hearings should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 24, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 9:30 a.m., on August 26, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules of practice and procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. All legal arguments, economic analysis, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with § 207.22. Post hearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 207, subparts A and C (19 CFR 207, 44 FR 76457 as amended in 47 FR 6190 and 47 FR 12792) and part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to §207.20 of the Commission's rules of practice and procedure (19 CFR 207.20).

Issued: June 30, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-18528 Filed 7-7-82; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Release for Public Comment of Explanatory Notes to Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of Explanatory Notes to the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System) being prepared by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

Volume 6

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, or rare-earth metals, of radioactive elements and of isotopes
Chapter 29: Organic chemicals
Chapter 32: Tanning or dyeing extracts; tannings and their derivatives; dyes, pigments and other coloring matter; paints and varnishes; putty and other mastics; inks
Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
Chapter 38: Miscellaneous chemical products
Chapter 44: Wood and articles of wood; wood charcoal
Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard

Volume 7

Chapter 55: Man-made staple fibers
Chapter 56: Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
Chapter 57: Carpets and other textile floor coverings
Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
Chapter 59: Impregnated, coated, covered or laminated textile fabrics; elastic textile fabrics; textile articles of a kind suitable for industrial use
Chapter 60: Knitted or crocheted fabrics
Chapter 61: Articles of apparel and clothing accessories, knitted or crocheted
Chapter 62: Articles of apparel and clothing accessories, not knitted or crocheted
Chapter 63: Other made up textile articles; sets; worn clothing and worn textile articles; rags

Volume 8

Chapter 64: Footwear, gaiters and the like; parts of such articles
Chapter 65: Headgear and parts thereof
Chapter 66: Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof
Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials
Chapter 69: Ceramic products
Chapter 71: Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metals, and articles thereof; imitation jewelry; coin

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by filing them with the Secretary of the Commission, 701 E Street NW., Washington, D.C. 20436, no later than the close of business on August 20, 1982.

COPIES OF DOCUMENTS: Copies of Explanatory Notes which are the subject of this notice are available for public inspection at the office of the Secretary. The Secretary will also send copies to interested parties upon request; telephone (202) 523-5178.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, or Holm Kappler, Deputy Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: (202) 523-0370 or 0362.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The public notice of July 17, 1981 (46 FR 37824) set forth the basis for the Commission's investigation in order to participate in technical work on, and described the structure and development of, the Harmonized System.

Texts of Explanatory Notes for the above chapters have been provisionally adopted by the Nomenclature Committee of the Customs Cooperation Council. The Explanatory Notes, which do not form a part of the Harmonized System nomenclature, contain the official interpretation of the Harmonized System nomenclature ultimately to be adopted by the Customs Cooperation Council. The notes are arranged in the systematic order of the Harmonized System nomenclature and set forth information concerning the scope of each heading, including the products included and excluded, technical product descriptions, a guide for product identification, and the appearance, properties, uses, and methods of production of the products concerned. The public notices of February 16, 1982 (47 FR 8108) and April 30, 1982 (47 FR 18846) identified chapters for which Explanatory Notes were available and requested public comments. The notices sought views on Explanatory Notes for Chapters 1 through 27, 30, 31, 34 through 37, 41 through 43, 45 through 47, 49, and 50 through 54. Views and comments of interested parties are now being sought as to Explanatory Notes for nineteen additional Chapters of the Harmonized System.

Drafts of the above Explanatory Notes are being finally reviewed by both the Harmonized System Committee and the Nomenclature Committee. As texts of further Explanatory Notes are adopted, the Commission will issue future notices requesting public comment.

Issued: June 30, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-18525 Filed 7-7-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention

Notice is hereby given that the Coordinating Council on Juvenile Justice and Deliquency will meet on July 15, 1982 in the Office of ACTION at 806 Connecticut Avenue, NW., Washington, D.C. The meeting will be open to the public and held in Room 522 at 10:00 am.

This meeting will address the further development and publication of the Coordinating Council's Program Plan. This effort will lead to the creation and implementation of the Coordinating Council's Work Plan for the next three years. Five Program areas identified following Public Hearings and input from all sources include:

1. School Related approaches to Delinquency Prevention
2. Treatment Related Alcohol and Drug Abuse Prevention
3. Treatment Alternative for Alcohol and Drug Abusing Juveniles
4. Community Youth Involvement
5. De-Institutionalization (Federal)

Other agenda items include a discussion of the Advisory Commission on Intergovernmental Relations (ACIR) roundtables, delinquency related program and budget changes and updates on other Coordinating Council activities.

For further information contact, Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, NW., Washington, D.C., 20531.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-18514 Filed 7-7-82; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacturer of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 16, 1982, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I.
Tetrahydrocannabinols (7370)	I.
Mescaline (7381)	I.
Morphine-3-Gluronide (9329)	II.

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any exisitng bulk manufacturer registered therefor may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 9, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 25, 1982.

Francis M. Nullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-18527 Filed 7-7-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

July 2, 1982.

Additional changes have been made to the agenda for the July 18-21, 1982 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) published in the **Federal Register** of July 1, 1982 (47 FR 28848). The revised tentative agenda is as follows:

Agenda

Sunday, July 18, 1982

Cosmos Club (387-7783), Room A (Third Floor), 2121 Massachussetts Ave., NW.
9:00 a.m.—3:00 p.m., Panel meeting
Coast Guard
Chairman: Michael Naess
Topic: Work Session

Monday, July 19, 1982

Page Building #1, Room 418, 2001 Wisconsin Avenue, NW., Washington, D.C.
9:00 a.m.—12:00 p.m., Plenary
9:00 a.m.—9:30 a.m., Announcements
9:30 a.m.—12:00 p.m., Review and Approval of Weather Services Report
12:00 p.m.—1:00 p.m., Lunch
1:00 p.m.—5:00 p.m., Panel meetings
1:00 p.m.—3:00 p.m., Ad Hoc Panel
For consideration, if available, of new legislative proposals for ocean dumping and OCS Revenue Sharing
2:00 p.m.—5:00 p.m., Ocean Satellites
Chairman: FitzGerald Bemiss
Room 418
Topic: Ocean Research & Satellites
Speakers:
D. James Baker, University of Washington, Satellites and Oceanography
James O'Brien, Florida State University, Satellites and Oceanography
W. Stanley Wilson, National Aeronautics and Space Administration, Federal Plans and Prospects for Ocean Sensing Satellites
Sylvia Earle, NACOA Member
Submersibles and Oceanography
5:00 p.m., Recess

Tuesday, July 20, 1982

Page Building #1, Room 418, 2001 Wisconsin Avenue NW., Washington, D.C.
8:30 a.m.—11:30 a.m., Plenary
Review and Approval of Fisheries Report
11:30 a.m.—12:30 p.m., Law of the Sea Status
Speaker: Ted Kronmiller, Department of State, Deputy Assistant Secretary for Oceans and Fisheries Affairs
12:30 p.m.—1:30 p.m., Lunch
1:30 p.m.—3:30 p.m., Plenary

Marine Transportation Report Status
Action Items and Panel Reports
3:30 p.m., Adjourn regular meeting
3:30 p.m.—6:30 p.m., Panel meeting
Marine Minerals, Chairman: Burt Keenan
Topic: Work Session—Draft Report
6:30 p.m., Recess

Wednesday, July 21, 1982

Page Building #1, Room B-100, 2001 Wisconsin Avenue NW., Washington, D.C.
9:00 a.m.—3:00 p.m., Panel meeting continued
Marine Minerals, Chairman: Burt Keenan
Topic: Work Session—Draft Report
3:00 p.m., Adjourn.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653-7818.

Dated: July 2, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-18522 Filed 7-7-82; 8:45 am]

BILLING CODE 3510-12-M

OFFICE OF PERSONNEL MANAGEMENT

National Eligibility Committee for the Combined Federal Campaign; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Director of the Office of Personnel Management announces the following meeting:

NAME: National Eligibility Committee for the Combined Federal Campaign.

DATE AND TIME: July 23, 1982, at 10 a.m.

PLACE: The OPM Auditorium (Room GJ-14, on the Ground Floor), U.S. Office of Personnel Management, 1900 E Street, NW., Washington, D.C.

Type of Meeting

Open

Interested persons may submit written statements with the committee in advance of or at the start of the meeting. Written statements submitted in advance of the meeting may be addressed to the Committee in the care of the Secretary of the committee, whose name and address are set forth in this Notice under the heading, "Contact Person." Written statements submitted at the start of the meeting may be filed with the Committee at the place of the meeting. Oral comments will not be permitted at the meeting, except with the leave of the Chairman or a majority of the Committee. In the event that leave is given for oral comment, no person will be permitted to make an oral statement at the meeting unless such person (1) has advised the Secretary of the Committee in writing at least 48 hours in advance of the meeting that the person wishes to be heard at the meeting (clearly specifying the matter on which the person wishes to be heard); (2) has submitted a written statement relating to the matter on which such person wishes to be heard; and (3) wishes to be heard on a matter that is contested by or before the Committee. Persons, if any, given leave to make oral comments shall each be confined in their oral comments to five (5) minutes.

CONTACT PERSON: Joseph S. Patti, Secretary of the National Eligibility Committee for the Combined Federal Campaign, Office of the Special Assistant for Regional Operations, U.S. Office of Personnel Management, 1900 E Street NW., Washington, D.C., 20415, telephone 202-632-5544.

Purpose of Meeting

The Committee will meet to consider applications of organizations seeking to participate in the Combined Federal Campaign as federated and national voluntary health, welfare, and other appropriate agencies, with fund-raising privileges within the Federal service, in accordance with Executive Order 12353 (March 23, 1982) and regulations promulgated thereunder, and to determine recommendations on such applications to be made to the Director of the Office of Personnel Management.

SUPPLEMENTARY INFORMATION: This Notice amends and supersedes the Notice of Meeting which was published on July 6, 1982, 47 **Federal Register** 29512.

Donald J. Devine,

Director, Office of Personnel Management.

[FR Doc. 82-18559 Filed 7-7-82; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee; Results of Reviews of Petitions Requesting Changes in the List of Articles Eligible for Duty-Free Treatment Under the GSP

This publication describes results of the 1981 annual review of petitions requesting changes in the list of imported articles eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The GSP is provided for in the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). The review was conducted pursuant to regulations codified at 15 CFR Part 2007. Results of the review were implemented as of March 31, 1982, by Executive Order No. 12354 of March 30, 1982 (47 FR 20235). The disposition of the petitions accepted for review by the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) and matters considered by the TPSC on its own motion are set forth in Annex I of this notice. Petitions that remain pending are listed in Annex II.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner	Action taken
A. PETITIONS TO ADD PRODUCTS TO THE LIST OF ELIGIBLE ARTICLES FOR THE GENERALIZED SYSTEM OF PREFERENCES				
79-17	170.10	Cigar wrapper tobacco, not stemmed	Government of Nicaragua, Cigar Association of America, Inc., Washington D.C.	Petition accepted.
79-18	170.15	Cigar wrapper tobacco, stemmed	Cigar Association of America, Inc., Washington, D.C.	Petition accepted.
79-20	170.69	Cigars and cheroots, each valued 15 cents and over.	Government of Mexico, Government of Nicaragua	Petition accepted.
79-31	360.15	Floor coverings, hand-inserted pile, valued over 66⅔ cents per square foot.	Pande Cameron & Company, New York, New York, Government of Bangladesh, Government of India, Government of Turkey, Manos del Uruguay, Montevideo, Uruguay.	Petition denied.
80-41	412.68 or 412.68 pt	Other products provided for in the Chemical Appendix to the Tariff Schedules or Catheter lubrication jelly.	H. G. Pollak (International) Ltd., Israel	Already eligible in TSUS 413.51.
81-1	114.20	Crabmeat in airtight containers	Andean Group	Petition denied.
81-2	121.40	Calf and kip leather	Andean Group	Petition denied (Argentina not designated for GSP on this product).

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW—Continued

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner	Action taken
81-3	121.61	Bovine leather	Government of Brazil	Petition accepted.
81-4	121.63	Other leather	Government of Brazil	Petition denied.
81-5	135.12	Lima beans	Government of Jamaica	Petition accepted.
81-6	135.14	Lima beans	Government of Jamaica	Petition accepted.
81-7	135.16	Other than lima beans	Government of Jamaica	Petition denied.
81-8	135.92 pt	Cucumbers, entered Mar. 1 to June 30	Government of Honduras	Petition accepted (Mexico not designated for GSP on this product).
81-9	136.20	Eggplant, entered Apr. 1 to Nov. 30	Government of Jamaica	Petition accepted (Mexico not designated for GSP on this product).
81-10	136.22	Eggplant, entered Dec. 1 to Mar. 31	Government of Jamaica	Petition accepted (Mexico not designated for GSP on this product).
81-11	136.60	Lettuce, entered June 1 to Oct. 31	Government of Jamaica	Petition accepted.
81-12	136.61	Lettuce, entered Nov. 1 to May 31	Government of Jamaica	Petition accepted.
81-13	137.10	Peppers	Government of Jamaica	Petition accepted (Mexico not designated for GSP on this product).
81-14	137.50	Squash	Government of Jamaica	Petition accepted (Mexico not designated for GSP on this product).
81-15	137.63	Tomatoes, entered Nov. 15 to last day of February.	Government of Jamaica, Egyptian Export Promotion Center, Egypt	Petition accepted (Mexico not designate for GSP on this product).
81-16	137.89	Yams and sweet potatoes	Government of Jamaica	Petition accepted.
81-17	138.4250 pt	Mixtures of pea pods and siliced water chestnuts.	D. B. Berelson & Co., San Francisco, CA	Petition accepted.
81-18	140.40	Dried onions	Government of Chile, Egyptian Export Promotion Center, Egypt	Petition denied.
81-19	140.65	Onion flour	Government of Chile	Petition denied.
81-20	140.75 pt	Vegetables reduced to flour	Andean Group	Petition accepted.
81-21	141.82	Carrots in airtight containers	Government of Jamaica	Petition accepted.
81-22	141.87	Sweet ginger	Government of Jamaica	Petition accepted.
81-23	144.12	Air-dried mushrooms	Government of Korea	Petition accepted.
81-24	146.76	Frozen strawberries	Government of Chile	Petition accepted (Mexico not designated for GSP on this product).
81-25	148.00	Mangoes, entered anytime except Nov. 1 to Apr. 30.	Government of Jamaica, Lincoln Diversified Systems, Inc., Fort Lauderdale FL.	Petition accepted (Mexico not designated for GSP on this product).
81-26	148.17	Cantaloupes entered Apr. 1 to July 31 and Sept. 16 to Nov. 30.	Andean Group, Government of Thailand	Petition accepted (Mexico not designated for GSP on this product).
81-27	148.60	Fresh papayas	Government of Jamaica	Petition denied.
81-28	148.93	Fresh pineapples	Government of Jamaica	Petition denied.
81-29	148.98 or 148.9620	Pineapples, prepared or preserved	Andean Group, Government of Thailand, Government of Mexico	Petition denied.
81-30	150.02	Tropical fruit mixtures	Government of Jamaica, Government of the Philippines	Petition denied.
81-31	152.30	Orange fruit peel	Government of Jamaica	Petition accepted.
81-32	152.7640	Pear paste	Andean Group	Petition accepted.
81-33	153.0420	Strawberry jellies and jams	Andean Group	Petition accepted.
81-34	154.90	Candied fruits	Government of Jamaica	Petition denied.
81-35	161.57	Mint leaves, manufactured	Government of Jamaica	Petition accepted.
81-36	161.84	Pepper, capsicum or cayenne, ground	Government of Jamaica	Petition accepted.
81-37	161.88	Pimento ground	Government of Jamaica	Petition accepted.
81-38	168.78	Brandy, valued over $13 per gallon	Egyptian Vineyards Company, Egypt	Petition denied.
81-39	169.04	Ethyl alcohol for beverage purposes	Andean Group, Government of Jamaica	Petition accepted.
81-40	183.01	Pancake flour	Andean Group	Petition accepted.
81-41	190.85	Marine sponges	Egyptian Export Promotion Center, Egypt	Petition accepted.
81-42	222.50	Blinds and shutters of unspun vegetable fibers.	Government of Jamaica	Petition accepted (Taiwan not designated for GSP on this product).
81-43	355.65 or 355.6510	Plastic coated fabric	Government of Brazil	Petition denied.
81-44	360.4640	Wilton and velvet floor coverings, imitation oriental.	Caesarea-Glenoit Industries, Ltd., Israel	Petition accepted.
81-45	360.4645	Wilton and velvet floor coverings, other	Caesarea-Glenoit Industries, Ltd., Israel	Petition accepted.
81-46	363.90	Other bedding, not ornamented	Andean Group	Petition denied.
81-47	364.07 pt	Certified and hand-loomed folklore products.	Andean Group	Petition denied.
81-48	387.35 pt	Sisal baskets	Government of Kenya	Petition accepted.
81-49	402.56	Benzyl chloride	Aromaticos Petroquimicos, S. de R.L., Mexico	Petition denied.
81-50	402.80 or 402.80 pt	Benzyl dichloride	Aromaticos Petroquimicos, S. de R.L., Mexico	Petition denied.
81-51	403.45 or 403.45 pt	Benzyl alcohol	Aromaticos Petroquimicos, S. de R.L., Mexico	Petition denied.
81-52	403.56 pt	Tetrabromobisphenol A	Ameribrom Inc., Israel	Petition denied.
81-53	405.08 pt	D(−)-para-hydroxyphenylglycin	Kaneka America Corporation, New York NY	Petition accepted.
81-54	405.60 pt	Benzene acetonitrile	Aromaticos Petroquimicos, S. de R.L., Mexico	Petition denied.
81-55	406.26	2-Mercaptobenzothiazole, sodium salt	Government of Mexico	Petition denied.
81-56	406.36	Hetrocyclic compounds and their derivatives.	Government of Mexico	Petition denied.
81-57	406.64	Acetone	Government of Mexico	Petition denied.
81-58	406.84	Fumaric acid	"GADOT" Aromatics Development (GADIV) Ltd., Israel	Petition denied.
81-59	411.64	Penicillin G salts	Andean Group	Petition accepted.
81-60	412.34 or 412.34 pt	Amitriptyline-hydrochloride	Plantex, Ltd., New York, NY	Petition accepted.
81-61	432.25	Chemical mixtures	Andean Group	Petition accepted.
81-62	436.00	Natural drugs	Andean Group	Petition accepted.
81-63	437.47	Yeast	Government of Mexico, Government of Panama	Petition accepted.
81-64	452.28	Grapefruit oil	Government of Jamaica	Petition accepted.
81-65	452.34	Lemon oil	Andean Group	Petition denied.
81-66	452.44	Orange oil	Government of Jamaica	Petition accepted (Brazil not designated for GSP on this product).
81-67	455.04	Pectin	Government of Mexico	Petition denied.
81-68	522.61	Crude magnesite	Government of Turkey	Petition accepted (Brazil not designated for GSP on this product).
81-69	606.22	Ferrochromium	Government of Turkey, Government of Zimbabwe	Petition denied.
81-70	606.42	Ferrosilicon chromium	Government of Zimbabwe	Petition denied.
81-71	642.1110	Brass plated wire	Republic of Korea, TrefilARBED, Inc., New York, NY	Petition denied.
81-72	652.94	Metal columns, pillars, girders	Government of Brazil	Petition denied.
81-73	652.95	Stainless steel columns, pillars, girders	Government of Brazil	Petition denied.
81-74	652.96	Steel columns, pillars, girders	Government of Brazil	Petition denied.
81-75	685.27	Citizens Band radio tranceivers	General Electric Company, Syracuse, NY, Radio Shack and A & A International, Inc., Fort Worth, TX.	Petition denied.
81-76	685.36	Record players	Government of Korea	Petition accepted.

ANNEX I.—PETITIONS ACCEPTED FOR REVIEW—Continued

Case No.	TSUS or TSUSA [1] item No.	Article	Petitioner	Action taken
81-77	706.13	Leather luggage and handbags	Government of Argentina, Government of Brazil, Government of Romania.	Petition denied.
81-78	706.17	Flat goods, of rattan or of palm leaf	Andean Group, Government of Jamaica, Government of the Philippines.	Petition accepted.
81-79	706.2045	Flat goods and handbags of abaca	Government of the Philippines	Petition accepted.
81-80	706.6235	Luggage	Cyprus Embassy-Trade Centre, New York, NY	Petition denied.
81-81	737.2205	Stuffed dolls	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY, Guatemala Export Promotion Center, Government of the Philippines.	Petition accepted (Taiwan not designated for GSP on this product).
81-82	737.2240	Parts of dolls	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY, Guatemala Export Promotion Center, Government of the Philippines.	Petition accepted.
81-83	760.0520	Ball-point pens and ball-point pencils	Draton Ltd., Israel	Petition denied.
81-84	772.48	Bicycle tires	Government of India	Petition denied.
81-85	772.57	Bicycle tubes	Government of India	Petition denied.

B. PETITIONS TO REMOVE DUTY-FREE STATUS FROM A BENEFICIARY DEVELOPING COUNTRY FOR A PRODUCT ON THE LIST OF ELIGIBLE ARTICLES FOR THE GENERALIZED SYSTEM OF PREFERENCES

81-105	706.27	Flat goods	TPSC own motion	Republic of Korea was graduated on this product.

C. PETITIONS TO REMOVE (GRADUATE) A BENEFICIARY DEVELOPING COUNTRY FROM DUTY-FREE STATUS FOR A PRODUCT ON THE LIST OF ELIGIBLE ARTICLES FOR THE GENERALIZED SYSTEM OF PREFERENCES

81-89	406.20	Ethoxyquin	Monsanto Company, Washington, DC	Petition accepted, Israel graduated.
81-90	413.24	Saccharin	The Sherwin-Williams Company, Cleveland, OH	Petition denied.
81-91	445.42	Polyvinyl alcohol resins	Air Products and Chemical Inc., Allentown, PA	Petition accepted, Taiwan graduated.
81-92	651.476 pt	Caulking guns	Collier Industries, Inc., Colliers, WV	Petition accepted, Republic of Korea, Taiwan graduated.
81-93	657.25 pt	Ring binder elements	United States Ring Binder, Inc., New Bedford, MA	Petition denied.
81-94	661.1205	Refrigeration and air conditioning compressors: ¼ HP and under.	Tecumseh Products Company, Tecumseh, MI	Petition accepted, Singapore graduated.
81-95	683.10 pt	12-volt lead-acid type storage batteries	Yuasa-General Battery Corporation, Reading, PA, Exide Corporation, Philadelphia, PA.	Petition accepted, Taiwan graduated.
81-96	683.70	Flashlights and parts	Union Carbide Corporation, New York, NY	Petition accepted, Taiwan graduated.
81-97	684.5050 pt	Tubular electrical heating elements	Precision Tubular Heater Corporation, Franklin, TN	Petition accepted, Taiwan graduated.
81-98	727.29	Wood chairs	Keller Manufacturing Company, Inc., Corydon, IN	Petition denied.
81-99	727.40	Parts of furniture	Keller Manufacturing Company, Inc., Corydon, IN	Petition denied.
81-100	734.05	Billiard balls	Orange Products, Chatham, NJ	Petition denied.
81-101	755.30	Chemically treated mantles	The Coleman Company, Wichita, KA	Petition denied.
81-102	770.30 pt	Not flexible fish floats	The Housatonic Ever-Float Company, Inc., Shelton, CT	Petition denied.
11-103	770.80 pt	Flexible fish floats	The Housatonic Ever-Float Company, Inc., Shelton, CT	Petition denied.

D. PETITION TO DETERMINE AN ELIGIBLE ARTICLE AS NOT LIKE OR DIRECTLY COMPETITIVE WITH ANY ARTICLE PRODUCED IN THE UNITED STATES ON JAN. 3, 1975, IN ORDER TO AVOID LOSS OF GSP DUTY-FREE TREATMENT UNDER THE PROVISIONS OF THE TRADE ACT OF 1974

81-104	791.28	Leather footwear uppers	Florsheim Shoe Company, Chicago, IL	Petition denied.

[1] Tariff schedules of the United States annotated (19 U.S.C. 1202).

ANNEX II.—CASE REVIEWS PENDING

Case No.	TSUS or TSUSA [1] Item No.	Article	Petitioner
		E. CASE REVIEWS PENDING	
81-86	702.25	Straw headwear, not blocked or trimmed	The United Hatters, Cap and Millinery Workers International Union, AFL-CIO, The U.S. Hat and Cap Industry Trust Fund.
81-87	702.28	Straw headwear, blocked or trimmed	The United Hatters, Cap and Millinery Workers International Union, AFL-CIO, The U.S. Hat and Cap Industry Trust Fund.
81-88	702.30	Straw headwear, blocked or trimmed	The United Hatters, Cap and Millinery Workers International Union, AFL-CIO, The U.S. Hat and Cap Industry Trust Fund.

[1] Tariff schedules of the United States annotated (19 U.S.C. 1202).

[FR Doc. 82-18202 Filed 7-7-82; 8:45 am]
BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11693]

American Medical International; Notice of Application and Opportunity for Hearing

June 30, 1982

Notice is hereby given that American Medical International, Inc. (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of The Chase Manhattan Bank (National Association) under two indentures qualified under the Act (the "Qualified Indentures") and the trusteeship of the Chase Manhattan Bank (National Association) under an indenture not so qualified (the "New Indenture") is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The Chase Manhattan Bank (National Association) from acting as trustee under any of those indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain

exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee under either of such indentures.

The Applicant alleges that:

(1) The Chase Manhattan Bank (National Association) currently is acting as trustee under two separate indentures in which the Applicant is the obligor. The first indenture, dated June 1, 1980, involved the issuance of $60,000,000 principal amount 8% Convertible Subordinated Debentures due 2000; and the second indenture dated November 15, 1981, involved the issuance of $125,000,000 principal amount 9½% Convertible Subordinated Debentures due 2001. These two indentures have been qualified under the Act.

(2) The Applicant is not in default in any respect under the indentures described above.

(3) The Chase Manhattan Bank (National Association) has entered into an indenture with American Medical International N.V. as issuer, and the Applicant as guarantor, dated May 15, 1982, involving $25,000,000 principal amount of 9¼% Guaranteed Convertible Bonds (the "Bonds") due 1997. the New Indenture is not and will not be qualified under the Act because the Bonds are being offered and sold under circumstances reasonably designed to preclude distribution or redistribution within the United States.

(4) The New Indenture and the Qualified Indentures are wholly unsecured and rank *pari passu inter se*. Aside from differences among these three indentures as to aggregate principal amounts, dates of issue, interest rates, maturity dates, redemption prices and sinking fund provisions, the terms of said indentures are substantially similar.

(5) Such differences as exist among the three indentures under the trusteeshp of The Chase Manhattan Bank (National Association) are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The Chase Manhattan Bank (National Association) from acting as trustee under either of said indentures.

(6) Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than July 26, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18484 Filed 7-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12511; (811-1376) (812-5220)]

Founders of American Investment Corp.; Filing of Application Pursuant to Section 3(b)(2) of the Act for an Order Declaring That Company Is Not an Investment Company and Pursuant to Section 8(f) for an Order Terminating Its Registration

June 29, 1982.

Notice is hereby given that Founders of American Investment Corporation ("Applicant"), 1031 E. Battlefield, Suite 124A, Springfield, Missouri 65807, a closed-end, non-diversified, investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on February 12, 1982, and an amendment thereto on May 3, 1982, requesting an order of the Commission, pursuant to Section 3(b)(2) of the Act, declaring Applicant to be primarily engaged in a business other than that of an investment company under the Act and, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which appears below.

Applicant states that it was incorporated under the laws of the State of Missouri on June 9, 1954, and that it was formed for the purposes of organizing new life insurance companies which it was to wholly own or control. Applicant represents that it subsequently sold two wholly-owned companies and a portion of its holdings in a controlled company and thereafter, on March 17, 1976, registered under the Act.

Applicant represents further that on November 10, 1976, its shareholders voted to change the nature of Applicant's operations so as to cease to be an investment company. Applicant submits that at the time Applicant's investment policy required the concentration of its assets in real estate or in securities of life insurance or bank or loan companies. Applicant asserts that its shareholders, at a special meeting on June 5, 1978, adopted a proposal to change Applicant's investment policy to permit it to acquire and operate industrial and manufacturing businesses. Applicant maintains that its management actively began seeking a suitable acquisition of an industrial or manufacturing business and that during this period, on December 9, 1980, Applicant's investment policy was further modified by its shareholders to permit a majority of its assets (approximately 88% at that time) to be kept in bank and savings and loan certificates of deposit so they would be available for use when an acquisition was located. Applicant states that it has received a substantial majority of its income for the last five years from interest earned on its certificates of deposit, *e.g.*, $907.024 in its last fiscal year ended June 30, 1981. However, Applicant states further that 70% ($501,394) of its income since its purchase of GI Export Corporation ("GI Export") shares beginning on July 28, 1981, would be directly attributable to its interest in that company and that its remaining certificates of deposit earned $188,348 in interest during the last six month period of 1981.

The application states that on July 31, 1981, Applicant completed the purchase of three hundred thousand shares of GI Export, approximately 16% of the outstanding shares. Applicant made additional purchases of the shares of GI Export so that on March 31, 1982, Applicant beneficially owned 867,300 shares (approximately 45.13% of the outstanding shares) of GI Export. Applicant expresses its view that, as the owner of 45.13% of the outstanding stock of GI Export, it may be presumed, by virtue of Section 2(a)(9) of the Act, to control that company. Applicant states that no other natural person or company is known to own beneficially, either directly or indirectly, as much as 2% of the outstanding stock of GI Export.

Applicant states that it acquired its shares of GI Export for $4,856,509 in cash, and that GI Export is engaged in the export of automotive and truck parts and parts for tractor, industrial and marine use. On July 31, 1981, three representatives of Applicant were selected to fill vacancies which existed on GI Export's seven person board of directors according to Applicant.

Section 3(b)(2) of the Act excludes from the definition of an investment company, notwithstanding paragraph (3) of subsection (a): any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. Section 8(f) of the Act provides, in pertinent part, than when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

In support of the relief requested, Applicant states that its business policies and operations have changed significantly since its registration as an investment company in 1966, so that it now no longer carries on the business of an investment company. Applicant notes that during the past five years, its shareholders have consistently directed its management to change the nature of Applicant's business policies and operations from those of an investment company and provide management with the requisite changes in investment policy to accomplish its shareholders' objectives. Applicant also states that its management has taken action to meet the shareholders' objectives by prudently disposing of Applicant's previous "investment securities" and using a large portion of its assets to acquire a controlling interest in an operating industrial company. In this regard, Applicant points out that since 1976 its public representations have consistently indicated its intention to become principally engaged in activities other than those of an investment company. Applicant states further that for several years prior to Applicant's acquisition of a controlling interest in GI Export, its officers and directors spent a majority of their time looking for suitable investments and the remainder of their time managing its assets, those being two pieces of real estate and numerous certificates of deposit which by their nature, required minimal attention. The application states that since the acquisition by Applicant of a controlling interest in GI Export its officers and directors have been substantially involved in the operations of that company, which has and will continue to require significantly more of their time than the review and management of Applicant's remaining "investment securities". Applicant notes that its Chairman and Vice Chairman of the Board also serve as Chairman and a member of the board of directors of GI Export, and as members of the Executive Committee of that corporation.

Applicant states that at the time of its registration as an investment company a large majority of its assets were invested in minority positions in stock of life insurance companies and a bank. Subsequent to November 10, 1976, the date its shareholders decided that Applicant should cease being an investment company, Applicant's shares in the life insurance companies were sold and the proceeds thereof held in short and long term certificates of deposit. On June 30, 1981, immediately prior to the acquisition by Applicant of a controlling interest in GI Export, approximately 88% of its assets were held in short and long term certificates of deposit and had been so invested for approximately three (3) years. Between July 1981 and March 1982, Applicant redeemed most of its certificates of deposit and used approximately 69% of its total assets to acquire 45.13% of the outstanding shares of GI Export. Of the remainder of Applicant's total assets of approximately $6,294,423.00, approximately 6.2% or $392,000.00 is represented by real estate, 19% or $1,197,161 in deferred taxes, office equipment and prepaid expenses and the balance, 19.4% being $2,220,975.00 in cash, certificates of deposit and interest receivable.

Notice is further given that any interest person may, no later than July 21, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompained by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or l aw proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18489 Filed 7-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12515; (812-3992)]

HCA, Inc.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Retroactively Exempting Applicant From All Provisions of the Act

June 30, 1982.

Notice is hereby given that HCA, Inc. ("Applicant"), 7730 East Belleview Avenue, Englewood, Colorado 80111, a Delaware corporation, filed an application on July 20, 1976, and amendments thereto on October 10, 1980, January 22, 1981, and March 3, 1982, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act retroactively to December 14, 1970, or, alternatively, to March 15, 1974. All interested persons

are referred to the amended application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's predecessor, Holding Corporation of America (also referred to herein as "Applicant"), was incorporated in the State of Illinois in December, 1964, for the purpose of operating as an insurance holding company to hold a controlling interest in the stock of Thomas Jefferson Life Insurance Company ("Jefferson"), an Illinois legal reserve life insurance company. Since its organization, according to the application, Applicant has always been engaged in the insurance business through controlled and/or majority owned insurance company subsidiaries.

The application states that until November 27, 1974, Quentin L. Snook was the controlling person of Jefferson through his controlling person status in the Applicant. On that date, the Applicant purchased 36,609 shares of Jefferson for $234,297.60 in a private transaction from Mr. Snook and members of his family. As part of the same transaction, Applicant purchased 58,514 shares of its Class "A" common stock from Mr. Snook for $765,948.26. Thereafter, Mr. Snook resigned his position with both Applicant and Jefferson. At the time the application was initially filed, approximately 60% of Applicant's outstanding stock was owned by Victor L. Sayyah. Mr. Sayyah had acquired 59.64% of all of Applicant' voting securities in a transaction, described below, effective July 10, 1975. On October 15, 1981, a wholly-owned subsidiary of American Commonwealth Financial Corporation, an insurance holding company based in Louisville, Kentucky ("ACFC"), purchased approximately 70% of Applicant's outstanding shares entitled to vote (1,892,325 shares of common stock) for $15,000,000 in cash and a subordinated debenture in the principal amount of $30,000,000 due October 15, 2001 from Sayyah Corporation, a Delaware corporation wholly-owned by Mr. Sayyah. Approximately 66% of the capital stock of ACFC is owned by I.C.H. Corporation, which is also an insurance holding company.

From the time of its organization until March 15, 1974, over 90% of Applicant's assets were invested in from 46.67% to 49.99% of the common stock of Jefferson. From March 15, 1974, to July 21, 1975, after purchases of its shares by Jefferson from unrelated third persons during the first two months of 1974, substantially all of Applicant's assets continued to be invested in Jefferson's common stock, but as a majority interest. On July 21, 1975, according to the application, Applicant acquired 98.8% of the outstanding capital stock of Inter-Region Associates Corporation ("Inter-Region"), a Delaware corporation engaged in business as a general agency in the sale of life, accident and health insurance, in a stock for stock exchange with Victor Sayyah and Inter-Region's other shareholders. As a result, Mr. Sayyah acquired common stock of Applicant equivalent to 59.64% of all its voting securities. The application states that Inter-Region, in turn, as of December 31, 1975, owned a majority of the outstanding capital stock of National Heritage Management Corporation ("National"), a Delaware corporation. National became active in 1972 as a publicly held holding company to own 100% of the stock of National Heritage Life Insurance Company, another Illinois legal reserve life insurance company. From July 22, 1974, until December 4, 1975, substantially all of Applicant's assets were invested in a majority interest in the common stock of Jefferson and Inter-Region.

On December 4, 1975, Applicant loaned Western Empire Financial, Inc. ("Western"), a Delaware corporation, the sum of $3,578,150. The loan was evidenced by Western's promissory note due December 1, 1976, and secured by a security interest in 74,329 shares (then in excess of two-thirds) of the outstanding capital stock of Bankers Union Life Insurance Company ("Bankers"), a Colorado legal reserve life insurance company. The Western note was convertible into Western common stock based upon the actuarially adjusted book value of Western's common stock at December 31, 1975. The purpose of this loan is stated to have been to provide Western with the funds to repay certain of its debts then in default. As part of the same transaction, Jefferson purchased 20,750 shares of the authorized but theretofore unissued common stock of Bankers at a price of $40 per share for a total cost of $830,000. The application states that Bankers was in financial difficulties and needed a capital infusion and other corrective action regarding its surplus position. This was supplied in part by Jefferson's purchase of Bankers stock for $830,000 and Jefferson's purchase of a $138,000 participation (14%) in a mortgage loan owned by Bankers. Applicant assumed board of director control of both Western and Bankers and also subsequently foreclosed on its loan to Western and obtained the 74,329 shares of Bankers common stock securing the loan in December, 1978.

The application further states that since December 4, 1975, substantially all of Applicant's assets, except for the Western note (through December 15, 1978), have been invested in majority interests in the common stock of insurance companies and/or insurance holding companies. Applicant asserts that the Western loan constituted less than 40% of its total assets on an unconsolidated basis at all times that it was outstanding.

The application represents that it was not until January, 1975, in connection with the 1974 annual meeting of Applicant, that a question was raised by an examiner on the staff of the Commission as to whether or not Applicant was or might have been an investment company. Applicant consulted with its counsel, and was advised informally that in their opinion it was not then an investment company. The application further represents that management has since been advised by such counsel that, as of June 29, 1976, it was not an investment company and had not been such since March 15, 1974. Relying on the opinion of counsel, no application for exemption was filed with the Commission.

In January, 1976, the Commission's staff questioned certain affiliates of Applicant regarding their involvement with Applicant and those affiliates' investments in Pennsylvania Life Company and Applicant's status under the Act. Applicant's management determined to file an application for a retroactive exemption under the Act in order to eliminate any questions as to the validity of prior transactions of Applicant and its affiliates. The filing of the application was delayed, it is asserted, until July 20, 1976, pending completion of the audit of Applicant's 1975 financial statements by independent accountants.

Section 3(a)(3) of the Act defines an investment company as any issuer which "* * * is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3(a) defines investment securities to include "* * * all securities except * * * (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies."

Prior to December 14, 1970, it is asserted, Section 3(c)(8) of the Act excepted from the definition of the term "investment company" a corporation 90% or more of the assets of which were invested in a single life insurance company. That exception was repealed on December 14, 1970, by the Investment Company Amendments Act of 1970. At that time and at all times prior thereto, Applicant, under the control of previous management, allegedly owned between 46.67% and 49.99% of the issued and outstanding common stock of Jefferson, which comprised in excess of 90% of Applicant's assets. Therefore, Applicant claims it was not an investment company during this period.

With the repeal of the mentioned exclusion in December, 1970, Applicant concedes that it may have become an investment company, but claims that its prior management was not aware of the repeal of the exemption and did not register under the Act or seek an exemption from registration. Applicant contends that the legislative history of the repeal of the exclusion provided in Section 3(c)(8) makes clear that Congress did not intend to change its status under the Act. In this regard, it is noted that Senate Report No. 91–184, 1970 U.S. Code Cong. & Adm. News, p. 4932 contains the following statement concerning the repeal of Section 3(c)(8): "Its deletion from the act will not affect existing exclusions for companies which control or manage the enterprises whose securities they hold." The application states that because Applicant clearly "controlled or managed" Jefferson, the deletion of Section 3(c)(8) did not affect Applicant's exclusion under the Act. Furthermore, the Section 3(c)(8) exclusion is alleged to have been unnecessary after March 15, 1974, when Applicant acquired a majority interest in Jefferson.

The application further states that from 1965 to the present, Applicant has been primarily engaged in the insurance business through controlled and/or majority-owned subsidiaries. Therefore, it is contended tha Applicant would have been entitled to an order pursuant to Section 3(b)(2) of the Act, exempting it from all the provisions of the act during the period from December 14, 1970 through March 15, 1974. As here pertinent, Section 3(b)(2) of the Act excludes from the definition of an investment company any issuer which the Commission, upon application by such issuer, finds and declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of business.

From March 15, 1974, to July 21, 1975, Applicant always owned in excess of 50% of Jefferson's stock. On July 21, 1975, Applicant acquired 98.8% of the stock of Inter-Region. Because Applicant then had a majority interest in both Jefferson and Inter-Region, these holdings were not "investment securities" as defined in Section 3(a) of the Act, and, it is asserted, Applicant was not an investment company pursuant to Section 3(a)(3).

Applicant contends that the December 4, 1975, loan of $3,578,150 by Applicant to Western also did not affect Applicant's status under Section 3(a)(3) of the Act. In the first place, it is argued, the loan constituted less than 40% of Applicant's total assets on an unconsolidated basis at all times that it was outstanding. Applicant's total assets as of December 31, 1975, for example, were $14,178,032; 40% of this figure is $5,671,213. Secondly, even if the Western loan had exceeded 40% of Applicant's total assets, it is further argued that this obligation was effectively a loan to an insolvent company secured by a majority interest (55.7% at December 31, 1975) of Bankers stock. In effect it was allegedly an investment either in a majority of the outstanding capital stock of Western or of Bankers. As a result, Applicant asserts that the loan would not constitute "investment securities" within the meaning of Section 3(a)(3). Finally, it is contended that none of the other events described above or in the application which have occurred since July 21, 1975, affect Applicant's status as an investment company under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the Act.

The application argues that the broad exemptive power provided in Section 6(c) was designed to permit the Commission to exempt persons "who are not within the intent of the proposed legislation," even though such persons technically come within specific provisions of the Act, thereby enabling the Commission to deal equitably with situations which were overlooked or unforeseeable in 1940. Because Applicant would allegedly have been entitled at all times to an order exempting it from the provisions of the Act, and because of the following reasons, an order retroactively granting such exemption is, it is asserted, necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy of the Act.

The application states that the operations of Applicant and its affiliates have at all times been subject to effective government supervision. Its insurance company affiliates were and are subject to regulation and supervision in the jurisdictions in which they did and do business. It is claimed further that Applicant's holdings are limited and it is relatively inactive except for its activities as an insurance holding company.

Investors in Applicant have, it is claimed, been protected by this mode of operation and by the policy of the Board of Directors of Applicant which is to invest in and acquire only controlling interests in life insurance companies, life insurance agencies or other companies involved in the life insurance industry. The only exception to this policy has been Applicant's involvement in the development of certain Colorado real estate.

As previously noted, Applicant allegedly had good reason to believe that it would have been entitled to an exemption from the provisions of the Act at any time during its existence. The validity of its exemption from the Act was first raised in January, 1975. Applicant's counsel investigated and advised that it was not then an investment company. Applicant in good faith relied on the verbal assurance of counsel that it was exempt from the Act. The question was not raised again until January, 1976, when the staff of the Commission questioned certain affiliates of Applicant. The application states that the Applicant then proceeded as expeditiously as possible to secure a retroactive exemption.

Applicant asserts, on the basis of all facts and circumstances, that it is not and has never been an investment company within the meaning and/or

intent of the Act; that it has been entitled to an order exempting it from all provisions of the Act at all times during its existence; that it has never been engaged in the business of investing, reinvesting, owning, holding or trading in securities, and does not own investment securities having a value exceeding 40 per centum of the value of its total assets on an unconsolidated basis; that it did not previously apply for an order exempting it from the Act because it in good faith believed that it was not subject to the Act; and that it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act that Applicant be retroactively exempted from the provisions of the Act. Applicant has agreed that any order issued on the application shall be in effect only so long as it does not meet the definition of an investment company in Section 3(a) of the Act.

Notice is further given that any interested person may, not later than July 26, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–18486 Filed 7–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12510; (812–5146)]

IDS Life Insurance Co. et. al.; Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicants From Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 Thereunder and for an Order Pursuant to Section 11 of the Act Approving Certain Offers of Exchange

June 29, 1982.

Notice is hereby given that IDS Life Insurance Company ("IDS Life"), IDS Life Separate Account C ("Account C"), IDS Life Separate Account D ("Account D") and IDS Separate Account E ("Account E") IDS Tower, Minneapolis, MN 55402 (together "Applicants"), filed an application on March 29, 1982, and amendments thereto on May 27, 1982 and June 23, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder and for an order pursuant to Section 11 of the Act approving certain offers of exchange. All interested persons are referred to the application as amended on file with the Commission for a statement of the representations made therein, which are summarized below.

Background

IDS Life is stock life insurance company organized under the laws of Minnesota. Accounts C, D, and E (together, "Accounts") are separate accounts of IDS Life and have been registered collectively under the Act as a unit investment trust. This unit investment trust offers certain variable annuity contracts under the name INNOVEST I. IDS Life is the depositor of the Accounts and the principal underwriter and distributor of the contracts.

Applicants previously received exemptive relief from cetain provisions of the Act to offer single payment deferred variable annuity contracts (the "Old Contracts") (Investment Company Act Release No. 12029 (November 10, 1981)). Applicants now propose to modify the Old Contracts and, in addition, to offer flexible payment deferred variable annuity contracts (the "New Contracts") (together with the Old Contracts, the "Contracts").

The Contracts are not intended for purchase by tax qualified plans. The Contracts have certain minimum purchase payment requirements. Furthermore, IDS Life may reject any payment made within twelve months after a partial surrender under a New Contract. During the accumulation period under the Contracts, a contractowner may transfer all or part of his contract value held in one or more of the Accounts to another one or more of the Accounts, provided that the minimum amount to be transferred is $250 (or the entire balance in the Account, if less). Each such transfer will be made, without the imposition of any fee or charge, as of the end of the valuation period during which IDS Life receives a valid, complete transfer request. This transfer privilege may be suspended or modified by IDS Life at any time; however, IDS Life will not modify the transfer privilege to provide for transfers on any basis other than the relative net asset values of the securities involved without seeking and obtaining any necessary order or consent from the Commission. Once each contract year during the annuity period, the contract owner also may elect to have the annuity units of one or more of the Accounts from which annuity payments derive exchanged for, or converted into, annuity units of another Account or Accounts.

No sales charge is deducted from purchase payments at the time they are made under the Contracts. However, IDS Life will impose a contingent deferred sales charges ("Surrender Charge") to help it recover certain expenses relating to the sale of the Contract, including commissions paid to sales personnel and other promotional and selling expenses. The New Contract provides that the Surrender Charge is imposed when all or part of the contract value is surrendered within the first ten contract years, or is, within the first five contract years, applied under an optional annuity payment plan. The amount of the Surrender Charge under a New Contract is the lesser of (i) 8.5% of the purchase payments received by IDS Life, or (ii) a specified percentage of the contract value surrendered or applied under an optional annuity payment plan. The specified percentage is 7% during the first five contract years, then it declines by 1% yearly from 6% in the sixth contract year to 2% in the tenth year. There is no Surrender Charge after the tenth year. Further, there is no Surrender Charge on contract value applied under an annuity payment plan during the sixth and later contract years, nor is there a Surrender Charge if the annuitant dies during the accumulation period.

The Old Contracts provide that the Surrender Charge will be applied upon redemption, upon certain partial withdrawals during the first seven years

of a Contract or upon the application during the first five contract years of any amount under an optional annuity payment plan. However, the owner of an Old Contract may surrender up to 10% of the amount of the purchase payment in any contract year after the first, without the imposition of any Surrender Charge. Any surrender during the first contract year, and any surrender of any amount in excess of 10% of the purchase payment during any of contract years two through seven, will result in the imposition of a Surrender Charge under an Old Contract. This Surrender Charge will be an amount equal to the lesser of (i) 8.5% of the purchase payment or (ii) if the surrender is during the first contract year, 7% of the amount surrendered, or if the surrender is during the second through seventh contract year, a percentage of the amount by which the amount surrendered during such contract year exceeds 10% of the purchase payment, such percentage being 6% in the second contract year and decreasing by 1% per year to 1% in the seventh contract year. After the seventh contract year there is no Surrender Charge, nor is there a Surrender Charge if the annuitant dies during the accumulation period. Formerly, the Old Contracts had a Surrender Charge which was equal to the lesser of 9% of the purchase payment or, if the surrender is during the second through seventh contract year a percentage of the amount by which the amount surrendered during such contract year exceeds 10% of the purchase payment, such percentage being 6% in the second contract year and decreasing by 1% per year.

The Contracts provide for an annual administrative charge ("Administrative Charge") of $30 for the the New Contracts or $20 for the Old Contracts during the accumulation period. This charge is made to reimburse IDS Life for expenses incurred in processing premium payments and establishing and maintaining the records relating to the contractowner and his participation in the Accounts for the duration of his contract. The amount of this charge may not be increased by IDS Life. The Administrative Charge is deducted from the contract value on the last day of each contract year during the accumulation period; and if a contract is surrendered on other than the last day of a contract year, the charge will be deducted from the contract value before determining the surrender value.

IDS Life also makes a daily deduction from the Accounts of a fee which is equivalent to 1% of the average net assets on a annual basis. This fee is intended to compensate IDS Life for the risks it assumes under the Contracts, an annuity mortality risk and an expense risk ("Mortality and Expense Risk Charge"). IDS Life estimates that approximately two-thirds of the Mortality and Expense Risk Charge is attributable to the mortality risk and one-third is attributable to the expense risk.

The application states that IDS Life does not plan to profit from the Annual Administrative Charge. Furthermore, based on its actuarial determinations, IDS Life does not expect that its Surrender Charge will cover sales and distribution expenses incurred by IDS Life in connection with the Contracts. However, IDS Life does hope to profit from the Mortality and Expense Risk Charge. Applicants state that any profits realized by IDS Life from the Contracts would be available to it for any proper corporate purpose, including among other things, payment of distribution (selling) expenses.

Approval Under Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides in part that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company. Under the Contracts, an owner may split the allocation of the purchase payments among the Accounts. Each of the Accounts is invested exclusively in the share of an open-end managemeent investment company. Applicants propose to permit transfers of contract value among the Accounts as described above. The application states that such transfers will be effected at net asset value, with no assessment of any kind of transaction or sales charge. Applicants submit that the transfer rights will afford the owner flexibility of a choice among the shares of investment companies having different investment objectives. Applicants contend that the transfer rights are not in any way violative of any of the provisions of Section 11 of the Act, and request an order pursuant to Section 11 to the extent necessary to permit Applicants to offer contractowners the transfer privileges described.

Exemptive Relief Requested

Section 27(c)(2) prohibits a registered investment company or a depositor 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 bank as 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 by Section 26(a) (2) and (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 places certain restrictions on charges which may be made against the trust income and corpus. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from Section 26(a) and 27(c)(2) so that IDS Life may administer the Accounts without appointing a bank trustee or custodian and without having physical possession of the assets of the trust. Applicants indicate that the Accounts will invest their assets in shares of registered investment companies which use open account systems for their shares. Therefore, Applicants state, there will be no certificates to keep in custody. Applicants further state that obligations of the Accounts are policy obligations of IDS Life under Minnesota law and consequently are backed by IDS Life's total resources (except those of its other separate accounts) and that the activities of the Accounts will be closely supervised by Minnesota insurance authorities.

As noted above, Section 27(c)(2) of the Act provides that the proceeds of all payments made on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed by Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C) provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding

such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character normally performed by the custodian. Applicants request an exemption from the operation of the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit payment of the Surrender Charge in the manner described.

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, 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. Applicants request an exemption from that section to the extent necessary to permit the imposition of the Surrender Charge.

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. Applicants request an exemption from Rule 22c–1 and Section 22(c) of the Act to the extent necessary to permit imposition of the Surrender Charge.

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or depositor or underwriter therefor, from selling any such certificate unless it is a redeemable security. Applicants request an exemption from its provisions to the extent necessary to permit imposition of the Surrender Charge.

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof. Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants request an exemption from the provisions of Section 2(a)(32) and 27(d) of the Act to the extent necessary to permit the imposition of the Surrender Charge.

As noted above, the Contracts are subject to an annual administrative charge of $30 for the New Contracts or $20 for the Old Contracts. If the value of the Contracts is surrendered in full on other than the last day of the contract year, the Administrative Charge will be deducted before determining the redemption value. Applicants believe that certain of the provisions of the Act discussed above relating to the Surrender Charge may be equally applicable to the Administrative Charge. Thus, Applicants request exemptions from the provisions of Sections 2(a)(32), 22(c), 27(c)(1), and 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary, to permit deduction of the Administrative Charge as described.

As noted above, Section 27(c)(2) of the Act provides that the proceeds of all payments made on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed in Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C), as here pertinent, provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character normally performed by the custodian. Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to charges and collections allowed under subsections (A), (B) and (C) of Section 26(a) until distribution thereof to the security holders of the trust. Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit deduction by IDS Life and payment to IDS Life of the Administrative Charge, the Mortality and Expense Risk Charge and any applicable state premium tax.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules progmulgated 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. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later that July 21, 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 communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following July 21, 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 heaing 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. 82–18488 Filed 7–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18863; (SR–NYSE–82–10)]

New York Stock Exchange, Inc.; Notice of Filing and order Granting Accelerated Approval of Proposed Rule Change

July 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 28, 1982, the New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, NY 10005, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend the "Agreements" filed with the NYSE by transfer agents and registers. At present, transfer agents of listed companies are required to notify the exchange of each issuance of additional shares and registrars are required to await a release from the exchange before registering the shares. This policy was originally adopted in an effort to prevent an over-issuance of shares. However, in view of the current practices and control procedures of transfer agents and registrars, including the oversight of Federal and/or State bank examiners and independent public accountants, the exchange believes the present procedures are no longer necessary. Therefore, the exchange is proposing to delete the unnecessary reporting requirements from its transfer agent and registrar agreements. Under the proposal, listed companies would be required, for billing purposes, to make quarterly reports to the exchange of the number of shares outstanding.

The NYSE stated in its submission that the proposed rule change is designed to promote efficiency in the issuance by transfer agents of additional shares and to eliminate delays in the registration of additional shares. In this regard, the exchange solicited comments from the Stock Transfer Association, Inc. and the Corporate Transfer Agents Association, Inc. (trade associations representing transfer agents and registrars), both of which affirmatively indorsed the proposed rule change.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on before July 29, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of one Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–82–10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all writen communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder. Furthermore, as stated in the exchange filing, the proposed rule change is based on Section 6(b)(5) of the Act, which among other changes requires, exchange rules to be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that is designed to eliminate a paperwork burden on transfer agents that no longer serves a regulatory purpose and does not provide a public benefit. In addition, the NYSE has requested that the proposed rule be approved by the beginning of the next quarter (*i.e.*, July 1, 1982) in order to facilitate the initiation of the new reporting system in which issuers advise the exchange quarterly of the number of shares outstanding. Accordingly, the Commission finds that notice for 30 days prior to approval is unnecessary and that accelerated approval is in the public interest.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18485 Filed 7-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18858; (SR–PSE–82–6)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 29, 1982.

The Pacific Stock Exchange, Inc. ("PSE"), 301 Pine Street, San Francisco, CA 94104, submitted on April 12, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend PSE Rule 10(f) to provide that the PSE has elected, pursuant to Rule 11Ac1–1(b)(5)(i) under the Act, to collect, process and make available bids, offers and quotation sizes with respect to any PSE-traded security which is listed on the New York Stock Exchange, the American Stock Exchange ("Amex"), or on any regional exchange which substantially meets Amex listing criteria.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18657, April 15, 1982) and by publication in the **Federal Register** (47 FR 17152, April 21, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18490 Filed 7-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12514; (812–5051)]

Frank Russell Investment Co.; Filing of Application for an Order Pursuant to Sections 6(c) and 17(b) of the Act Exempting the Applicants From Sections 12(d)(1), 17(a) (1) and (2), and 17(d) of the Act, and Rule 17d–1 Thereunder

June 30, 1982.

Notice is hereby given that Frank Russell Investment Company ("FRIC"), 1100 First Interstate Plaza, P.O. Box 1616, Tacoma, Washington 98401, an open-end diversified management investment company incorporated under Maryland law, Frank Russell Co., Inc., ("Russell Co."), a broker-dealer and investment adviser registered respectively under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940, and Frank Russell Investment Management Company, a newly organized Washington corporation which, pursuant to a proposed reorganization of Russell Co., will take over from Russell

Co. as "Corporate Manager", and therefore as investment adviser, of FRIC, (collectively "Applicants") filed an application on December 21, 1981, and an amendment thereto on May 13, 1982, for an order pursuant to Sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") exempting Applicants from Sections 12(d)(1), 17(a)(1) and (2), and 17(d) of the Act, and Rule 17d–1 thereunder, to the extent necessary to permit certain of the investment portfolios of FRIC to purchase shares of that investment portfolio of FRIC that invests solely in short-term money market instruments ("Money Market Fund"). 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 FRIC is organized as a "series" investment company with assets segregated into seven different investment portfolios ("Funds"), each with different investment objectives, policies and restrictions. Applicants further state that Russell Co. serves as Corporate Manager of FRIC, making it an investment adviser of FRIC, and also as the entity which has the right to determine who may purchase shares of FRIC, which may cause Russell Co. to be deemed the principal underwriter for FRIC.

Applicants submit that FRIC's method of operation is distinctly different from that of a conventional investment company. According to Applicants, each of the Funds other than Money Market Fund (collectively, "Other Funds") employs from two to eight "Money Managers", who have complete discretion to purchase and sell portfolio securities for the segment (i.e. the portion of an Other Fund's assets) of an Other Fund's investment portfolio assigned by Russell Co. to the Money Manager. Applicants assert that this arrangement is unlike the typical investment company whose portfolio investments are typically implemented by a single investment advisory organization.

Applicants state that under these investment management arrangements, none of the Funds pays an investment advisory fee to Russell Co., or to the Money Managers. Instead, Applicants state, shareholders of the Funds, as clients of Russell Co., pay a fee directly to Russell Co. for asset management services, which includes use of the Funds as investment vehicles; Russell Co. pays the fees charged by the Money Managers. Applicants further state that, unlike conventional investment companies offering their shares to the general public, where there is no significant contact or ongoing relationship between the investment company's shareholders and the investment adviser, FRIC offers shares only to institutions and, in certain limited situations, to individuals that have entered into Asset Management Services Agreements with Russell Co., establishing an ongoing and anticipated long-term relationship. Applicants state that although an institutional or individual shareholder can be a shareholder of Money Market Fund without being a shareholder of any of the Other Funds, and *vice versa*, over time it can be expected that there will be a significant similarity between shareholders of Money Market Fund and the Other Funds.

According to the application, Money Market Fund was designed as a repository and very short-term investment vehicle for investors' monies destined for one of the Other Funds, and as a means for investing the "cash reserves" of the Other Funds. Applicants state that shares of Money Market Fund are not retailed to the general public.

Applicants state that at all times it can be expected that each of the Other Funds will hold "cash reserves", that are allocated among the Money Managers of each Other Fund. Applicants state that the cash reserves arise from five different sources: (1) New monies received from investors; (2) dividends and/or interest received by an Other Fund on its portfolio transactions, which are held until additional portfolio securities are selected by each Money Manager; (3) unsettled or "failed" securities transactions; (4) reserves held for investment strategy purposes; and (5) cash arising from the liquidation of investment securities to meet anticipated redemptions and cash dividend payments.

Applicants submit that in the conventional mutual fund structure, the fund adviser, with relative administrative ease and high investment effectiveness, can work with the mutual fund's custodian bank and transfer agent to determine the daily cash balances from the above sources, and can invest on a timely, daily basis virtually all of the mutual fund's cash reserves because only one advisory management organization is responsible for decision-making and future timing and disposition of these cash reserves. Applicants state that, in contrast, because of FRIC's use of multiple Money Managers who are allocated segments of each of the Other Fund's investment portfolios to manage, each Money Manager has, at all times, a cash reserve position within its portfolio segment which, because each Other Fund has several Money Managers, is small. Applicants state that each Money Manager's cash reserves must be kept separate for record-keeping purposes in order to compute, among other things, the Money Manager's fees and investment results, and to enable each Money Manager to know precisely the assets allocated to it.

Applicants state that they believe State Street Bank and Trust Company ("State Street"), which serves as custodian for all assets, and as the transfer agent for each of FRIC's Funds, as well as the sole discretionary Money Manager for Money Market Fund, is in the best position (i) to know as of a given moment the cash reserves held by each of the Other Funds, and each of their Money Managers, (ii) to know the purpose and need for these reserves, and (iii) to make and implement decisions with respect to investment of these reserves. Applicants assert that this is so since State Street is (1) the initial recipient of cash reserves derived from new monies and dividends or interest and of Money Managers' instructions that orders to purchase (and settle) portfolio securities have been executed, (2) the only entity immediately aware of and in a position to act timely upon information with respect to the current deliveries and/or fails to deliver position of Other Funds' securities settlements, (3) the central communications point for daily contact with each of the Money Managers concerning their portfolio securities investment commitments and strategies, and (4) the company that actually issues redemption and dividend checks, and that will receive the checks as they are presented for payment by shareholders.

Accordingly, and in view of FRIC's multi-manager operational structure, Applicants state that a principal method for the Other Funds to invest cash reserves would be for each of the Other Funds to use its cash reserves to purchase shares of Money Market Fund. Applicants state that as an operational matter, State Street would simply "sweep" the cash reserves held for each of the Money Managers for its segment of an Other Fund's portfolio, invest those cash reserves in shares of Money Market Fund, and have Money Market Fund invest all of its cash assets in short-term money market instruments.

Section 12(d)(1)(A) of the Act provides, in pertinent part, that a registered investment company may not

invest, beyond certain prescribed percentage limitations, in the shares of another investment company. Section 12(d)(1)(B) prohibits a registered investment company, principal underwriter or broker-dealer from selling securities of one investment company to another investment company if the percentage limitations set forth in subsection (A) are exceeded.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal to knowingly sell or purchase any security to or from such registered company. Section 17(d) of the Act and Rule 17d–1 thereunder generally provide that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person, or affiliated person, on a basis different from or less advantageous than that of such other participant.

Applicants note that each of the Funds may be deemed a separate investment company for purposes of Section 12(d)(1), and, therefore, that an exemption may be required to permit one of the Other Funds to invest in Money Market Fund and to permit Money Market Fund and Russell Co. to sell shares of Money Market Fund to each of the Other Funds. Applicants further note that each of the Other Funds may be deemed an affiliated person of Money Market fund and the issuance by Money Market Fund of its shares to an Other Fund may be deemed a sale to a registered investment company by an affiliated person of such company in violation of Section 17(a)(1) of the Act and that the redemption by Money Market Fund of its shares from an Other Fund may be deemed a purchase by Money Market Fund (as an affiliated person) from an Other Fund (as a registered investment company) in violation of Section 17(a)(2). Applicants further note that the purchase of shares of Money Market Fund by an Other Fund may be deemed a joint transaction under Section 17(d) of the Act.

Applicants assert several arguments to support permitting the proposed transactions. Applicants state that each Other Fund incurs a custodian transaction charge of $14 for each purchase or sale (i.e., $28 per round trip) of a money market instrument. Although State Street as Money Manager for Money Market Fund may make more than one additional investment for Money Market Fund if the proposed procedure is effected, each Other Fund's transaction costs will be substantially reduced. If, for example, Money Market Fund makes five, rather than a single, investment of each day's aggregate cash reserves and if each Money Manager (there are 24) would make only a single investment of its cash reserves, investments by the Other Funds in shares of the Money Market Fund, rather than in money market instruments, will reduce the aggregate custodian transaction charges to the Other Funds by approximately 80%. In addition, Applicants state that the fragmentation of FRIC's cash reserves rather than the pooling of assets for cash investment through the mechanism proposed by FRIC lowers the potential return to each Other Fund because, in general, the larger the amount invested, the higher the return that can be obtained. Applicants further state that since the most desirable and highest quality cash reserve investments are available only in large denominations, this fragmentation reduces the investment opportunities available to the Other Funds. Applicants further state that if each Money Manager for each of the Other Funds continues to invest cash reserves directly in money market instruments, Money Market Fund and its shareholders are also adversely affected through lower returns and reduced investment opportunities, and that this effect is exacerbated for FRIC's Money Market Fund, as compared to a conventional money market fund (whether it stands alone or is a member of a complex) because of Money Market Fund's limited purposes and the absence of any marketing program designed to increase its assets by making Money Market Fund an independent investment vehicle.

Applicants assert that none of the abuses that Section 12(d)(1) was designed to guard against are present in FRIC's proposal. Applicants state that Section 12(d)(1)(A) was enacted to protect an investment company's shareholders from, among other things, undue influence over portfolio management through the threat of large scale redemptions, the acquisition of voting control of the investment company, the layering of sales charges, advisory fees, and administrative costs, and the complexity of the structure with the resultant difficulty on the part of the uninitiated stockholder in appraising the true value of his security.

Applicants state that Money Market Fund, unlike the equity funds which gave rise to the Commission's concerns, is run specifically to maintain a highly liquid portfolio; indeed, a principal reason for having the Money Market Fund and permitting the Other Funds to use the Money Market Fund is to enhance the ability to schedule and control the cash reserves available for investment. Applicants submit that where the purpose of the Money Market Fund is communicated to State Street and the Fund is operated to satisfy that purpose, there is no "threat" of redemption to gain undue influence over portfolio policies. Similarly, Applicants state, Russell Co. derives its compensation as corporate manager for FRIC whether assets are in Money Market Fund or one or more of the Other Funds, and thus is not susceptible to undue influence in its management of Money Market Fund because of threatened redemptions from Money Market Fund or the loss of advisory fees. Applicants further state that State Street, as Money Manager for Money Market Fund, also is not subject to undue influence; it is aware of the short-term (frequently over-night) nature of the cash reserves and has no reason or incentive to manage the Money Market Fund other than in accordance with its purpose and demands.

Applicants state that under Maryland Corporation Law, shares of FRIC held by the Other Funds may not be voted or counted in determining shares entitled to vote. Thus, Applicants state, the Other Funds cannot exercise voting control over Money Market Fund.

Applicants represent that there is no layering of sales charges, advisory fees or administrative expenses. Applicants state that all FRIC Funds are offered without a sales charge. Applicants further state that each investor pays a single Asset Management Services Fee to Russell Co. based upon the aggregate assets of the investor in the FRIC Funds irrespective of whether its assets are in Money Market Fund or in one or more of the Other Funds; the Funds themselves pay no direct fees to Russell Co. In addition, Applicants state, Russell Co. has no incentive to cause any Other Fund to invest in Money Market Fund and, moreover, would suffer a financial detriment by doing so because it would be obligated to pay fees both to State Street as the Money Manager for Money Market Fund, as well as to the Money Manager for the Other Fund on cash reserves. In this respect, Applicants assert, the duplication which would arise if a conventional mutual fund complex were to follow this procedure—because management fees are charged directly to each fund—is avoided. Applicants state that they believe that

to the extent investments by the Other Funds in Money Market Fund may tend to increase somewhat the custodial transaction charges of Money Market Fund, these charges should be completely or substantially offset by the higher returns available to Money Market Fund through the pooling of assets, by spreading the transaction charges across a substantially larger asset base, and by spreading other fixed costs of the Money Market Fund across a larger average asset base.

Applicants state that Money Market Fund's financial statements and schedule of portfolio securities will appear in the same annual and periodic reports as the Other Funds' statements, and the investment objectives, policies and restrictions of all Funds appear in the same prospectus. Therefore, Applicants submit that an investor will have no difficulty assessing the true value of each Other Fund's holdings in Money Market Fund.

Applicants state that the Other Funds and Money Market Fund have considered whether it is necessary or appropriate to impose some percentage limitations (in lieu of the limits set forth in Section 12 of the Act) upon (i) either the percentage of the Other Fund's assets that can be invested in Money Market Fund, or (ii) the percentage amount of Money Market Fund that can be held by one Other Fund or by all of the Other Funds in the aggregate. For several reasons, no such restrictions have been adopted: (1) the nature of the transactions is non-abusive in the context of Section 12(d), (2) the portfolio securities in which Money Market Fund invests are highly liquid, and Money Market Fund (and its Money Manager, State Street) can and will purchase money market instruments based upon the liquidity needs of the Other Funds, (3) if percentage limitations—even very generous ones—were imposed upon the percentage of its assets which any Other Fund could invest in Money Market Fund, the limitations would undercut, if not eliminate, the utility of the approach, the nature of the probably institutional-size cash flows, while providing no meaningful protection for investors in either the Other Fund or the Money Market Fund.

Applicants submit that the Section 6(c) exemptive standards are satisfied by the proposed transactions. Applicants state that the "public interest" and the "purposes fairly intended by the policy and provisions" of the Act favor eliminating the potential abuses discussed above, and reducing costs and increasing returns to investors. Applicants further submit that the potential abuses which Section 12(d)(1) was intended to remedy do not exist in FRIC's proposal.

Moreover, Applicants assert, (i) the full disclosure of the proposed practice, (ii) the nature, purposes and conservative, liquid investment practices of Money Market Fund, and (iii) the intended use by the Other Funds of Money Market Fund provide all necessary protection for investors.

Applicants also submit that the Section 17(b) standards for exemption from Section 17(a) are met by the terms of the proposed transactions. Section 17(b) generally provides for exemption from Section 17(a) where (1) the terms of the proposed transaction are reasonable and fair and do not involve overreaching, (2) the proposed transaction is consistent with the stated policy of each registered investment company concerned, and (3) the proposed transaction is consistent with the general purposes of the Act.

Applicants state that the price at which shares of Money Market Fund are sold and redeemed is controlled by the terms of its "amortized cost pricing" exemption (Investment Company Act Release No. 11966 (October 1, 1981)). Applicants therefore assert that the consideration paid for the sale and redemption of Money Market Fund shares is reasonable and does not involve overreaching on the part of any Other Fund or the Money Market Fund.

In addition, Applicants submit that since the Money Managers retain the freedom to invest their cash reserves directly in money market instruments, and since they will do so to enhance their own investment results and to thereby receive a favorable evaluation, there is an independent check upon the investment of an Other Fund's assets in an investment which does not produce a competitive rate of return. Conversely, Applicants state that Money Market Fund reserves the right to discontinue selling shares to the Other Fund if such sales would adversely affect the portfolio management and operations of Money Market Fund. Applicants also submit that the proposed transactions are consistent with the policies of FRIC and the purposes of the Act.

Finally, Applicants state that they believe the proposed transactions come within the standard for exemption from Section 17(d) of the Act and Rule 17d-1 thereunder which is that the proposed transaction be consistent with the provisions, policies, and purposes of the Act and the participation in the joint transaction by the investment company is not on a basis different from or less advantageous than that of other participants.

Applicants state that FRIC has considered the relative benefits to each of the Other Funds and to the Money Market Fund to be derived from the proposed arrangement and determined that operating in this proposed manner would be beneficial to each Fund, and that there is no basis on which to predict greater benefit to any one Fund than to another. Applicants further state that relative to the Funds and the benefits they derive, neither Russell Co. nor any Money Manager for an Other Fund derives an unfair or unreasonable benefit. Russell Co. may derive very modest reduced clerical costs and administrative convenience, but these benefits are more than offset by its paying State Street added fees as Money Manager for the Money Market Fund. Applicants state that while Other Funds' Money Managers may derive nominal cost savings, their biggest benefit is the elimination of the intangible "hassle factor" of having to invest relatively small sums of money in cash instruments. Applicants state that as Money Manager for Money Market Fund, State Street—which is not in a position to exercise control or to dominate FRIC—will derive increased Money Manager fees, but reduced custodial transaction charges. Applicants assert there are no "conflicts of interest" between or among the Funds, and there is no inherent bias favoring one Fund over another.

Applicants submit that the Section 17(d) exemptive standards are satisfdied because (1) increasing returns and reducing costs to investors is consistent with the provisions, policies, and purposes of the Act, (2) the Other Funds participate in the arrangement on the same basis with one another, and do not participate on a basis which is different from or less advantageous than one another, and (3) to the extent that Money Market Fund participates on a basis which is different from or less advantageous than (or more advantageous than) the Other Funds, the relative advantages and/or disadvantages vary randomly over time and are within a range of fairness.

Notice is hereby given that any interested person may, not later than July 23, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to controverted, or he/she may request that he/she be notified if the Commission shall order a hearing

thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–18487 Filed 7–7–82; 8:45 am]

BILLING CODE 8010–01–M

[812–5050; Rel. No. 12512]

IDS Life Insurance Co. et al.; Application for an Order of Exemption

June 29, 1982.

In the matter of IDS Life Insurance Company, IDS Life Separate Account F, IDS Life Separate Account G, and IDS Life Separate Account H, IDS Tower, Minneapolis, MN 55402.

Notice is hereby given the IDS Life Insurance Company ("IDS Life"), IDS Life Separate Account F ("Account F"), IDS Life Separate Account G ("Account G"), and IDS Life Separate Account H ("Account H") (together, "Applicants") filed an application on December 21, 1981, and amendments thereto on March 26, 1982, May 27, 1982, and June 23, 1982, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions to the extent requested from Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Background

IDS Life is a stock life insurance company organized under the laws of Minnesota. Accounts F, G, and H (together, "Accounts"), separate accounts of IDS Life, are registered collectively under the Act as a single unit investment trust. This unit investment trust offers and sells flexible payment deferred variable annuity contracts (the "old Contracts") pursuant to an exemptive order of the Commission (Investment Company Act Release No. 12009 (October 28, 1981)). The trust intends to modify the Old Contracts and to offer single payment deferred variable annuity contracts (the "New Contracts") (together with the Old Contracts, the "Contracts"). IDS Life is depositor of the Accounts and principal underwriter and distributor of the Contracts.

The Contracts are for purchase by plans which qualify for special Federal income tax treatment afforded certain retirement plans under Sections 401, 403, 408 and 457 of the Internal Revenue Code. The Contracts have certain minimum purchase payment requirements. IDS Life may reject any purchase payment under the Old Contracts as modified made within twelve months after a partial surrender.

During the accumulation period under the Contracts, a contractowner may transfer all or a part of the contract value held in one or more of the Accounts to another one or more of the Accounts, provided that the minimum amount which may be transferred is $250 (or the entire balance in the Account, if less). Each such transfer will be made, without the imposition of any fee or charge, as of the end of the valuation period during which IDS Life receives a valid, complete transfer request. This transfer provilege may be suspended or modified by IDS Life at any time; however, IDS Life will not modify the transfer privilege to provide for transfers on any basis other than the relative net asset values of the securities involved without seeking and obtaining any necessary order or consent from the Commission. Once each contract year during the annuity period, the contractowner also may select to have the annuity units of one or more of the Accounts from which annuity payments derive exchanged for, or converted into, annuity units of another Account or Accounts.

No sales charge is deducted from the purchase payments at the time they are made under the Contracts. However, IDS Life will impose a contingent deferred sales charge ("Surrender Charge") to help it recover certain expenses relating to the sales of the Contracts, including commissions paid to sales personnel and other promotional and selling expenses. The Old Contracts as modified provide that the Surrender Charge is imposed when all or part of the contract value is surrendered within the first ten contract years, or is, within the first five contract years, applied under an optional annuity payment plan. The amount of the Surrender Charge under a modified Old Contract is the lesser of (i) 8.5% of the purchase payments received by IDS Life, or (ii) a specified percentage of the contract value surrendered or applied under an optional annuity payment plan. The specified percentage is 7% during the first five contract years, then declines by 1% yearly from 6% in the sixth contract year to 2% in the tenth year. There is no surrender charge after the tenth year. Further, there is no Surrender Charge on contract value applied under an annuity payment plan during the sixth and later contract years, nor is there a Surrender Charge if the annuitant dies during the accumulation period. Previously, the Old Contracts had a surrender charge imposed when all or part of the contract value is surrendered or, within the first five contract years, applied under an optional annuity payment plan. That charge was the lesser of 9% of purchase payments received or 9% for the first $3,000 of contract value surrendered or applied and 4% of any excess.

The New Contract provides that the Surrender Charge will be applied upon redemption or certain partial withdrawals during the first seven years of a contract. A surrender charge will also be imposed if optional annuity payments begin during the first five contract years. However, the owner of a New Contract may surrender up to 10% of the amount of the purchase payment in any contract year after the first, without the imposition of any Surrender Charge. Any surrender during the first contract year, and any surrender of an amount in excess of 10% of the purchase payment during any of the contract years two through seven, will result in the imposition of a Surrender Charge under a New Contract. This Surrender Charge will be an amount equal to the lesser of (i) 8.5% of the purchase payment or (ii) if the surrender is during the first contract year, 7% of the amount surrendered, or if the surrender is during the second through seventh contract year, a percentage of the amount by which the amount surrendered during such contract year exceeds 10% of the purchase payment, such percentage being 6% in the second contract year

and decreasing by 1% per year to 1% in the seventh contract year. After the seventh contract year there is no Surrender Charge, nor is there a Surrender Charge if the annuitant dies during the Accumulation Period.

The Contracts provide for an annual administrative charge ("Administrative Charge") of $30 for modified Old Contracts or $20 for New Contracts during the accumulation period. This charge is to reimburse IDS Life for expenses incurred in processing premium payments and establishing and maintaining the records relating to the contract owner and his participation in the Accounts for the duration of his contract. The amount of this charge may not be increased by IDS Life. The Administrative Charge is deducted from the contract value on the last day of each contract year during the accumulation period; and if a Contract is surrendered on other than the last day of a contract year, the charge will be deducted from the contract value before determining the Surrender Value. Previously the Old Contracts had a $25 administrative charge.

IDS Life makes a daily deduction from the Accounts of a fee which is equivalent to 1% of the average net assets on an annual basis. This fee is intended to compensate IDS Life for the risks it assumes under the Contracts, an annuity mortality risk and an expense risk ("Mortality and Expense Risk Charge"). IDS Life estimates that approximately two-thirds of the Mortality and Expense Risk Charge is attributable to the mortality risk and one-third is attributable to the expense risk.

The application states that IDS Life does not plan to profit from the annual Administrative Charge. Applicants also state that based on its actuarial determinations IDS Life does not expect that the Surrender Charges will cover sales and distribution expenses incurred by IDS Life in connection with the Contracts. However, Applicants state that IDS Life does hope to profit from the Mortality and Expense Risk Charge. Applicants state that any profits realized by IDS Life from the Contracts would be available to it for any proper corporate purpose, including among other things, payment of distribution (selling) expenses.

Approval Under Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

Under the Contracts, an owner may split the allocation of the purchase payments among the Accounts. Each of the Accounts is invested exclusively in the shares of an open-end management investment company. Applicants propose to permit transfers of contract value among the Accounts as described in the application. The application states that such transfers will be effected at net asset value, with no assessment of any kind of transaction or sales charge. Applicants submit that the transfer rights will afford the owner flexibility of a choice among the shares of mutual funds having different investment objectives. Applicants contend that the transfer rights are not in any way violative of any of the provisions of Section 11 of the Act, and request an order pursuant to Section 11 to the extent necessary to permit Applicants to offer contractowners the transfer privileges described.

Exemptive Relief Requested

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program (the "Program"), originally codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The amendments provided that the benefits of such annuities were to be available only upon termination of employment in Texas public institutions of higher education, retirement, death or total disability of the participant.

In 1981, the Texas legislature re-codified the previous relating to the Program, at Section 36.105, Title 110B, *Vernon's Texas Civil Statutes*, including the provision that:

(a) A person terminates participation in the optional retirement program, without losing any accrued benefits, by

1. Death;
2. Retirement; or
3. Termination of employment in all institutes of higher education;

and the further provision that:

(c) The benefits of an annuity purchased under the optional retirement program are available *only* if the participant terminates participation in the program as provided by Subsection (a) of this section.

The application states that all companies which seek to have their annuities offered in connection with the Program must certify to the University of Texas System that withdrawal of benefits is limited by the foregoing provisions.

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any certificate unless is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated to receive such tender except in certain prescribed circumstances. Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first 18 months after the issuance and received in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales load which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent

necessary to permit compliance with Section 36.105, Title 110B, *Vernon's Texas Civil States* as it pertains to redemption values under Contracts issued to participants in the Program subsequent to the date of such exemptive order. Applicants consent to the following conditions in connection with any such exemptive order: Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each prospectus to the restrictions on redemption of these contracts, as well as requiring each participant, as part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, all sales literature that is to be used in conjunction with the sale of these Contracts will be reviewed for the existence of material representations that are inconsistent with the restrictions to be placed on these Contracts, and the sales people involved in soliciting in this market will be instructed to bring this restriction specifically to the attention of potential participants.

Section 27(c)(2) prohibits a registered investment company or a depositor 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 bank as 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 by Section 26(a) (2) and (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 places certain restrictions on charges which may be made against the trust income and corpus. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) so that IDS Life may administer the Accounts without appointing a bank custodian or trustee and without having physical possession of the assets of the trust. Applicants indicate that the accounts will invest their assets in shares of registered investment companies which use open account systems for their shares. Therefore, Applicants state, there will be no certificates to keep in custody. Applicants further state that obligations of the accounts are policy obligations of IDS Life under Minnesota law and consequently backed by IDS Life's total resources (except those of its other separate Accounts) and that the activities of the Accounts will be closely supervised by Minnesota insurance authorities.

As noted above, Section 27(c)(2) of the Act provides that the proceeds of all payments on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed by Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C) provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character normally performed by the custodian. Applicants request an exemption from the operation of the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit assessment of the Surrender Charge in the manner described in the application.

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 received 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. On the grounds stated in the application, Applicants request an exemption from Section 2(a)(35) to permit the imposition of the Surrender Charge.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to avoid any question regarding complete compliance with the Act, Applicants request an exemption from Section 22(c) and Rule 22–1, to the extent deemed necessary, to permit the deduction of the Surrender Charge.

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or depositor or underwriter therefor, from selling any such certificate unless it is a redeemable security. Applicants request an exemption from its provisions to the extent necessary to permit imposition of the Surrender Charge.

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof. Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants request an exemption from the provisions of Sections 2(a)(32) and 27(d) of the Act to the extent necessary to permit imposition of the Surrender Charge.

As noted above, the Contracts are subject to an annual Administrative Charge of $30 for the Old Contracts or $20 for the New Contracts. If the value of the Contract is surrendered in full on other than the last day of the contract year, the Administrative Charge will be deducted before determining the redemption value. Applicants believe that certain provisions of the Act discussed above relating to the Surrender Charge may be equally applicable to the Administrative Charge. Thus, Applicants request exemptions from the provisions of Sections 2(a)(32), 22(c), 27(c)(1), and 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary, to permit deduction of the Administrative Charge as described in the application.

As noted above, Section 27(c)(2) of the Act provides that the proceeds of all payments on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed in Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C), as here pertinent, provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character

normally performed by the custodian. Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to charges and collections allowed under subsections (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. Applicants request an exemption from the provisions of Section 26(a) and 27(c)(2) to the extent necessary to permit deduction by IDS Life and payment to IDS Life of the Administrative Charge, the Mortality and Expense Risk Charge and any applicable state premium tax.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 21, 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 reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following July 21, 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. 82-18492 Filed 7-7-82; 8:45 am]

BILLING CODE 80-10-M

SMALL BUSINESS ADMINISTRATION

[Proposal No. 02/02-0449]

First Princeton Capital Corp; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to §107.102 of the SBA Regulations (13 CFR 107.102 (1982)) by First Princeton Capital Corporation, 227 Hamburg Turnpike, Pompton Lakes, New Jersey 07442 for a license to operate a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name and address	Title and relationship	Percent of ownership
S. Lawrence Goldstein, 541 East 20th Street, New York, New York 10010.	President, Treasurer, and Director.	16
Adele M. Dobson, 245 Dogwood Lane, Mahwah, New Jersey 07430.	Secretary	
Michael Lytell, 65 Circle Avenue, Wayne, New Jersey 07470.	Director	16
Adolf L. Herst, River Road, Washington Crossing, Pa 18977.	Director	

The sale of common and preferred stock will be to a maximum of 35 investors. There will be no more than 35 beneficial owners of common stock at the completion of initial financing. No corporation or individual, except Messrs. Goldstein and Lytell, will beneficially own 10 percent or more of the voting securities.

The Applicant will begin operations with a capitalization of $1.2 million and will be a source of equity capital and long term loan funds for qaulified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 L. Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Pompton Lakes, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 29, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-18430 Filed 7-7-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2050]

Iowa; Declaration of Disaster Loan Area

Mills County and the adjacent county of Fremont in the State of Iowa constitute a disaster area as a result of damage caused by flooding which occurred on June 14 through 15, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 23, 1982, and for economic injury until the close of business on March 24, 1983, at the address listed below: U.S. Small Business Administration, 210 Walnut Street, Des Moines, Iowa 50309 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	(Percent)
Homeowners with credit available elsewhere	15⅝
Homeowners without credit available elsewhere	7⅞
Businesses with credit available elsewhere	16½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (non-profit organizations including charitable and religious organizations)	11½

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

Information on recent statutory changes (Pub. L. 97–351), approved

August 13, 1981) is available at the above-mentioned office. (Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Date: June 24, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-18429 Filed 7-7-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Updated Report of the Fleet Status and Compliance Plans of U.S. Domestic Aircraft Operators as They Move Toward Compliance With the FAA's Aircraft Noise Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The table below summarizes the fleet compliance status as of January 1, 1977 (approximately the date the regulation was issued), the status as of April 1, 1980, January 1, 1981, January 1, 1982, and fleet projections for the phased compliance deadlines of January 1, 1983, and January 1, 1985. When the regulation was issued, slightly over 20 percent of the U.S. fleet met the FAA noise standards. As of January 1, 1982, almost 55 percent of the fleet complied and that percentage will reach 73 percent by January 1, 1983.

DISCUSSION: In December 1976, the FAA issued Subpart E of Part 91 of the Federal Aviation Regulations [14 CFR 91] which prescribes noise limits for U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates. These requirements prohibit domestic operation in the United States of affected airplanes after specified dates, with full compliance required by January 1, 1985.

In November 1980, the FAA issued a final rule (adopting Title III of the Aviation Safety and Noise Abatement Act of 1979) to extend these same noise compliance requirements to all operators of affected aircraft in the United States, whether U.S. or foreign registered. This rule also provided for exemptions to extend the compliance deadline for two-engine airplanes (DC-9, Boeing 737, BAC 1-11, and SE-201) to January 1, 1985 (for over 100 seats) or to January 1, 1988 (for 100 or fewer seats) as protection for small community service.

To ensure that all domestic operators are taking appropriate steps to meet the noise compliance requirements, the FAA amended 14 CFR Part 91 in December 1979, to require the operators of affected turbojet airplanes to provide the current status of their fleets and their plans for achieving timely and continuing compliance. The first summary report on Fleet Noise Compliance was published on July 17, 1980 (45 FR 48011) and the second was published on August 6, 1981, (46 FR 40126). This report is an update to that publication.

As originally issued, the FAA noise compliance regulation required full compliance by January 1, 1985. To date, the FAA has issued exemptions for 477 two-engine airplanes as protection for small community service. These exemptions were issued to 26 operators and extend the compliance dates to January 1, 1985, for 130 airplanes and to January 1, 1988, for 347 airplanes.

The table also indicates the pace at which U.S. operators are moving the four-engine narrowbody models (Boeing 707 and 720, DC-8) from domestic service. All of these will be gone by January 1, 1985, except for 78 stretch DC-8's, which are currently planned for reengining.

Information in the compliance plans submitted by many of the operators included future additions to their fleets. Where available, these data have been incorporated in the table. However, operators are not required to provide this type of information to the FAA under this program and, as a consequence, this table is not indicative of total future airplane purchases or the total future U.S. fleet.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Chief, Noise Policy and Regulatory Branch, AEE-110, Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 755-9027.

Issued in Washington, D.C., on July 24, 1981.

James E. Densmore,

Chief, Noise Abatement Division.

NOISE COMPLIANCE FLEET PROJECTIONS

Airplane type	Jan. 1, 1977			Apr. 1, 1980			Jan. 1, 1981			Jan. 1, 1982			Jan. 1, 1983			Jan. 1, 1985		
	Total airplanes		Number complying	Total airplanes		Number complying	Total airplanes		Number complying	Total airplanes		Number complying	Total airplanes		Number complying	Total airplanes		Number complying
A300	0		0	14		14	19		19	25		25	30		30	30		30
BAC 1-11	33		0	44		0	44		0	57		0	56		0	45		11
B707	277		0	190		0	147		0	84		0	74		0	0		0
B720	21		0	12		0	11		0	9		0	0		0	0		0
B727	842		186	1,082		540	1,076		648	1,138		764	1,142		1,108	1,105		1,105
B737	150		7	224		71	229		82	247		109	250		136	249		209
B747	112		35	141		121	146		132	151		150	150		150	153		153
CONVAIR	25		0	8		0	8		0	8		0	8		0	0		0
DC-8	224		0	164		0	161		0	143		2	137		27	78		78
DC-9	367		32	400		74	405		83	476		111	472		163	487		191
DC-10	124		124	146		146	152		152	162		162	163		163	162		162
L1011	81		81	91		91	93		93	110		110	118		118	120		120
SE210	0		0	6		0	6		0	4		0	3		0	0		0
B757	0		0	0		0	0		0	0		0	0		0	27		27
B767	0		0	0		0	0		0	0		0	19		19	92		92
BA 146	0		0	0		0	0		0	0		0	0		0	6		6
Total	2,256		465	2,522		1,057	2,497		1,209	2,614		1,433	2,631		1,914	2,536		2,184
Percent		20.6			41.9			48.4			54.8			72.7			86.1	

[FR Doc. 82-18418 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

[Summary Notice No. PE-82-11]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 19, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 6, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 2, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23151	Boeing Commercial Airplane Co.	14 CFR 91.51	To allow petitioner the use of landing gear down logic to inhibit part of the altitude alerting function during approach procedures on its B 767-200 airplane.

[FR Doc. 82-18503 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-11]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before July 28, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 2, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23127	Indianaero, Inc.	14 CFR 135.243(a)	To permit Mr. James W. Doyle, an employee of petitioner, to act as pilot in command of a multiengine aircraft without holding an airline transport pilot certificate.
23134	Skywest Aviation, Inc	14 CFR 135.181	To permit petitioner to utilize a drift down procedures, as an alternative compliance means, when operating on routes where the minimum en-route altitude exceeds the Single Engine Service Ceiling.
23043	Mr. Dean E. May	14 CFR 61.187(b)	To permit petitioner to give flight instruction even though he has not held a flight instruction certificate during the 24 months immediately preceding the date the instruction would be given.
23126	Albuquerque Int'l Balloon Fiesta, Inc	14 CFR 61.3 and 91.27	To permit certain pilots and foreign balloons to participate in the 11th Annual Fiesta during the period of October 2-10, 1982, without complying with the pilot certification and airworthiness requirements.
23125	Devoe Airlines, Inc.	14 CFR 135.39(b)(1)(ii)	To permit Ms. Lynn O'Donnell to serve as chief pilot for Devoe Airlines, Inc., even though she does not meet the 3-year experience requirement.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22588	Chesapeake and Potomac Airways, Inc	14 CFR 135.261	To allow petitioner to operate a helicopter in hospital emergency service from the University of Massachusetts Medical Center without complying with the duty-time limitations.
18855	Helicopter Assoc., Int'l	14 CFR Portions of Part 135	To permit operations without performing certain aircraft modifications, hiring additional required pilots, and without complying with certain performance, operational, and maintenance requirements.
22701	Omniflight Helicopters Inc	14 CFR 135.261(b)	To permit petitioner to operate helicopters from Grant Hospital, Columbus, Ohio, without complying with the duty-time limitations.
23135	Arizona Jet Charter Services, Inc	14 CFR 91.32(b) and 135.89(b)	To permit petitioner to operate its Gates Learjet 25 aircraft up to flight level 410 and its Gates Learjet 35A aircraft up to flight level 450 without either pilot being required to wear their oxygen mask, as long as there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask.
23003	Steve Ballew	14 CFR 135.243(b)(2)	To permit petitioner to serve as pilot in command of an aircraft under day visual flight rules without meeting the 500 hours time as pilot requirement.
23139	Wylie Aircraft Corp	14 CFR 91.31(e)	To permit petitioner to operate its DC-6B cargo aircraft at a 5 percent increase in zero fuel and landing weight.
12227	Nat'l Business Aircraft Assoc., Inc	14 CFR Portions of Parts 91, 121, 123, 129, 135 and 137.	To amend and extend Exemption No. 1637j to permit petitioner's members to operate small civil aircraft of U.S. registry under the operating rules of secs. 91.183 through 91.215 and the inspection provisions in secs. 91.217 and 91.219. It would also permit petitioner's members to operate and maintain helicopters of U.S. registry under the provisions of Subpart D of Part 91.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22822	T.B.M., Inc	14 CFR 21.197	To permit petitioner to take off with one engine inoperative and fly certain aircraft to a maintenance base for repairs without obtaining a special flight permit. *GRANTED 6/30/82.*
22829	Ryson Aviation Corp	14 CFR 23.1323(b)(1) and (b)(2)	To permit the type certification of Model ST-100 airplanes with an airspeed indicating system whose system accuracy does not meet the requirements of the FAR. *GRANTED 6/28/82.*
22635	Sierra Academy of Aeronautics	14 CFR Part 63	To permit petitioner's nonpilot flight engineer students to receive all practical flight engineer training in a simulator provided those pilots receive an additional 5 hours training in a Phase II approved simulator. *GRANTED 7/1/82.*
22789	S & J Balloons	14 CFR 141.5(b)	To allow petitioner to issue a pilot school certificate without having trained and recommended for pilot certification and rating tests at least 10 applicants for pilot certificates and ratings within the past 24 months. *GRANTED 6/30/82.*
17397	Delta Air Lines, Inc	14 CFR 121.291(a)(2)	Reconsideration of a Denial of Petition to permit petitioner to reconfigure its DC-8-61 airplanes with 212 seats and use 5 required flight attendants without conducting a demonstration in which line flight attendants open 50 percent of the exits and deploy 50 percent of the evacuation slides within 15 seconds. *WITHDRAWN.*
22785	Southern Gulf Helicopters, Inc	14 CFR 43.3(h)	To permit petitioner's pilots to remove, check, and reinstall magnetic chip detector plugs on BH 206 series helicopters. *GRANTED 6/30/82.*
22567	Bar Harbor Airlines	14 CFR 121.311(f)	To permit petitioner to operate its six Convair 600 (CV-600) transport category airplanes until August 5, 1982, without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements. *GRANTED 6/28/82.*
21525	Venezolana Internacional de Aviacion, S.A	14 CFR Parts 21, 43, 91, and 121	To extend Exemption 3274 which permits petitioner to operate a B-747-273C airplane using an FAA-approved master minimum equipment list and an approved continuous airworthiness maintenance and inspection program. *GRANTED 6/21/82.*
20371	W. F. Probst Company	14 CFR 61.58(c)	Extension of Exemption 3023 which allows petitioner's trainees to complete a 24-month pilot-in-command check in an FAA approved flight simulator. *GRANTED 6/21/82.*
21508	Peninsula Airways, Inc	14 CFR 135.243(d)(2)	To permit petitioner to utilize Mr. Norman Tibbetts as pilot in command for on demand air taxi operations even though he does not hold an instrument rating. *GRANTED 6/23/82.*
22614	U.S. Parachute Assoc	14 CFR 91.14(a)(3); 14 CFR Part 125	To permit aircraft hired by petitioner to carry persons and property from the airport of takeoff to the site of the National Parachuting Championships and the National Collegiate Parachuting Championships and return; also to permit parachutists to sit on the floor or on military hoop-type seats along the fuselage shell. DENIED *6/23/82.*
22533	Compania Mexicana de Aviacion, S.A. de C.V	14 CFR 61.77(e)(4) and 63.23(e)(3)	To permit petitioner's present and future Mexican-licensed airmen who also hold U.S. special-purpose airmen certificates, to continue to operate U.S.-registered leased aircraft, listed in the petition, beyond the 24-month expiration period which would otherwise apply. *DENIED 6/23/82.*
22693	Pennsylvania Airlines, Inc	14 CFR 135.107	To permit petitioner to operate its DeHavill and DHC-6 Twin Otter Aircraft carrying 20 passengers without a flight attendant. DENIED 6/23/82.
22454	Empire Airlines, Inc	14 CFR135.261(b)	To permit petitioner to reduce the crew rest requirement from 10 hours of consecutive rest to 8 hours of consecutive rest during the 24 hours preceding the planned completion of the assignment. *CANCELLED-NO LONGER REQUIRED.*
22963	Ryan Aviation Corp	14 CFR 91.305(b)(1)(ii)	To allow operation of six noncomplying Boeing 727-100's without meeting the phased compliance requirements. *GRANTED 6/10/82.*
21635	Airborne Express, Inc	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988, 8 DC9 and 2 SE-210 aircraft. *GRANTED 5/20/82.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22794	Best Airlines Inc	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1985, 1 DC9-32 aircraft and until Jan. 1, 1988, 25 DC9-15 or 14 aircraft. *GRANTED 4/9/82.*
33805	Geosource Aviation	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988, 1 BAC 1-11 aircraft. *GRANTED 5/17/82.*
23038	Lockheed-California Co	14 CFR 25.1309(c)(1), 25.1581, and 25.703(a).	To permit the amended type certification of a Model L-1011-385-3 airplane, Serial No. 1233 with: (1) an overspeed warning tolerance 6 knots greater than allowed, (2) a flight manual whose performance section is computed from British Civil Air Regulation criteria, and (3) a takeoff warning system that does not automatically actuate if the aircraft wing flaps or leading edge devices are not within the approved range of takeoff position. *Granted 6/15/82.*
21669	Air Polynesia, Inc. t/a DHL Cargo	14 CFR 145.71 and 145.73(a)	To permit certification of foreign repair stations by the FAA without a determination that such stations are "necessary" for maintenance of U.S. registered aircraft outside of the United States. *Denied 5/28/82.*
21255	Midway Airlines	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1985, 5 DC9-31 aircraft; and until Jan. 1, 1988, 9 DC9-15 aircraft. *Granted 5/21/82.*
23073	Altair Airlines	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988, 6 DC9-32 aircraft. *Granted 6/3/82.*
21174	Texas International	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1985, 1 DC9-32 aircraft; and until Jan. 1, 1988, 25 DC9-15 or 14 aircraft. *Granted 4/9/82.*
21174	Texas International	14 CFR 91.307	Amendment to existing exemption to allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988, 1 DC9-32 aircraft and 25 DC9-15 or 14 aircraft. *Granted 6/3/82.*
21099	Heli-Trade, Corp	14 CFR Part 47.9(b)	To allow petitioner to operate its aircraft when the 60 percent test is met on a yearly basis but not every other 6-month period. *Denied 6/7/82.*
20496	Gulfstream American	14 CFR 25.1321(b)(3)	To extend Exemption 3173 which permits petitioner to operate four Gulfstream III airplanes with the placement of the IDC Vertical Scale, Vertical Speed Indicator between the pilot's altimeter and altitude indicator. *Granted 5/28/82.*

[FR Doc. 82-18504 Filed 7-7-82; 8:45 am]

BILLING CODE 4910-13-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). The list is broken into two categories listing revisions and extensions. Each entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Karen Sagett, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6880.

DATE: Comments on forms should be directed to the OMB Desk Officer on or before September 7, 1982.

Dated: June 30, 1982.

Robert P. Nimmo,

Administrator.

Revisions

- Department of Veterans Benefits
  VA Request for Determination of Reasonable Value/HUD Application for Property Appraisal and Commitment
  26-1805/HUD 92800-1
  On occasion
  Individuals and Businesses
  430,000 responses
  179,167 hours
  Not applicable under 3504(h)
- Department of Veterans Benefits
  Report of Home Loan Processed on Automatic Basis
  26-1820
  On occasion
  Lenders Making VA Guaranteed Loans
  70,000 responses
  35,000 hours
  Not applicable under 3504(h)
- Department of Veterans Benefits
  Financial Statement
  26-6807
  On occasion

Veterans Borrowers/Purchasers
40,000 responses
30,000 hours
Not applicable under 3504(h)

• Department of Veterans Benefits
Designation of Beneficiary and Optional Settlement
29–336
On occasion
Insured Veterans
175,000 responses
29,167 hours
Not applicable under 3504(h)

• Department of Veterans Benefits
Mobile Home On-Site Inspection Report
26–8519
On occasion
VA Guaranteed Mobile Home Purchasers
1,850 Responses
925 hours
Not applicable under 3504(h)

• Department of Veterans Benefits
Notice of Lapse
29–389 and 29–389–1
On occasion
Insured Veterans
25,000 responses
4,166 hours
Not applicable under 3504(h)

Extensions

• Department of Veterans Benefits
Statement of Person Claiming to Have Stood In Relation of Parent
21–524
On occasion
Person(s) claiming to have stood in relation of parent to deceased veteran
2,000 responses
4,000 hours
Not applicable under 3504(h)

• Department of Veterans Benefits
Home Energy Checklist
6–1803a
On occasion
Mortgage Lenders, Appraisers, Veterans
140,000 responses
No reporting burden
Not applicable under 3504(h)

• Department of Veterans Benefits
Retirement Benefit Report Letter
21–8858–2 & 21–8858–4
Annually
VA beneficiaries receiving income dependent benefits who have federally funded retirement income (except social security)
30,000 responses
5,000 hours
Not applicable under 3504(h)

• Department of Veterans Benefits
Notice of Action Taken on Payroll Deduction for Government Life Insurance
29–800
On occasion
Employer of Insured Veteran
9,500 responses
972 hours
Not applicable under 3504(h)

[FR Doc. 82–18427 Filed 7–7–82; 8:45 am]
BILLING CODE 8320–01–M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee On Educational Allowances that on July 29, 1982, at 1:00 p.m., the Louisville, Kentucky Regional Office's Station Committee on Educational Allowances shall at Room 454, 600 Federal Place, Louisville, Kentucky, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Somerset Flying School, Somerset, Kentucky, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 30, 1982.

E. L. Caudill,

Director, Veterans Administration Regional Office, 600 Federal Place, Louisville, Kentucky.

[FR Doc. 82–18473 Filed 7–7–82; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 131
Thursday, July 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-357, 7/1/82]

TIME AND DATE: 10: a.m. July 8, 1982.

PLACE: Room 1027 (open) Room 1012 (closed) 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Proposed cancellation of tariff rules absolving carriers from any responsibility to transport a passenger to the destination airport named on his or her ticket, or to reimburse a passenger for expenses incurred in reaching that airport, where a flight is diverted to another airport in the same general metropolitan area. (Memo 1381, OCCCA, BIA)
3. Docket 39077, Final rule to reduce reporting requirements for certificated air carriers. (Memo 152-A, OC)
4. Docket 40207, Elimination of the requirement that the Board prepare and environmental assessment before issuing a permit to a Mexican air taxi operator. (Memo 881 A, OGC, BIA, OEA)
5. Amendment to clarify that transportation rights received in return for goods or services may be used by third persons. (Memo 1385, OGC, BIA)
6. Docket 40502, Reporting requirements implementing the Federal Election Campaign Act of 1971. (OGC, OC)
7. Duration of experimental certificates in limited-designation international markets. (OGC, BIA)
8. Clarifying amendment of energy and environmental regulations with respect to issuance of domestic passenger certificates. (Memo 1373, OGC, OEA)
9. Docket 36595, *Investigation Into the Competitive Marketing of Air Transportation—Agreements Phases.* Petition for Reconsideration. (Memo 149-Y, OGC)
10. Docket 30938, *Pacific Common Fares Investigation,* final decision by the Board. (Memo 967-A, OGC, BIA)
11. Dockets 39833, 39834, 33362, *Applications of Eagle Aviation, Inc., Former Large Irregular Air Service Investigation.* (Memo 1366, OGC)
12. Docket 34141, *Application of Trans-Panama, S.A.*—Opinion and Order on Review. (Memo 544-A, OGC)
13. Docket 37719. Frontier Airlines Application for subsidy under section 419 for providing back-up essential air service at Alamogordo and Silver City. (BDA, OCCCA, OC)
14. Docket 40645, Petition of Golden West Airlines, Co. for a declaratory ruling as to its citizenship. (Memo 1380. BDA)
15. Docket EAS-647, Essential Air Transportation Determination for Ponce, Puerto Rico. (Memo 1379, BDA, OCCCA)
16. Commuter carrier fitness determination of Gull Air, Inc. (Memo 1383, BDA)
17. Commuter carrier fitness determination of Colorado Air Freight Express. (BDA)
18. Replacement service at Chico, Crescent City and Santa Rosa, California. (BDA, OCCCA)
19. Docket 38623, Agreement C.A.B. 28780, IATA agreement proposing Japan-Guam/Saipan fare revisions. (BIA)
20. Docket 40206, Application of Blue Bell, Inc. for authority pursuant to section 401 to engage in overseas and foreign charter air transportation of cargo. (Memo 1384, BIA)
21. Dockets 40515 *et al.*, Applications for Dallas/Ft. Worth-London certificate authority. (BIA, OGC, BALJ)
22. Dockets 40557, *et al.*, Applications for Central Zone-Caracas/Maracaibo, Venezuela certificate authority. (BIA, OGC, BALJ)
23. Docket 40190, Application of Aer Turas Teoranta for an initial foreign air carrie permit to perform cargo charters between the United States and Ireland. (BIA, OGC, BALJ)
24. Report on Canada. (BIA)
25. Report on Scandinavia. (BIA)
26. Report on France. (BIA)
27. Progress Report on Braniff Replacement Services. (BIA)

STATUS: 1-23 Open 24-27 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary (202) 673-5068.

[S-998-82 Filed 7-6-82; 4:02 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Due to Administrative Error the item listed below did not appear on the Notice dated June 24, 1982, listing the items to be considered at the Open Meeting of July 1, 1982. This item should be added to the Private Radio portion of the Notice.

Agenda, Item No., and Subject

Private Radio—3—Title: No-code amateur radio operator license class. Summary: The Commission will consider various alternatives in connection with whether or not to propose a no-code amateur radio operator license class.

Issued: June 28, 1982.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-990-82 Filed 7-6-82; 10:15 am]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 12, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to exercise limited trust powers:

The Bowery Savings Bank, New York, New York.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Goverment in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 2, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S–986–82 Filed 7–6–82; 9:50 am]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 12, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Belmont Savings Bank, Belmont, Massachusetts, an operating noninsured mutual savings bank, for Federal deposit insurance.

Application for consent to establish a branch:

Buffalo Savings Bank, Buffalo, New York, for consent to establish a branch at 2012 Kensington Avenue, Town of Amherst, New York.

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:

Memorandum and Resolution re: Banco de Ahorro de Puerto Rico, Hato Rey, Puerto Rico.

Memorandum and Resolution re: South Texas Bank, Houston, Texas.

Memorandum and resolution re: Final amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which would (1) conform Part 329 to the requirements of the International Banking Facility Deposit Insurance Act; (2) conform Part 329 to the provisions of the Corporation's Policy Statement on Capital Adequacy which provides that nondeposit obligations of an insured nonmember bank, such as subordinated notes and debentures, are not considered part of the bank's capital account; and (3) make certain other technical amendments.

Reports of committees and officers:

Minutes of the actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Fidelity Bank, Utica, Mississippi, Sale of Residential Mortgage Loans to the Federal National Mortgage Association (FNMA).

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 2, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S–985–82 Filed 7–6–82; 9:50 am]

BILLING CODE 6714–01–M

5

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, July 13, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, July 15, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings, correction and approval of minutes, and advisory opinions:

Draft AO 1982–43.—Robert E. Shank, Ohio Farm Bureau Federation, Inc.

Draft AO 1982–42.—William F. White, Assoc. General Counsel, National Treasury Employees Union (Treasury Employees PAC)

Draft AO 1982–40.—Judah C. Sommer, on behalf of Warner Communications, Inc. (and Warner-Amex Cable Communications, Inc.)

Draft notice of proposed rulemaking: Candidates use of property in which spouse has an interest

Addendum to the final audit report—Kennedy for President Committee

Special advisory opinion procedure for expedited opinions

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–996–82 Filed 7–6–82; 3:11 pm]

BILLING CODE 6715–01–M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., July 14, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10422: Space Charter Agreement Among Korea Shipping Corporation, Neptune Orient Lines Ltd., and Orient Overseas Container Lines.
2. Agreement No. 10425: An Equal Access and Discussion Agreement Between Compania Sud Americana De Vapores and Lykes Bros. Steamship Co.
3. Agreement No. 10434: A Joint Venture Between Georgia-Pacific Corporation and Clipper Maritime Limited.
4. Agreements Nos. 10392-2 and 10410-1: U.S. Atlantic-Amazon and U.S. Gulf-Amazon Discussion Agreements—Possible Action under Section 19 of the Merchant Marine Act, 1920.

Ports closed to the public:

1. Docket No. 81-28: Transportation Maritima Mexicana, S.A. V. Board of Commissioners of the Port of New Orleans—Consideration of the record.
2. Docket No. 81-43: Independent Freight Forwarder License No. 1483—Tokyo Express Co., Inc. and Kozo and Kathleen Kimura d/b/a Cosmos Trading Company—Consideration of the record.
3. Docket No. 77-7: Modifications to the Combi Line Joint Service and Related Agreements (Agreements Nos. 9929-2, 9929-3, 9929-4, 10266, 10266-1 and 10374); Docket No. 82-20—Agreement No. 9929-7—Consideration of the records.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-988-82 Filed 7-6-82; 10:12 am]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM (Board of Governors)

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 28203, Tuesday, June 29, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, July 6, 1982.

CHANGES IN THE MEETING:

One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed new building program and target budget for the Los Angeles Branch of the Federal Reserve Bank of San Francisco. (This item was previously announced for a meeting on June 21, 1982.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 6, 1982.

James McAfee,

Associate Secretary of the Board.

[S-995-82 Filed 7-6-82; 3:04 pm]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM: (BOARD OF GOVERNORS)

TIME AND DATE: 10 a.m., Wednesday, July 14, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 6, 1982.

James McAfee,

Associate Secretary of the Board.

[S-997-82 Filed 7-6-82; 3:37 pm]

BILLING CODE 6210-01-M

9

FEDERAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Monday, July 12, 1982.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED:

Review of Equal Credit Opportunity Act enforcement including discussion of history of and general policy issues affecting the Commission's enforcement of the Act.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-987-82 Filed 7-6-82; 10:12 am]

BILLING CODE 6750-01-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-25]

TIME AND DATE: 2:30 p.m., Tuesday, July 13, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 751-TA-6 (Birch Three-Ply Doorskins from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-994-82 Filed 7-6-82; 12:31 pm]

BILLING CODE 7020-02-M

11

LEGAL SERVICES CORPORATION

Board of Directors; Meeting

TIME AND DATE: 1:30 p.m.-5:30 p.m., Saturday, July 17, 1982, and 9 a.m.-12 Noon, Sunday, July 18, 1982.

PLACE: Indiana University Law School at Indianapolis, Moot Court Room (Room 101), 735 West New York Street, Indianapolis, Indiana.

STATUS OF MEETING: Open (Portion of the meeting will be closed to discuss matters relating to litigation and to internal corporate personnel practice under 45 CFR 1622.5 (a) and (h))

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda
2. Approval of Minutes of March 26, 1982 Meeting
3. President's Report
4. Report on Field Operations
5. Committee Reports:

A. Appropriations and Audit Committee (Harold R. DeMoss, Chairman): (1) Selection of Auditor; (2) Second Quarter Budget Modifications

B. Operations and Regulations Committee (Robert S. Stubbs, Chairman): (1) Vice-Chairman of Board; (2) Change in Meeting Date; (3) Office of General Counsel Status Report

C. Provision of Legal Services Committee (Willam F. Harvey, Acting Chairman)

D. Special Committee on Grant and Contract Procedures (Clarance V. McKee, Chairman)

E. Special Committee on Presidential Search (Howard H. Dana, Chairman)

6. Legislative Report/Update

A. S2393

B. H3480

5. Other Business
6. Future Meeting Dates
7. Adjournment

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272-4040.

Date issued: July 2, 1982.

Gerald M. Caplan,

Acting President.

[S-991-82 Filed 7-6-82; 11:52 a.m.]

BILLING CODE 6820-35-M

12

LEGAL SERVICES CORPORATION

Provisions of Legal Services Committee; Meeting

TIME AND DATE: 9:30 a.m.—12 Noon, Saturday, July 17, 1982.

PLACE: Indiana University Law School at Indianapolis, Moot Court Room (Room 101), 735 West New York Street, Indianapolis, Indiana.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Structure of the National Program from a Delivery Perspective
2. Delivery Perspectives/Private Bar
3. Alternative Funding

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272–4040.

Date issued: July 2, 1982.

Gerald M. Caplan,

Acting President.

[S–992–82 Filed 7–6–82; 11:52 am]

BILLING CODE 6820–35–M

13

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–82–17]

TIME AND DATE: 9 a.m., Thursday, July 15, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the fourth will be closed under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* Derailments of New York City Transit Authority Trains Involving Traction Motor Mount Failures, and Recommendations to the New York City Transit Authority.
2. *Highway Accident Report:* Truck Engine Fuel Tank Puncture by Bridge Repair Plate, Diesel Spill, and Multiple-Vehicle Skidding Collisions, Interstate 10, Lake Charles, Louisiana, August 27, 1981, and Recommendations to the Federal Highway Administration and the Louisiana Department of Transportation and Development.
3. *Errata Sheet* for Marine Accident Report: Disappearance of U.S. Freighter SS POET in the North Atlantic Ocean about October 25, 1980.
4. *Opinion and Order:* Administrator v. Clark, Dkt. SE–5340; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

June 30, 1982.

[S–989–82 Filed 7–6–82; 10:12 am]

BILLING CODE 4910–58–M

14

PAROLE COMMISSION

[2P0401]

Pursuant to the Government in the Sunshine Act—Pub. L. 94–409 (5 U.S.C. 552b).

AGENCY HOLDING MEETING: Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: 2 p.m., Tuesday, July 13, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20518.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commmission, (301) 492–5987.

[S–993–82 Filed 7–6–82; 11:45 am]

BILLING CODE 4410–01–M

federal register

Thursday
July 8, 1982

Part II

Department of Transportation

Federal Aviation Administration

Flight Crewmembers; Limitations on Use of Services

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 23174; Notice No. 82-10]

Flight Crewmembers; Limitations on Use of Services

AGENCY: Federal Aviation Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Federal Aviation Administration is considering developing and implementing a program to gather data that might support a determination as to whether persons age 60 or older can safely serve as pilots of airplanes operated under Part 121 of the Federal Aviation Regulations (FAR). This action is partly in response to the concerns of many pilots who state the "age 60 rule" is discriminatory because it does not allow persons who fully meet the current medical standards for an appropriate medical certificate to serve as pilots in air carrier operations. It is also in response, in part, to the recomendations contained in the August 1981 report of the National Institute on Aging Panel on the Experienced Pilots Study. Also being considered is the possibility of establishing age limitations for required flight engineers. Specific comments and suggestions from the public are needed to assist the FAA in determining what action, if any, should be taken regarding age limitations for flight crewmembers.

DATE: Comments must be received on or before November 5, 1982.

ADDRESS: Comments on this notice may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 23174, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 23174. Comments may be inspected in Room 916 on weekdays between 8:30 a.m. and 5:00 p.m. except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Susan M. Yagoda, Regulatory Review Branch, (ASF-410), Safety Regulations Division, Office of Aviation Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Comments Invited

This ANPRM is being issued under the FAA's policy for the early public participation in rulemaking proceedings. An ANPRM is issued when it is found that the resources of the FAA and reasonable outside inquiry do not yield a sufficient basis to identify and select a tentative or alternative course of action, or where it would be helpful to invite public participation in identifying and selecting a course of action.

Interested persons are invited to participate in these preliminary rulemaking procedures by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking further rulemaking action. Persons wishing the FAA to acknowlege receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23174." The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. If it is determined to be in the public interest to proceed with further rulemaking after considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

Availability of AMPRM

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

Background

Section 121.383(c) ("age 60 rule") prohibits a certificate holder from using the services of any person, and prohibits any person from serving, as a pilot on any airplane engaged in operations under Part 121, Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft, if that person has reached his or her 60th birthday.

The "age 60 rule" was adopted on December 1, 1959. It was prompted by the recognition that certain physiological and psychological functions deteriorate with age and that is it impossible to predict accurately when an incapacitating event might occur with respect to any given individual. In applying that rule to air carrier pilots, it was noted at the time the rule was issued that the number of active air carrier pilots age 60 or over had been increasing and that pilots in this age group were being employed in carrying a substantial number of passengers. It was concluded that the hazards of an incapacitating event inherent in the older pilot's medical condition present too serious a question of safety to allow a pilot to carry a large number of passengers in Part 121 operations. At that time the rule was not applied to other flight crewmembers.

Discussion

As an outgrowth of Congressional hearings by the House Select Committee on Aging and the House Subcommittee on Aviation, Committee on Public Works and Transportation, Public Law 96-171 was passed on December 29, 1979. This legislation directed the National Institutes of Health (NIH) to conduct a study to determine whether the "age 60 rule" is warranted.

The NIH assigned the National Institute on Aging (NIA) primary responsibility for carrying out the study, and the panel established for this purpose issued its report in August 1981. (A copy of that report is contained in the rulemaking docket for this ANPRM.) Among other things, the panel concluded that no medical significance can be attached to age 60 as a mandatory retirement age, but that age-related health changes endanger aviation safety and no medical or performance appraisal system can be identified that would single out pilots who would pose a hazard to safety.

Although the conclusions reached by the NIA panel, and the supportive statements contained in the report, point to a present inability to distinguish those

persons who, as a consequence of aging, present a threat to air safety from those who do not, the following three recommendations were made:

1. The present age limit for air carrier pilots in command and first officers should be retained.

2. The FAA or some other appropriate Federal agency should be requested to engage in a systematic program to collect the medical and performance data necessary to consider relaxing the current "age 60 rule."

3. In view of the growing importance of commuter air carriers, the present age age limit should be extended to cover all pilots engaged in carrying passengers for hire, specifically including operations under Part 135 to provide a level of safety equivalent to that provided in Part 121 operations.

This ANPRM responds to the first and second recommendations of the NIA panel. At this time, the FAA is not considering the panel's third recommendation and it is not a part of this rulemaking action.

Although the report of the NIA panel does not suggest extending the age 60 rule to flight engineers or other flight crewmembers, such a suggestion has been received from United Air Lines, Inc. In making this suggestion, United expresses the belief that "* * * the flight safety rationale for the Age 60 rule requires the conclusion that it is safer for United's Second Officer to retire at age 60 and justifies the FAA's specifically requiring that United's third seat occupants, and those of other carriers performing comparable functions in Part 121 operations, cease service at age 60."

United argues that at the time the "age 60 rule" became effective, most air carrier flights were on piston aircraft which were not designed with a separate flight engineer panel and its accompanying responsibilities. It contends piston aircraft had, in fact, been largely designed to have the inflight duties performed by pilots, and that today all air carrier flights on jet aircraft required to carry an airman certificated as a flight engineer are equipped with flight engineer panels containing electrical, fuel, pneumatic, and hydraulic system controls not contained elsewhere in the cockpit. The third seat occupant is responsible for operating these controls. Moreover, United asserts that following resolution of the crew complement controversy in the late 1950's and early 1960's which led many airlines to assign pilot-qualified personnel to the third seat, the third crewmember has been given additional responsibilities. United States that these responsibilities make the medical considerations of flight engineers equivalent to that of pilots in air carrier operations.

In a letter to the FAA responding to this suggestion by United, the Flight Engineers International Association (FEIA) points out that the present "age 60 rule" does not apply to flight engineers, and urges the FAA to consider the consequences to employee relations and current litigation of such a suggestion. It asks the FAA to ensure that a substantial showing of need has been made before proposing an extension of the rule to flight engineers.

Copies of United's and the FEIS submission, as well as other material submitted to the agency in this regard, are contained in the rulemaking docket for this ANPRM.

While the NIH report did not specifically consider retirement ages for flight crewmembers other than pilots, the study states the functional similarities among all three cockpit positions as follows:

> The airline cockpit crew usually consists of three pilots: the pilot-in-command (captain), the co-pilot (first officer), and the flight engineer (second officer). Their responsibilities are specific but overlap considerably, and all involve tasks of information gathering, problem solving, decision making, psycho-motor coordination, and transmission of information to the other components of a complex man-machine system.

The NIH report shows that, for one air carrier, the rate of approval for medical disability payments increased dramatically for flight engineers in the 60–64 age range (from 22.8 per 1,000/year for ages 55–59 to 114.5 per 1,000/year for ages 60–64).

It is clear from the disability rate shown in the NIH report that flight engineers are subject to the same age-related increase in incidence of disease that, in part, provides the justification for an "age 60 rule" for pilots. Because of their responsibilities, it may be appropriate to impose the "age 60 rule" on flight engineers.

The FAA recognizes that most carriers have adopted general crewmember career progression policies under which the flight engineer is an entry level position to be followed by promotion to first officer and then captain. These policies are designed to further crew coordination and provide future captains with experience in all required flight crewmember positions. It can be argued that by allowing flight engineer duties to be performed by a person age 60 or older, a pilot could "bid down" to this position. Thus, the flight engineer position could serve less as a training ground for future captains and more as a position for senior crewmembers unable to serve as pilot because of the age 60 rule. Although many airlines do use pilot-qualified flight engineers, there are carriers that operate the complete spectrum of today's high-performance aircraft with nonpilot-qualified flight engineers serving as the third crewmember. Accident and enforcement histories of these companies compare favorably with companies whose pilots have had flight engineer experience.

Need for Additional Data on the Effects of Aging on Pilot Performance

The NIA Panel on the Experienced Pilots Study points out that there is a lack of precise, reliable, longitudinal medical and performance data on older pilots concerning the validity, with respect to piloting, of currently available tests of perceptual and congnitive function. It recommends the FAA or some other appropriate Federal agency undertake a study to gather these data as an "approach" to changing the "age 60 rule".

In addition to comprehensive medical testing at annual intervals before age 60, the "approach" recommended by the panel would include extensive medical testing at quarterly intervals after age 60. A key element to the "approach" would involve a comprehensive flight proficiency test, at least on an annual basis, instead of the standard proficiency test now used. This would include collecting quantitative objective performance data under conditions of stress and fatigue in a LOFT-type (Line-Oriented Flight Training) simulation under conditions of fatigue; assessing vigilance, handling of workload, and complex decisionmaking situations; and evaluating ability to coordinate crew performance effectively and manage cockpit and ground support resources.

After reviewing the "approach" recommended by the NIA Panel, the FAA agrees with the intent of the recommendation but not with the specific method suggested. Therefore, to obtain medical and performance data on older pilots necessary to consider relaxing the "age 60 rule," the FAA seeks specific comments on a program such as the following:

1. After reaching age 57 and before reaching his or her 58th birthday, an air carrier pilot could volunteer to enter a program that could allow him or her to continue serving as a pilot in Part 121 operations until he or she reaches the age of 62.

2. At the age of 58, the pilot would enter the program and undergo comprehensive medical and performance testing on a quarterly

basis. This testing would be instead of the current semiannual and annual medical examinations now required for a pilot in command and a second in command in Part 121 operations, respectively.

3. At the age of 60, a determination would be made whether to allow that person to serve as a pilot in Part 121 operations until he or she reaches his or her 62nd birthday provided that person remains in the program and the Administrator determines that safety will not be compromised. Pilots in the program will not be allowed to serve after reaching age 62.

4. This experimental program would expire 8 years after implementation. No applicants for this program would be accepted after 3 years from the program starting date.

5. This would be a voluntary program and a pilot could elect not to participate in the program and to retire at age 60. A person participating in the program could withdraw at any time. However, if at any time the test results reveal any condition or information that indicate the person does not meet the medical standards of Part 67, that person could not continue to fly.

Discussion

a. The NIA report clearly points out that serious medical and functional problems increase as age progresses, and that current available assessment techniques do not exist that can reliably predict incapacitation or degradation of performance. Although airman participants in the study would be evaluated more frequently and with the most sophisticated techniques, the risk of incapacitation from an undetected medical condition would nevertheless continue to increase with age. The risk for a participant over 60 would be greater than that for a younger participant.

b. No protocol presently exists that could be used to determine effects of aging on performance. There is no assurance that such a protocol can be developed. An attempt to develop such a protocol would require time and expenditure of significant funds.

c. Currently used simulators could require modification to facilitate collecting the required quantitative objective data. It is uncertain who would be expected to bear the cost of the modifications, although it is likely that this would fall to the air carriers. Without knowing what the protocol for testing would involve, it is impossible to estimate the cost of modification.

d. Additional staff and funding for consultants in both the medical and operational areas would be required because the FAA is not presently staffed to assess adequately the results of such a special study program.

e. A pilot under the age of 60 could run the risk of forced retirement before reaching age 60 if, while participating in the program, that person exhibits a present risk of incapacitation as determined by the additional testing required as part of the program.

It should be noted that there are contradictions in the NIH recommendations. The panel states that comprehensive examinations cannot provide data to predict reliably cardiovascular disease in individuals or to analyze other functions that may deteriorate with age and therefore recommends retaining the present "age 60 rule." On the other hand, the report recommends that the FAA or some other appropriate Federal agency gather data needed to relax the rule by allowing individuals age 60 and older to fly.

Economic Impact and Regulatory Evaluation

This ANPRM is designed to solicit public comments relating to the "age 60 rule," including comments of an economic nature. The potential economic benefits of having air carrier pilots serve past age 60 may justify a test program to collect data to ensure that amending the rule would not compromise safety. At present it appears that the economic impact should be minimal. It is premature at this time, however, to accurately evaluate the costs and benefits of such a test program until comments are reviewed and a suitable program is defined, including expected outputs. This ANPRM will aid in deciding whether to go forward with such a program. Questions relating to economic matters are included for comment. If it is determined that further rulemaking is appropriate, an NPRM and full regulatory evaluation will be issued containing an economic evaluation relating to its cost and benefits.

Request for Information

Persons responding to this notice are invited to specifically address the following quetions and supply any other information they consider pertinent to the FAA's decision on further rulemaking on this subject:

1. *What is the appropriate Federal agency to engage in a systematic program to collect the health and performance data necessary to determine whether persons age 60 or older can safely serve as pilots of airplanes under Part 121?*

2. *Should the "age 60 rule" be extended to flight engineers?* If such a rule change were adopted, approximately how many flight engineers would be affected annually?

3. *If you serve as a flight crewmember (pilot or flight engineer) engaged in Part 121 operations—*

a. What other employment opportunities are available for a person with your skills?

b. Are there any noneconomic benefits or impacts for a person who continues working past age 60, such as maintaining skills, avoiding boredom, doing useful work, etc?

c. Would you be willing to participate in a program to gather data on the effects of aging on flight crewmember performance?

d. What do you estimate the net financial benefits to be to society of working past age 60? Consider the difference in the productive value of your present occupation versus an alternative occupation or retirement and the value of your time.

4. *If the FAA were to implement a program to gather data on the effects of aging on flight crewmember performance such as the one already discussed in this notice—*

a. At what age should individuals enter such a program?

b. How often should they undergo comprehensive medical and performance testing?

c. How long past their 60th birthday should they be allowed to fly while in the program?

d. What is the minimum period of time the program should be conducted to ensure the validity of its results?

e. What tests to quantify and measure individual performance should be developed before initiating the study?

f. If you are suggesting a specific test program, please estimate its cost and suggest who should bear this cost.

g. Can flight simulators be used or modified in a way to give quantitative information in respect to effects of aging on performance?

h. What costs would be involved in modifying these simulators?

i. Who should bear the cost of simulator modifications if required for conducting performance testing and the cost of the testing itself?

j. If a Line-Oriented Flight Training (LOFT) simulation method is used to measure flightcrew performance under conditions of stress and fatigue, how should those conditions be established and how can the level of stress and fatigue, and their effects on performance, be quantified on individuals?

k. A LOFT simulation method to measure flightcrew performance could

result in certain subjective evaluations being made. What methods can be used to ensure the consistency of such evaluations?

l. Can tests be devised to evaluate such flight crewmember tasks as visual-motor control, visual information processing, auditory signal detection, and decisionmaking?

m. Should medical testing be conducted in large diagnostic centers only and, if so, what criteria should be used in designating these centers?

n. What medical tests are appropriate and what is a reasonable frequency for conducting these tests?

o. Is there any reason why the information gathered through the special study of those individuals under age 60 should not be used in determining their continued eligibility to exercise pilot privileges?

p. What should the size group be to ensure statistical validity of the study?

q. To what extent would allowing participants age 60 or older to fly in Part 121 operations while data are being collected compromise "the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest" (Section 601(b) of the the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1421(b))?

r. Should flight engineers be included in the study?

5. *If you are a Part 121 certificate holder—*

a. What do you estimate the annual financial impact to be over the next 10 years if the "age 60 rule" is changed to some other specific age or if flight engineers are included in § 121.383(c)? What effect, if any, would such changes have on labor relations and employment contracts? We understand that this is a complicated question, involving such factors as retirement pay and terms, flightcrew pay structure and other employment benefits, age structure, longevity of junior active crewmembers, attrition rates, the number of captains who "bid down" to flight engineer positions, training cycles and costs, and growth or shrinkage in the size of the flightcrew cadres. Such details would be appreciated in your estimate of financial impact.

b. What effects would a study program have on existing air carrier medical programs?

c. What do you estimate the change to be for persons affected should any of these regulatory changes be made? Consider the changes in wages, pensions, and health benefits.

List of Subjects in 14 CFR Part 121

Aviation safety, Air carriers, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Pilots, Transportation, Common carriers.

(Secs. 313, 601, 602, 604, and 609 of the Federal Aviation Act of 1958, as amend (49 U.S.C. 1354, 1421, 1422, 1424, and 1429), and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this rulemaking action is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A full regulatory evaluation will be prepared, with the assistance of comments received as a result of this advance notice, if necessary, in conjunction with any notice of proposed rulemaking that may be issued on this subject.

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

Kenneth S. Hunt,

Director of Flight Operations, AFO–1.

[FR Doc. 18244 Filed 7–7–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Thursday
July 8, 1982

Part III

Department of the Interior

Bureau of Land Management

List of Wilderness Study Areas

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

List of Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: List of Wilderness Study Areas and Study Schedule.

SUMMARY: This notice updates the November 18, 1981 **Federal Register** publication (46 FR 56736) containing a listing of wilderness study areas administered by the Bureau of Land Management (BLM) in the contiguous Western States as well as three eastern lake States. This list and study schedule is being published to assist the public in tracking wilderness study areas (WSA's) and to update the schedule resulting from streamlining and aggregating various land use planning efforts since the November 18, 1981, publication.

Based upon budgetary, workload and scheduling priorities this list reflects all revisions to provide for the acceleration of wilderness studies. The BLM's goal is to complete all wilderness studies (exclusive of mineral surveys) prior to September 30, 1986, by incorporating the studies into the BLM land use planning process accompanied by Environmental Impact Statements.

FOR FURTHER INFORMATION CONTACT:

Questions about particular wilderness study areas should be directed to the appropriate BLM State Directors, whose addresses appear at the end of this notice (Appendix A). Questions about the nationwide aspects of the program should be directed to the Division of Recreation, Cultural, and Wilderness Resources (342), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240. Telephone (202) 343–6064.

SUPPLEMENTARY INFORMATION: A column headed "DEIS Completion" has been added to Table II to identify in which fiscal year State Directors are scheduled to publish the draft environmental impact statement (DEIS) containing their preliminary recommendations on wilderness suitability or nonsuitability. At that time, a public comment period will be provided on the DEIS and preliminary wilderness recommendations.

The "Plan/EIS Completion" column indicates the fiscal year in which the State Director will make his final recommendations to the Director.

Three States (New Mexico, Oregon and Utah) are conducting wilderness studies on a statewide basis. In these cases the dates are given at the head of the table.

Some inventory units and WSA's are still under appeal to the Interior Board of Land Appeals (IBLA), or are pending reconsideration by the BLM as a result of the IBLA's decisions reversing, remanding or setting aside certain State Directors' decisions. In cases where the IBLA has issued a decision but the status of a WSA is not final, Table II identifies these WSA's by denoting the acronymn "IBLA" after each affected WSA. Table II does not include areas not recommened for study and pending decisions by the IBLA. State Directors will announce their decisions concerning these units in subsequent **Federal Register** notices consistent with the IBLA ruling. These changes will be integrated into an updated list at a later date.

For further information on policies, criteria and guidelines for conducting wilderness studies on the public lands refer to the BLM's final wilderness study policy published in the **Federal Register** on February 3, 1982 (47 FR 5098).

The results of the inventory and their study status are presented in the three tables below:

Table I. Statistical Summary Table.
Table II. List of Wilderness Study Areas.
Table III. List of Instant Study Areas.

Dated: July 1, 1982.

Robert F. Burford,

Director.

BILLING CODE 4310-84-M

TABLE I
STATISTICAL SUMMARY

BLM Wilderness Inventory Status[1/] as of July 1, 1982

Contiguous Western States	Public Lands Subject to Wilderness Inventory (Acres)	Identified as Wilderness Study Areas [2/]			Determined to lack Wilderness Characteristics (Acres)	
		Number of Areas	Acres	%		%
Arizona	12,663,000	132	3,038,000	(24)	9,625,000	(76)
California	16,585,000	243	6,777,000	(41)	9,808,000	(59)
Colorado	7,996,000	64	808,000	(10)	7,188,000	(90)
Idaho	11,949,000	69	1,732,000	(14)	10,217,000	(86)
Montana	8,140,000	46	468,000	(6)	7,672,000	(94)
Nevada	49,118,000	100	4,593,000	(9)	44,525,000	(91)
New Mexico	12,847,000	52	999,000	(8)	11,848,000	(92)
North Dakota	68,000	0	0		68,000	(100)
Oklahoma	7,000	0	0		7,000	(100)
Oregon	13,965,000	94	2,652,000	(19)	11,313,000	(91)
South Dakota	277,000	0	0		277,000	(100)
Utah	22,076,000	87	2,705,000	(12)	19,371,000	(88)
Washington	310,000	2	5,000	(2)	305,000	(98)
Wyoming	17,793,000	46	582,000	(3)	17,211,000	(97)
Subtotal	173,794,000	935	24,359,000	(14)	149,435,000	(86)
Eastern States						
Michigan	1,250				1,250	(100)
Minnesota	45,000				45,000	(100)
Wisconsin	3,548				3,548	(100)
Subtotal	49,798				49,798	(100)

1/ Certain inventory decisions have been appealed to the Interior Board of Land Appeals; there may be changes as a result of this Board's decisions.

2/ Includes all 55 Instant Study Areas (ISA's) and acreage for each State. See Tables II(WSA's) and III(ISA's) for a listing of each area and their respective acreage and status.

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

*District Prefix Code:
010-Arizona Strip; 020-Phoenix; 040-Safford; 050-Yuma;
1/ Crosses State political boundaries.
2/ Crosses BLM resource administra'..c boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment; T-Transition; RMP-Resource Management Plan

TABLE II A

ARIZONA

WSA Name		* Number	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
Starvation Point		AZ-010-005/ UT-040-057 1/2	27,212	Coconino/ Washington	Vermillion	Arizona Strip	MFP-A	1982	1983	1983
Ferry Swale		AZ-010-006A	10,170	Coconino						
Judd Hollow	(IBLA)	AZ-010-006B	1,226	Coconino						
Paria Rim	(IBLA)	AZ-010-006C	106	Coconino						
Cedar Mountain	(IBLA)	AZ-010-006D	12	Coconino						
Paria Plateau		AZ-010-008A/19	124,428	Coconino						
Overlook		AZ-010-008B	7,348	Coconino						
Emmett Wash		AZ-010-009 3/	12,913	Coconino						
Kanab Creek		AZ-010-031 1/ 3/	39,242	Coconino/ Mohave						

WSA Name		* Number	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
Hack Canyon (A)		AZ-010-033A 3/	63,682	Mohave						
Robinson		AZ-010-034	9,441	Mohave						
Toroweap		AZ-010-050	5,312	Mohave						
Mount Logan		AZ-010-051 2/	8,803	Mohave						
Mount Trumbull		AZ-010-052	7,285	Mohave						
Starvation Point		AZ-010-005 1/	18,637	Mohave	Shivwits					
Poverty Mountain		AZ-010-091	7,872	Mohave						
Parashaunt		AZ-010-093 3/	38,938	Mohave						
Darnell Canyon	(IBLA)	AZ-010-096A 3/	294	Mohave						
Grassy Mountain	(IBLA)	AZ-010-096C 3/	5,503	Mohave						
Andrus Canyon		AZ-010-96D 3/	48,248	Mohave						
North Dellenbaugh	(IBLA)	AZ-010-097	10,678	Mohave						
G & F	(IBLA)	AZ-010-099 3/	640	Mohave						
Salt House	(IBLA)	AZ-010-104A	13,465	Mohave						
Mustang Point	(IBLA)	AZ-010-104B	25,912	Mohave						
Neverahine Mesa		AZ-010-105A 3/	19,457	Mohave						
Snap Point		AZ-010-105B 3/	9,500	Mohave						
Tincanebitts		AZ-010-105C 3/	2,715	Mohave						
Grand Gulch		AZ-010-107 3/1	8,141	Mohave						
Pigeon Canyon		AZ-010-109 3/	33,348	Mohave						
Last Chance		AZ-010-111	33,985	Mohave						
Grand Wash Cliffs		AZ-010-112	31,503	Mohave						
Pakoon Springs		AZ-010-114 1/	24,832	Mohave						
Hidden Rim		AZ-010-119	16,563	Mohave						
Hobbie Canyon		AZ-010-124	11,825	Mohave						
Ide Valley		AZ-010-127	7,970	Mohave						
Sand Cove		AZ-010-128	40,061	Mohave						
Virgin Mountains		AZ-010-129	37,681	Mohave						
Virgin River		AZ-010-130 3/	1,440	Mohave						
Purgatory		AZ-010-132	7,557	Mohave						
Lime Hills		AZ-010-134 3/	12,850	Mohave						
Narrows		AZ-010-135	7,725	Mohave						
Mount Emma		AZ-010-136 3/	6,480	Mohave						
		Subtotal (42)	801,000							
Mount Wilson		AZ-020-001A 3/	24,821	Mohave	Kingman	Cerbat Black	MFP-A	1983	1984	1984
Van Deeman	(IBLA)	AZ-020-007 3/	1,550	Mohave						
Mockingbird	(IBLA)	AZ-020-008 3/	5,700	Mohave						
Black Mountains N.	(IBLA)	AZ-020-009 3/	20,398	Mohave						
Burns Spring	(IBLA)	AZ-020-010 3/	29,961	Mohave						
Mount Tipton	(IBLA)	AZ-020-012/042	19,550	Mohave						
Grapevine Wash	(IBLA)	AZ-020-014 3/	2,200	Mohave						
Grand Wash Cliffs	(IBLA)	AZ-020-015	12,176	Mohave						
Mount Davis & Pole	(IBLA)	AZ-020-021 3/	2,560	Mohave						
Mount Nutt	(IBLA)	AZ-020-024	29,200	Mohave						
Warm Springs	(IBLA)	AZ-020-028/029	118,455	Mohave						
		Subtotal (11)	266,571							
Wabayuma Peak		AZ-020-037/043	36,730	Mohave	Kingman	Upper Sonoran	MFP-T	1982	1982	1983
Planet		AZ-020-053 2/	12,765	Mohave						
Aubrey Peak		AZ-020-054	15,240	Mohave						
Black Mesa		AZ-020-056	17,010	Mohave						
Rawhide Mountains		AZ-020-058A 2/	62,300	Yuma						
Arrastra Mountain		AZ-020-059 2/	113,650	Mohave/ Yavapai						
Lower Burro Creek		AZ-020-060	22,300	Mohave						
Upper Burro Creek		AZ-020-062	27,390	Mohave/ Yavapai						
Peoples Canyon	(IBLA)	AZ-020-068	3,480	Yavapai	Lower Gila					
Buckskin Mountains		AZ-020-071 2/	47,582	Yuma						
Harcuvar Mountains		AZ-020-075	74,778	Yuma/ Yavapai						
Hassayampa River Canyon		AZ-020-083 2/	21,900	Yavapai						
Harquahala		AZ-020-095	73,875	Yuma/ Maricopa						
Big Horn Mountains		AZ-020-099	22,337	Maricopa						
Hummingbird Springs		AZ-020-100	67,680	Maricopa						
Saddle Mountain		AZ-020-135	5,500	Maricopa						
Ives Peak		AZ-020-204	9,665	Yavapai						
Tres Alamos		AZ-020-205	8,910	Yavapai						
		Subtotal (18)	643,092							

WSA Name	* Number	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
South Bradshaws (IBLA)	AZ-020-084A 3/	640	Yavapai	Phoenix	Phoenix	MFP-A	1983	1984	1984
Hells Canyon	AZ-020-119	9,379	Yavapai/ Maricopa						
White Canyon	AZ-020-187	6,968	Pinal						
Picacho Mountains	AZ-020-194	6,400	Pinal						
Ragged Top (IBLA)	AZ-020-197	4,460	Pima						
Coyote Mountains	AZ-020-202	5,080	Pima						
Baboquivari Peak S.(IBLA)	AZ-020-203B	2,065	Pima						
	Subtotal (7)	34,992							
New Water Mountains	AZ-020-125 3/	40,600	Yuma	Lower Gila	Lower Gila South	RMP	1981	1984	1984
Little Horn Mtns. West	AZ-020-126A 3/	13,800	Yuma						
Little Horn Mountains	AZ-020-127	91,930	Yuma						
Eagletail Mountains	AZ-020-128	120,925	Yuma/ Maricopa						
East Clanton Hills	AZ-020-129	36,600	Yuma/ Maricopa						
Face Mountain	AZ-020-136	27,575	Maricopa						
Signal Mountain	AZ-020-138	20,920	Maricopa						
Woolsey Peak	AZ-020-142/144	73,930	Maricopa						
North Maricopa Mountains	AZ-020-157	75,483	Maricopa						
Sierra Estrella	AZ-020-160	14,190	Maricopa						
South Maricopa Mountains	AZ-020-163	72,004	Maricopa						
Butterfield Stage Memorial	AZ-020-164	9,566	Maricopa						
Table Top Mountain	AZ-020-172	39,823	Maricopa/ Pinal						
Subtotal (13)	637,346								
Needle's Eye	AZ-040-001A	9,485	Gila	Gila	Safford	MFP-A	1982	1983	1983
Black Rock	AZ-040-008 3/	8,492	Graham						
Fishhooks	AZ-040-014	15,013	Graham						
Daymine	AZ-040-016	16,629	Graham						
Turtle Mountain	AZ-040-023/024 (B)	17,422	Greenlee/ Graham						
Gila Box	AZ-040-022/ 023/024(A) 2/	13,470	Graham/ Greenlee						
Peloncillo Mountains	AZ-040-060 1/	13,032	Cochise/ Graham/ Greenlee/ Hidalgo,NM	Gila/San Simon					
Javelina Peak	AZ-040-048	17,870	Graham						
Happy Camp Canyon	AZ-040-065	16,769	Cochise						
	Subtotal (9)	128,182							
Bowie Mountain	AZ-040-066 3/	6,156	Cochise	San Simon	Coronado (USFS)	Forest	1978	1982	1983
Baker Canyon	AZ-040-070	4,812	Cochise						
Galiuro Addition #3	AZ-040-081 3/ 3/	640	Graham	Gila					
	Subtotal (3)	11,608							
Apache Box (IBLA)	AZ-040-076	932	Grant,NM	San Simon	Apache-Sitgreaves (USFS)	Forest	1980	1983	1983
Hoverrocker (IBLA)	AZ-040-077 3/ 3/	2,791	Greenlee/ Grant,NM						
	Subtotal (2)	3,723							
Dead Mtn.,North Addition	AZ-050-001 1/	1,815	San Bernardino	Havasu	Havasu	MFP-A	1983	1983	1984
Dead Mtn.,South Addition	AZ-050-002 1/	630	San Bernardino						
Chemehuevi Mountains	AZ-050-003 1/	195	San Bernardino						
Chemehuevi/Needles	AZ-050-004 1/	960	San Bernardino						
Whipple Mountain Addition	AZ-050-010 1/	1,380	San Bernardino						
Needles East. Add. (IBLA)	AZ-050-005B 3/	465	Mohave						
Crossman Peak	AZ-050-007B	37,760	Mohave						
Mohave Wash (IBLA)	AZ-050-007C/5 48/2-52 2/	104,605	Mohave						
Gibralter Mountain (IBLA)	AZ-050-012	25,260	Yuma						
Planet Peak (IBLA)	AZ-050-013	17,645	Yuma						
Cactus Plain	AZ-050-014 A/B 2/	70,360	Yuma						
Swansea (IBLA)	AZ-050-015A	41,690	Yuma/Mohave						
East Cactus Plain	AZ-050-017	13,735	Yuma						
	Subtotal (13)	316,500							
Big Maria Mtns. North	AZ-050-018 1/	415	Riverside	Yuma	Yuma	MFP-A	1984	1985	1985
Big Maria Mtns. South	AZ-050-019 1/	1,420	Riverside						
Little Picacho Peak South	AZ-050-035 1/	2,915	Imperial						
Trigo Mountains (IBLA)	AZ-050-023A/ 023B 3/	41,370	Yuma						
Kofa Unit 3 South (IBLA)	AZ-050-031 3/	3,400	Yuma						
Kofa Unit 4 North (IBLA)	AZ-050-033 3/	1,900	Yuma						
Kofa Unit 4 South	AZ-050-034 3/	11,220	Yuma						
Muggins Mountain	AZ-050-053A	21,300	Yuma						
	Subtotal (8)	83,940							
STATE TOTAL	Areas (126)	2,926,954							

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

*District Prefix Code:
010-Bakersfield; 020-Susanville; 030-Redding; 040-Ukiah; 060-Riverside; CDCA-California Desert Conservation Area
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

TABLE II B

CALIFORNIA

WSA Name	* Number	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
Tepusquet Peak	CA-010-007 3/	1,024	Santa Barbara	Caliente	Los Padres (USFS)	Forest	1981	1983	1983
Garcia Mountain	CA-010-012 3/	494	San Luis/ Obispo						
Black Mountain	CA-010-020 3/	150	San Luis/ Obispo						
Spoor Canyon	CA-010-036 3/	240	Santa Barbara						
Cuyama	CA-010-037 3/	1,014	Santa Barbara						
Machesna	CA-010-108 3/	720	San Luis/ Obispo						
Black Butte	CA-040-305A 3/	40	Monterey	Hollister					
Bear Mountain	CA-040-305B 3/	3,198	Monterey	Hollister					
Bear Canyon	CA-040-305C 3/	318	Monterey	Hollister					
	Subtotal (9)	7,198							
Sheep Ridge	CA-010-022 3/	4,905	Tulare	Caliente	Central California	MFP-A	1981	1982	1982
Milk Ranch/Case Mountain	CA-010-023 3/	5,742	Tulare	Caliente					
Owens Peak	CA-010-026 2/	22,560	Tulare/Kern	Caliente					
Caliente Mountain	CA-010-042	19,018	San Luis/ Obispo	Caliente					
Panoche Hills North	CA-040-301A	6,677	Fresno	Diablo					
Panoche Hills South	CA-040-301B	11,267	Fresno	Diablo					
Pinnacles Wilderness Contiguous	CA-040-303	5,838	Monterey/ San Benito	Diablo					
Ventana Wilderness Contiguous	CA-040-308 3/	680	Monterey	Hollister					
Merced River	CA-040-203	12,835	Mariposa	Folsom					
	Subtotal (9)	89,522							
Moses	CA-010-025 3/	558	Tulare	Caliente	Sequoia (USFS)	Forest	1981	1983	1983
Milk Ranch/Case Mountain	CA-010-023 3/	640	Tulare						
Rockhouse	CA-010-029 3/	34,795	Tulare						
Scodie	CA-010-030 3/	5,847	Tulare/Kern						
Domeland	CA-010-032 3/	2,209	Kern						
Kelso Creek Valley	CA-010-045 3/	2,244	Kern						
	Subtotal (6)	46,293	Kern						
Paiute (IBLA)	CA-010-060 3/	7,600	Inyo	Bishop	Inyo (USFS)	Forest	1981	1983	1983
Coyote Southeast (IBLA)	CA-010-063 3/	3,211	Inyo						
Log Cabin - Saddlebag	CA-010-091A 3/	520	Mono						
Black Canyon (IBLA)	CA-010-065 3/	6,518	Inyo						
Wheeler Ridge (IBLA)	CA-010-068 3/	3,197	Inyo/Mono						
Laural-McGee	CA-010-072 3/	110	Mono						
White Mountain	CA-010-075 3/	1,260	Inyo/Mono						
Benton Range	CA-010-077 3/	4,052	Mono						
	Subtotal (8)	26,468							

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
Sacatar Meadow	CA-010-027 2/3	18,175	Tulare/Inyo	Caliente	Benton-Owens Valley /Bodie-Coleville	MFP-A	1983	1984	1984
Southern Inyo	CA-010-056 2/3	36,600	Inyo	Bishop					
Independence Creek	CA-010-057 3/	9,760	Inyo						
Wonoga Peak	CA-010-058 3/	3,530	Riverside						
Tinemaha	CA-010-059 3/	3,280	Riverside						
Crater Mountain	CA-010-062	6,760	Inyo						
Symmes Creek	CA-010-064	7,700	Inyo						
Casa Diablo	CA-010-082	5,547	Inyo						
Granite Mountains	CA-010-090	52,781	Mono						
Cerro Gordo	CA-010-055	16,102	Inyo						
Rock Creek West	CA-010-075 3/	414	Mono						
Chidago Canyon	CA-010-079	20,246	Mono						
Fish Slough	CA-010-080	19,730	Inyo/Mono						
Volcanic Tableland	CA-010-081	11,840	Inyo/Mono						
Excelsior (South 1/2)	CA-010-088	3,300	Mono						
Walford Springs	CA-010-092	13,200	Mono						
Mormon Meadow	CA-010-094	7,280	Mono						
Mount Biedeman	CA-010-095	12,420	Mono						
Bodie Mountains	CA-010-099	23,360	Mono						
Bodie	CA-010-100	15,455	Mono						
Masonic Mountains	CA-010-102	6,600	Mono						
Excelsior (North 1/2)	CA-010-088 3/	9,100	Mono						
Slinkard	CA-010-105 2/	6,760	Alpine/Mono						
	NV-030-531 3/								
Carson - Iceberg	CA-010-105 3/	1,590	Mono						
	NV-030-532								
	Subtotal (24)	311,530							
Sweetwater	CA-010-103 3/	960	Mono	Bishop	Toiyabe(USFS)	Forest	1981	1983	1983
	Subtotal (1)								
North Fork American	CA-040-102 3/	50	Placer	Folsom	Tahoe (USFS)	Forest	1981	1983	1983
	Subtotal (1)								
Tuolumne River	CA-040-201 3/	3,005	Toulumne	Folsom	Stanislaus (USFS)	Forest	1981	1983	1983
	Subtotal (1)								
Pit River Canyon	CA-020-103	11,575	Lassen	Pit River	Alturas	RMP	1980	1983	1983
Tule Mountain	CA-020-211	16,950	Lassen/ Modoc						
South Warner Contiguous	CA-020-708 3/	4,330	Modoc						
	Subtotal (3)	32,855							
Tunnison Mountain	CA-020-311	20,650	Lassen	Eagle Lake	Eagle Lake/Surprise	MFP-A	1984	1985	1985
Five Springs	CA-020-609 1/	45,800	Lassen/ Washoe	Eagle Lake					
Skedaddle	CA-020-612 1/	60,800	Lassen/ Washoe	Eagle Lake					
Dry Valley Rim	CA-020-615 1/	17,140	Lassen/ Washoe	Pit River					
Buffalo Hills	CA-020-619 1/	880	Lassen/ Washoe	Eagle Lake					
Twin Peaks	CA-020-619A 1/	23,060	Lassen	Eagle Lake					
Wall Canyon	CA-020-805 1/	45,790	Washoe	Surprise					
Little High Rock Canyon	CA-020-913 1/	44,870	Washoe/ Humoldt	Surprise					
Yellow Rock Canyon	CA-020-913A 1/	13,050	Washoe	Surprise					
High Rock Canyon	CA-020-913B 1/	33,985	Washoe	Surprise					
East Fork High Rock Canyon	CA-020-914 1/	46,450	Washoe/ Humoldt	Surprise					
Sheldon Contiguous	CA-020-1012 1/3/	24,130	Washoe	Surprise					
Massacre Rim	CA-020-1013 1/	110,000	Washoe	Surprise					
	Subtotal (13)	486,605							
Timbered Crater	CA-030-201 3/	17,542	Shasta/ Modoc/ Siskiyou	Ishi	Redding	MFP-T	1981	1983	1984
Lava	CA-030-203	11,632	Shasta	Ishi					
Yolla Bolly	CA-030-501 3/	604	Tehama	Ishi					
	Subtotal (3)	29,778							
Tunnel Ridge	CA-030-402 3/	4,623	Trinity	Ishi	Shasta/Trinity (USFS)	Forest	1981	1983	1983
	Subtotal (1)								
Ishi	CA-030-503 3/	200	Techema	Ishi	Lassen (USFS)	Forest	1981	1983	1983
	Subtotal (1)								
Oroville Lake (IBLA)	CA-030-504 3/	68	Butte	Ishi	Plumas (USFS)	Forest	1981	1983	1983
	Subtotal (1)								
King Range (Chemise ISA)	CA-050-112	32,342	Humbolt	Eureka	King Range/North Coast	MFP-A	1984	1985	1985
	Subtotal (1)								
Red Mountain	CA-050-132	6,173	Mendocino	Eureka					
	Subtotal (1)								
Big Butte	CA-050-211 3/	9,536	Trinity/ Mendocino	Eureka	Mendocino (USFS)	Forest	1982	1984	1984
Thatcher Ridge	CA-050-212 3/	17,187	Mendocino	Mendocino					
Eden Valley/Middle Fork Eel River	CA-050-214 3/	6,674	Mendocino	Mendocino					
	Subtotal (3)	33,397							

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	DEIS Completion	Plan/EIS Completion
Rocky Creek/Cache Creek	CA-050-317	33,582	Lake/Yolo	Clear Lake	Clear Lake	MFP-T	1982	1983	1983
Cedar Roughs	CA-050-331	7,183	Napa						
	Subtotal (2)	40,765							
Agua Tibia	CA-060-002 3/	360	Riverside	Escondido	Western Counties (West San Diego)	MFP-A	1981	1982	1982
Beauty Mountain G	CA-060-020G	11,342	San Diego/ Riverside	Escondido					
Combs Peak A	CA-060-021A	71	San Diego	El Centro					
Hauser Mountain C	CA-060-027C	5,489	San Diego	Escondido					
Western Otay Mountain	CA-060-028	5,751	San Diego	Escondido					
Southern Otay Mountain	CA-060-029	7,941	San Diego	Escondido					
	Subtotal (6)	30,954							
San Ysidro Mountain	CA-060-022	2,131	San Diego	El Centro	East San Diego County	MFP-T	1978	1981	1981
San Felipe Hills	CA-060-023	5,265							
Sawtooth Mountains A	CA-060-024A 3/	3,892							
Sawtooth Mountains B	CA-060-024B 3/	24,696							
Sawtooth Mountains C	CA-060-024C	2,509							
Carrizo Gorge	CA-060-025	14,571							
Table Mountain	CA-060-026	958							
	Subtotal (7)	54,022							

California Desert Conservation Area (CDCA) Special Plan- 1976-1980 Tentative Recommendations are pending administrative review.

WSA Name	Number *	Acreage	County	Resource Area
McAfee Creek	CDCA-100 2/3/	456	Mono	Bishop
North Tip	CDCA-100A 2/3/	407	Mono	Bishop
Toler Creek	CDCA-101 2/3/	897	Mono	Bishop
N.W. Fishlake Valley	CDCA-102 2/3/	12,585	Mono	Ridgecrest
White Mountains	CDCA-103 2/3/	7,784	Mono/Inyo	Ridgecrest
Cottonwood Creek	CDCA-104 2/3/	3,729	Inyo	Ridgecrest
Wyman Creek	CDCA-105 2/3/	5,729	Inyo	Ridgecrest
Antelope Spring	CDCA-107A 2/3/	851	Inyo	Ridgecrest
Sylvania Mountains	CDCA-111	14,983	Inyo	Ridgecrest
Last Chance Mountain	CDCA-112	36,287	Inyo	Ridgecrest
Piper Mountain	CDCA-115	69,282	Inyo	Ridgecrest
Saline Valley	CDCA-117 1/2/	405,215	Inyo	Ridgecrest
Lower Saline Valley	CDCA-117A 2/	6,560	Inyo	Ridgecrest
North Death Valley	CDCA-118	7,951	Inyo	Ridgecrest
Little Sand Spring	CDCA-119 2/	32,876	Inyo	Ridgecrest
Waucoba Wash	CDCA-120 2/3/	11,465	Inyo	Ridgecrest
Saline Dunes	CDCA-121	5,760	Inyo	Ridgecrest
Inyo Mtn.	CDCA-122 1/3/	87,145	Inyo	Ridgecrest
Hunter Mtn	CDCA-123 2/	23,604	Inyo	Ridgecrest
Cerro Gordo Peak	CDCA-124 1/	56,690	Inyo	Ridgecrest
Panamint Dunes	CDCA-127 2/	90,427	Inyo	Ridgecrest
North Coso Range	CDCA-130	8,102	Inyo	Ridgecrest
Coso Range	CDCA-131	24,873	Inyo	Ridgecrest
Great Falls Basin	CDCA-132	5,972	Inyo	Ridgecrest
Darwin Falls	CDCA-132A	8,319	Inyo	Ridgecrest
No. Argus Range	CDCA-132B	21,099	Inyo	Ridgecrest
Wildrose Canyon	CDCA-134 2/	36,949	Inyo	Ridgecrest
Surprise Canyon	CDCA-136 2/	52,696	Inyo	Ridgecrest
Manly Peak	CDCA-137	33,390	Inyo	Ridgecrest
Middle Park Canyon	CDCA-137A 2/	8,532	Inyo	Ridgecrest
Slate Range	CDCA-142 2/	89,528	Inyo	Ridgecrest
Funeral Mountains	CDCA-143 2/	46,529	Inyo	Ridgecrest
Resting Springs Range	CDCA-145	89,772	Inyo	Ridgecrest
Greenwater Range	CDCA-147 2/	123,131	Inyo	Ridgecrest
Greenwater Valley	CDCA-148 2/	54,022	Inyo	Ridgecrest
Ibex Hills	CDCA-149 2/	33,929	Inyo	Ridgecrest
Ibex Spring	CDCA-149A 2/	2,346	Inyo	Ridgecrest
Nopah Range	CDCA-150	109,701	Inyo	Ridgecrest
South Nopah Range	CDCA-150A	13,779	Inyo	Ridgecrest
Pahrump Valley	CDCA-154	33,914	Inyo	Ridgecrest
Owlshead Mountain	CDCA-156 2/	113,901	San Bernardino	Ridgecrest
Little Lake Canyon	CDCA-157 3/	25,207	Inyo	Ridgecrest
Owens Peak	CDCA-158	36,023	Inyo/San Bernardino	Ridgecrest
Cow Heaven	CDCA-159 3/	5,564	Kern	Ridgecrest
Horse Canyon	CDCA-160	4,067	Kern	Ridgecrest
Kelso Peak	CDCA-160B	6,826	Kern	Ridgecrest
Skinner Peak	CDCA-160C 3/	1,036	Kern	Ridgecrest
Frog Creek	CDCA-163	9,225	Kern	Ridgecrest
El Paso Mountain	CDCA-164	17,064	Kern	Ridgecrest
Golden Valley	CDCA-170	32,208	San Bernardino	Barstow
Red Mountain	CDCA-172	7,040	San Bernardino	Barstow
Blackwater Well	CDCA-173	7,260	San Bernardino	Barstow

WSA Name	Number		Acreage	County	Resource Area
Grass Valley	CDCA-173A		13,875	San Bernardino	Barstow
Black Mountain	CDCA-186		7,602	San Bernardino	Barstow
Newberry Mountains	CDCA-206		21,968	San Bernardino	Barstow
Rodman Mountains	CDCA-207		25,037	San Bernardino	Barstow
Bighorn Mountains	CDCA-217	3/	53,219	San Bernardino	Barstow
Morongo	CDCA-218		6,400	San Bernardino	Barstow
Whitewater	CDCA-218A		9,610	Riverside/ San Bernardino	Indio
Saddle Peak Mountains	CDCA-219		8,611	San Bernardino	Barstow
South Saddle Peak Mtns.	CDCA-220		5,320	San Bernardino	Barstow
Avawatz	CDCA-221		87,831	San Bernardino	Barstow
South Avawatz Mountains	CDCA-221A		29,435	San Bernardino	Barstow
Kingston Range	CDCA-222		255,058	Inyo/San Bernardino	Barstow/Needles
Silurian Valley	CDCA-222A		17,064	San Bernardino	Barstow
North Mesquite Mountains	CDCA-223		23,125	San Bernardino	Needles
Mesquite Mountains	CDCA-225		44,317	San Bernardino	Needles
Stateline	CDCA-225A		8,105	San Bernardino	Needles
Clark Mountain	CDCA-227		14,107	San Bernardino	Needles
Hallow Hills	CDCA-228		26,422	San Bernardino	Barstow
Shadow Valley	CDCA-235A		10,452	San Bernardino	Needles
Magee/Atkins	CDCA-237		11,092	San Bernardino	Needles
Deer Spring	CDCA-237A		2,560	San Bernardino	Needles
Valley View	CDCA-237B		3,200	San Bernardino	Needles
Teutonia Peak	CDCA-238A		2,976	San Bernardino	Needles
Cima Dome	CDCA-238B		15,333	San Bernardino	Needles
Cinder Cones	CDCA-239		44,992	San Bernardino	Needles
Soda Mountains	CDCA-242		106,641	San Bernardino	Barstow
Old Dad Mountains	CDCA-243		49,301	San Bernardino	Needles
Rainbow Wells	CDCA-244		16,019	San Bernardino	Needles
Eight-Mile Tank	CDCA-245		18,714	San Bernardino	Needles
Kelso Mountains	CDCA-249		64,273	San Bernardino	Needles
Kelso Dunes	CDCA-250		124,518	San Bernardino	Needles
Cady Mountains	CDCA-251		65,177	San Bernardino	Barstow
Mesquite Spring	CDCA-251A		14,447	San Bernardino	Barstow
Sleeping Beauty Mountain	CDCA-252		18,333	San Bernardino	Barstow
Bristol/Granite Mountains	CDCA-256		72,206	San Bernardino	Needles
Lava Hills	CDCA-258		18,423	San Bernardino	Needles

WSA Name	Number		Acreage	County	Resource Area
So. Bristol Mountains	CDCA-238A		23,238	San Bernardino	Needles
Marble Mountains	CDCA-259		29,178	San Bernardino	Needles
Clipper Mountains	CDCA-260		37,787	San Bernardino	Needles
So. Providence Mountain	CDCA-262		23,938	San Bernardino	Needles
Providence Mountains	CDCA-263		54,257	San Bernardino	Needles
Mid Hills	CDCA-264		13,300	San Bernardino	Needles
New York Mountains	CDCA-265		35,583	San Bernardino	Needles
Castle Peaks	CDCA-266		36,239	San Bernardino	Needles
Fort Piute	CDCA-267		37,561	San Bernardino	Needles
Table Mountain	CDCA-270		7,556	San Bernardino	Needles
Woods Mountain	CDCA-271		37,758	San Bernardino	Needles
Signal Hill	CDCA-272		32,477	San Bernardino	Needles
Dead Mountains	CDCA-276		29,411	San Bernardino	Needles
Piute Mountains	CDCA-288		17,063	San Bernardino	Needles
Essex	CDCA-288A		10,984	San Bernardino	Needles
Bigelow Cholla Garden	CDCA-290		9,136	San Bernardino	Needles
Sacramento Mountains	CDCA-292		36,450	San Bernardino	Needles
Stepladder Mountains	CDCA-294		111,685	San Bernardino	Needles
Pilot Peak	CDCA-295		29,434	San Bernardino	Needles
Old Woman Mountains	CDCA-299		100,826	San Bernardino	Needles
Ship Mountains	CDCA-300		17,889	San Bernardino	Needles
Cleghorn Lakes	CDCA-304		26,912	San Bernardino	Barstow
Amboy Crater	CDCA-304A		13,414	San Bernardino	Needles
Sheephole/Codiz	CDCA-305		135,827	San Bernardino	Needles
Turtle Mountains	CDCA-307		229,241	San Bernardino	Needles
Chemehuevi Mountains	CDCA-310		57,229	San Bernardino	Needles
Whipple Mountains	CDCA-312		81,548	San Bernardino	Needles
Big Maria Mountain	CDCA-321		50,538	Riverside	Indio
Rice Valley	CDCA-322		48,845	Riverside	Indio
Palen/McCoy	CDCA-325		239,878	Riverside	Indio
Coxcomb Mountains	CDCA-328	1/2/	61,524	Riverside/ San Bernardino	Indio
Eagle Mountains	CDCA-334	2/	49,723	Riverside	Indio
Pinto Basin	CDCA-334A	2/	4,480	Riverside	Indio
Pinto Mountains	CDCA-355	1/2/	24,710	San Bernardino/ Riverside	Barstow
Santa Rosa Mountains	CDCA-341	3/	68,051	Riverside/ San Diego	Indio
Mecca Hills	CDCA-343		15,665	Riverside	Indio
Orocopia Mountains	CDCA-344		44,195	Riverside	Indio
Chuckwalla Mountain	CDCA-348	1/	126,057	Riverside/ Imperial	Indio
Little Chuckwalla Mountain	CDCA-350	1/	44,422	Riverside/ Imperial	Indio/El Centro
Palo Verde Mountains	CDCA-352		25,428	Imperial	El Centro
Indian Pass	CDCA-355		25,971	Imperial	El Centro
Picacho Peak	CDCA-355A		6,982	Imperial	El Centro
Little Picacho Peak	CDCA-356		37,196	Imperial	El Centro
North Algodones Dunes	CDCA-360		20,778	Imperial	El Centro
South Algodones Dunes	CDCA-362		54,121	Imperial	El Centro
Jacumba(In-Ko-Pah Mtns.)	CDCA-368		26,868	Imperial	El Centro
Fish Creek Mountains	CDCA-372		10,958	Imperial	El Centro
Coyote Mountains	CDCA-373		8,766	Imperial	El Centro
	Subtotal CDCA (136)		5,529,517		
	Non-CDCA(101)		1,236,808		
STATE TOTAL	Areas (237)		6,766,325		

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

*District Prefix Code:
010-Craig; 030-Montrose; 050-Canon City; 070-Grand Junction
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment,T-Transition; RMP-Resource Management Plan

TABLE II C

COLORADO

WSA Name	Number*	Acreage	County	Resource Area	Plan Name	Type**	Plan Start	DEIS Completion	Plan/EIS Completion
Bull Canyon	CO-010-001 1/	11,777	Moffat	White River	White River	MFP-A	1981	1982	1983
Willow Creek	CO-010-002	13,368	Moffat	White River					
Skull Creek	CO-010-003	13,740	Moffat	White River					
Black Mountain	CO-010-007A	9,932	Rio Blanco	White River					
Windy Gulch	CO-010-007C	12,274	Rio Blanco	White River					
Oil Spring Mountain	CO-010-046	17,740	Rio Blanco	White River					
	Subtotal (6)	78,831							
Troublesome	CO-010-155	8,250	Grand	Kremmling	Kremmling	RMP	1980	1983	1983
	Subtotal (1)								
Cross Mountain	CO-010-230	14,081	Moffat	Little Snake	Cross Mountain	MFP-A	1981	1983	1983
	Subtotal (1)								
Cold Springs West	CO-010-208 1/	14,352	Moffat	Little Snake	Little Snake	RMP	1983	1985	1985
Diamond Breaks	CO-010-214 1/	31,480	Moffat	Little Snake					
Adjacent to Dinosaur National Monument	CO-010-224 3/	4,340	Moffat	Little Snake	Little Snake	RMP	1983	1985	1985
Adjacent to Dinosaur National Monument	CO-010-224A 3/	1,320	Moffat	Little Snake					
Adjacent to Dinosaur National Monument	CO-010-226 3/	4,880	Moffat	Little Snake					
Adjacent to Dinosaur National Monument	CO-010-228 3/	5,200	Moffat	Little Snake					
Adjacent to Dinosaur National Monument	CO-010-229D 3/	6,900	Moffat	Little Snake					
	Subtotal (7)	68,472							
Bill Hare Gulch	CO-030-085 3/	370	Hinsdale	Gunnison Basin	American Flats	MFP-A	1981	1982	1982
Larson Creek	CO-030-086 3/	900	Hinsdale	Gunnison Basin					
Red Cloud Peak	CO-030-208	40,575	Hinsdale	Gunnison Basin					
American Flats	CO-030-217 3/	4,710	Hinsdale/ San Juan/ Ouray	Gunnison Basin					
Needle Creek	CO-030-229B 3/	4,540	San Juan/ La Plata	San Juan					
Whitehead Gulch	CO-030-230B 3/	6,200	San Juan	San Juan					
Weminuche Contiguous	CO-030-238B 3/	1,980	San Juan	San Juan					
Handies Peak	CO-030-241	18,860	Hinsdale/ San Juan	Gunnison Basin					
	Subtotal(8)	78,135							
Sparling Gulch/Friends Creek	CO-030-088/213 3/	1,840	Hinsdale	Gunnison Basin	Cannibal Plateau	Forest	1980	1982	1982
Slumgullion Slide	CO-030-211 3/	1,640	Hinsdale	Gunnison Basin					
	Subtotal (2)	3,480							
West Needles Contiguous	CO-030-229A 3/	5,780	San Juan	San Juan	West Needles	Forest	1980	1982	1982
	Subtotal (1)								
Menefee Mountain	CO-030-251	7,400	Montezuma	San Juan	San Juan	RMP	1981	1984	1984
Weber Mountain	CO-030-252	6,200	Montezuma	San Juan					
Cross Canyon	CO-030-265/ UT-060-229 1/2/	9,440	Montezuma/ Dolores/San Juan,UT	San Juan(CO)/San Juan(UT)					
Squaw/Papoose Canyons	CO-030-265A/ UT-060-227 1/2	11,260	Dolores/ San Juan,UT						

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	DEIS Completion	Plan/EIS Completion
Cahone Canyon	CO-030-265D	8,385	Dolores	San Juan	San Juan	RMP	1981	1984	1984
McKenna Peak	CO-030-286	21,900	Montezuma Dolores	San Juan					
Dolores River Canyon	CO-030-290	25,550	Dolores/ San Miguel	San Juan					
	Subtotal (7)	90,135							
Tabeguache Creek	CO-030-300	7,270	Montrose	Uncompahgre	Uncompahgre	RMP	1984	1986	1986
Camel Back	CO-030-353	10,900	Montrose	Uncompahgre					
Adobe Badlands	CO-030-370B	10,560	Delta	Uncompahgre					
Gunnison Gorge	CO-030-388 3/	20,240	Montrose/ Delta	Uncompahgre					
	Subtotal (4)	48,970							
Browns Canyon	CO-050-002	6,614	Chaffee/ Fremont	Royal Gorge	Royal Gorge	MFP-A	1981	1982	1983
McIntyre Hills	CO-050-013	16,800	Fremont	Royal Gorge					
Lower Grape Creek	CO-050-014	11,220	Fremont	Royal Gorge					
Beaver Creek	CO-050-016	26,150	Fremont/ Teller/ El Paso	Royal Gorge					
Upper Grape Creek	CO-050-017	10,200	Fremont/ Custer	Royal Gorge					
Sand Castle	CO-050-135 3/	1,644	Alamosa	San Luis					
San Luis Hills	CO-050-141	10,240	Conejos	San Luis					
	Subtotal (7)	82,868							
Black Canyon	CO-050-131 3/	2,300	Saguache	San Luis	Sangre de Cristo	Forest	1981	1983	1983
South Piney Creek	CO-050-132B 3/	870	Saguache	San Luis					
Papa Keal	CO-050-137 3/	1,020	Alamosa	San Luis					
Zapata Creek	CO-050-139B 3/	720	Alamosa	San Luis					
	Subtotal (4)	4,910							
Demaree Canyon	CO-070-009	21,050	Garfield	Grand Junction	Grand Junction	RMP	1984	1986	1986
Little Bookcliffs Wildhorse Area	CO-070-066	26,525	Mesa	Grand Junction					
Black Ridge Canyons	CO-070-113	18,150	Mesa	Grand Junction					
Black Ridge Canyons West	CO-070-113A/ UT-060-116/117 1/2/	54,290	Mesa/ Grand,UT	Grand Junction/ Grand(UT)					
The Palisade	CO-070-132	26,050	Mesa	Grand Junction					
Dominguez Canyon	CO-070-150 2/	75,800	Mesa/Delta	Uncompahgre					
Sewemup Mesa	CO-070-176 2/	19,140	Mesa/ Montrose	Grand Junction/ Uncompahgre					
	Subtotal (7)	241,005							
Eagle Mountain	CO-070-392 3/	330	Pitkin	Glenwood Springs	Glenwood Springs	RMP	1980	1983	1983
Hack Lake	CO-070-425 3/	3,360	Garfield/ Eagle	Glenwood Springs					
Bull Gulch	CO-070-430	15,000	Eagle	Glenwood Springs					
Castle Peak	CO-070-433	11,940	Eagle	Glenwood Springs					
	Subtotal (4)	30,630							
STATE TOTAL	Areas (59)	755,547							

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

*District Prefix Code:
16,17,19,110,111-Boise; 28-Burley; 31,32-35,37-Idaho Falls; 43,45-47-Salmon; 53,54,56,57,59-Shoshone; 61,62-Coeur d'Alene
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

TABLE II D

IDAHO

WSA Name	Number*	Acreage	County	Resource Area	Plan Name	Type**	Plan Start	EIS Completion	Plan/EIS Completion
North Fork Owyhee River	ID-16-40	49,470	Owyhee	Owyhee	Owhyee	MFP-A	1981	1982	1982
Horsehead Spring	ID-16-41	6,210	Owyhee						
Squaw Creek Canyon	ID-16-42	10,780	Owyhee						
Middle Fork Owyhee River	ID-16-45	14,180	Owyhee						
West Fork Red Canyon	ID-16-47	12,970	Owhyee						
	Subtotal (5)	93,610							
Owyhee River Canyon	ID-16-48B 1/	33,700	Owyhee	Owyhee	Owyhee Canyonlands	MFP-T	1981	1984	1984
Little Owyhee River	ID-16-48C	24,677	Owyhee	Owyhee					
Deep Creek - Owyhee River	ID-16-49A 2/	72,083	Owyhee	Owyhee/Bruneau					
Yatahoney Creek	ID-16-49D 2/	9,331	Owyhee	Owyhee/Bruneau					
Battle Creek	ID-16-49E	31,540	Owyhee	Bruneau					
Upper Owyhee River	ID-16-52 2/	12,682	Owyhee	Owyhee/Bruneau					
South Fork Owyhee River	ID-16-53 1/	42,510	Owyhee	Owyhee					
	Subtotal (7)	226,523							
Deep Creek-Nickel Creek	ID-16-44 2/	11,510	Owyhee	Owyhee/Bruneau	Jack's Creek	MFP-T	1981	1984	1984
Little Jack's Creek	ID-111-6	58,040	Owyhee	Bruneau					
Duncan Creek	ID-111-7B	10,005	Owyhee	Bruneau					
Big Jack's Creek	ID-111-7C	54,833	Owyhee	Bruneau					
Pole Creek	ID-111-18	24,509	Owyhee	Bruneau					
Sheep Creek West	ID-111-36A	11,680	Owyhee	Bruneau					
Sheep Creek East	ID-111-36B	5,060	Owyhee	Bruneau					
	Subtotal (7)	175,637							
Lower Salmon Falls Creek	ID-17-10 2/	3,500	Twin Falls	Jarbidge/Magic	Jarbidge	RMP	1982	1985	1985
Jarbidge River	ID-17-11 2/	75,340	Owyhee	Jarbidge/Bruneau					
King Hill Creek	ID-19-2 2/	30,420	Elmore	Jarbidge/ Bennett Hills					
Box Creek	ID-110-91A 3/	428	Valley	Cascade					
Bruneau River	ID-111-17 2/	107,020	Owyhee	Bruneau/Jarbidge					
	Subtotal (5)	216,708							
Appendicitis Hill	ID-31-14	24,870	Butte	Big Butte	Big Lost/MacKay	MFP-T	1981	1983	1903
White Knob Mountains	ID-31-17	9,950	Custer	Big Butte					
Goldburg	ID-45-1 3/	3,290	Custer	Pahsimeroi					
Burnt Creek	ID-45-12 2/3/	24,980	Custer	Pahsimeroi/Big Butte					
Borah Peak	ID-47-4 3/	3,100	Custer	Challis					
	Subtotal (5)	66,190							
Petticoat Peak	ID-28-1	11,298	Bannock/ Caribou	Bannock-Oneida	Eastern Idaho	MFP-A	1981	1983	1983
Hawley Mountain	ID-32-3	15,510	Butte	Big Butte					
Black Canyon	ID-32-9	5,400	Butte	Big Butte					
Cedar Butte	ID-33-4	35,700	Bingham	Big Butte					
Hell's Half Acre	ID-33-15	66,200	Bonneville/ Bingham	Big Butte					
Worm Creek	ID-37-77 3/	40	Bear Lake	Soda Springs					
	Subtotal (6)	134,148							
Table Rock Islands	ID-34-2	380	Bonneville	Medicine Lodge	Medicine Lodge	RMP	1982	1985	1985
Pine Creek Islands	ID-34-3	155	Bonneville						
Conant Valley Islands	ID-34-4	235	Bonneville						
Sand Mountain	ID-35-3	21,100	Fremont/ Jefferson						
Henry's Lake	ID-35-77 3/	350	Fremont						
	Subtotal (5)	22,220							

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	EIS Completion	Plan/EIS Completion
Eighteen Mile	ID-43-3 3/	24,922	Lemhi	Lemhi	Lemhi	RMP	1982	1985	1985
	Subtotal(1)								
Corral-Horse Basin	ID-46-11	48,500	Custer	Challis	Challis	MFP-A	1981	1982	1982
Boulder Creek	ID-46-13 3/	1,930	Custer	Challis					
Jerry Peak	ID-46-14	46,150	Custer	Challis					
Jerry Peak West	ID-46-14A	13,530	Custer	Challis					
	Subtotal (4)	110,110							
Little Wood River	ID-53-4 3/	4,385	Blaine	Monument	Shoshone/Sun Valley	MFP-A	1981	1983	1983
Friedman Creek	ID-53-5	9,773	Blaine/ Custer/ Butte	Monument					
Black Butte	ID-54-2	4,002	Lincoln/ Blaine	Bennett Hills					
Little City of Rocks	ID-54-5	5,875	Gooding	Bennett Hills					
Black Canyon	ID-54-6	10,371	Gooding	Bennett Hills					
Gooding City of Rocks	ID-54-8A	14,743	Gooding	Bennett Hills					
Gooding City of Rocks	ID-54-8B	6,287	Gooding	Bennett Hills					
Deer Creek	ID-54-10	7,487	Camas/ Gooding	Bennett Hills					
Lava	ID-56-2	23,680	Lincoln	Monument					
	Subtotal (9)	86,603							
Shale Butte	ID-57-2	15,968	Lincoln	Monument	Monument	RMP	1982	1985	1985
Sand Butte	ID-57-8	20,792	Lincoln	Monument					
Raven's Eye	ID-57-10	67,110	Blaine/ Lincoln	Monument					
Little Deer	ID-57-11	33,531	Blaine/ Lincoln/ Minidoka	Monument					
Bear Den Butte	ID-57-14	9,700	Blaine/ Minidoka	Monument					
Shoshone	ID-59-7	6,914	Lincoln	Bennett Hills					
	Subtotal (6)	154,015							
Selkirk Crest	ID-61-1 3/	720	Boundary	Emerald Empire	North Idaho	MFP-A	1981	1982	1982
Crystal Lake	ID-61-10	9,027	Kootenai/ Benewah	Emerald Empire					
Grandmother Mountain	ID-61-15A	10,339	Shoshone	Emerald Empire					
Grandmother Mountain	ID-61-15B	6,790	Shoshone	Emerald Empire					
Snowhole Rapids	ID-62-1	5,068	Lewis/Idaho	Cottonwood					
Marshall Mountain	ID-62-10 3/	6,524	Idaho	Cottonwood					
	Subtotal (6)	38,468							
STATE TOTAL	Areas (66)	1,349,154							

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
024-Miles City; 064-68-Lewistown; 074-76-Butte
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

TABLE II E

MONTANA

WSA Name	Number*	Acreage	County	Resource Area	Plan Name	Type**	Plan Start	DEIS Completion	Plan/EIS Completion
Bridge Coulee	MT-024-675	5,900	Garfield	Big Dry	Missouri Breaks	MFP-A	1981	1982	1982
Musselshell Breaks	MT-024-677	8,600	Garfield						
Terry Badlands	MT-024-684	43,450	Prairie						
Billy Creek	MT-024-633 3/	3,450	Garfield						
Seven Blackfoot	MT-024-657	20,250	Garfield						
Antelope Creek	MT-065-266 3/	12,350	Phillips	Phillips					
Burnt Lodge	MT-065-278 3/	13,850	Phillips/ Valley	Phillips					
Cow Creek	MT-066-256	34,050	Blaine/ Phillips	Havre					
Dog Creek South	MT-068-244	5,150	Fergus	Judith					
Woodhawk	MT-068-246	8,100	Fergus	Judith					
Stafford	MT-068-250	4,800	Blaine	Havre					
Ervin Ridge	MT-068-253	10,200	Blaine	Havre					
	Subtotal(12)	170,200							
Zook Creek	MT-027-701	8,440	Rosebud	Powder River	Powder River	RMP	1981	1984	1984
Buffalo Creek	MT-027-702	5,650	Powder River						
Tongue River Breaks Contiguity	MT-027-736 3/	1,484	Rosebud						
	Subtotal (3)	15,574							
Bitter Creek	MT-064-356	59,112	Valley	Valley	Valley	MFP-A	1983	1984	1984
	Subtotal (1)								
Burnt Timber Canyon	MT-067-205	3,955	Carbon	Billings/Cody(WY)	Billings	RMP	1981	1983	1983
Pryor Mtn.	MT-067-206	16,972	Carbon/ Bighorn,WY						
Big Horn Tack-on	MT-067-207 1/3/	4,550	Carbon/ Bighorn,WY						
Twin Coulee	MT-067-212 1/3/	6,870	Golden Valley						
	Subtotal (4)	32,347							
Wales Creek	MT-074-150	11,580	Powell	Garnet	Garnet	RMP	1982	1985	1985
Hoodoo Mountain	MT-074-151A	11,380	Powell						
Gallagher Creek	MT-074-151B	4,257	Powell						
Quigg West	MT-074-155 3/	520	Granite						
	Subtotal (4)	27,737							
Blind Horse Creek	MT-075-102 3/	4,927	Teton	Headwaters	Headwaters	RMP	1980	1983	1983
Chute Mountain	MT-075-105 3/	3,085	Teton						
Deep Creek/Battle Creek	MT-075-106 3/	3,086	Teton						
North Fork, Sun River	MT-075-107 3/	196	Teton						
Beaver Meadows	MT-075-110 3/	.595	Lewis & Clark						
Sleeping Giant	MT-075-111	6,112	Lewis & Clark						
Elkhorn	MT-075-114 3/	3,585	Jefferson						
Black Sage	MT-075-115 3/	5,976	Jefferson						
	Subtotal (8)	27,615							
Ruby Mountains	MT-076-001	26,611	Madison	Dillon	Dillon	MFP-A	1981	1982	1982
Blacktail Mountains	MT-076-002	17,479	Beaverhead						
East Fork Blacktail Deer Creek	MT-076-007	6,230	Beaverhead						
Hidden Pasture Creek	MT-076-022 3/	15,509	Beaverhead						
Bell/Limekiln Canyons	MT-076-026 3/	9,650	Beaverhead						
Henneberry Ridge	MT-076-028	9,806	Beaverhead						
Parlin Creek	MT-076-034 3/	1,139	Beaverhead						
Axolotl Lakes	MT-076-069 3/	7,804	Beaverhead						
	Subtotal (8)	94,409							
Tobacco Root Tack Ons	MT-076-063 3/	860	Madison	Dillon	Deerlodge (USFS)	Forest	1980	1982	1982
	Subtotal (1)								
Madison Tack Ons	MT-076-079 3/	1,469	Madison	Dillon	Taylor-Hilgard (USFS)	Forest	1979	1981	1981
	Subtotal (1)								
STATE TOTAL	Areas (42)	429,323							

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
010-Elko; 020-Winnemucca; 030-Carson City; 040-Ely; 050-Las Vegas; 060-Battle Mountain
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

**MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

TABLE II F

NEVADA

WSA Name	* Number	Acreage	County	Resource Area	Plan Name	** Type	Plan Start	DEIS Completion	Plan/EIS Completion
Bluebell	NV-010-027	55,665	Elko	Wells	Wells	RMP	1980	1983	1983
Goshute Peak	NV-010-033	69,770	Elko	Wells					
South Pequop	NV-010-035	41,090	Elko	Wells					
Badlands	NV-010-184	9,100	Elko	Elko					
	Subtotal (4)	175,625							
Cedar Ridge	NV-010-088	10,009	Elko	Elko	Elko	RMP	1983	1986	1986
Red Spring	NV-010-091	7,847	Elko	Elko					
South Fork Owyhee River	NV-010-103A 1/	7,842	Elko	Elko					
Owyhee Canyon	NV-010-106	21,875	Elko	Elko					
Little Humboldt River	NV-010-132	42,213	Elko	Elko					
Rough Hills	NV-010-151	6,685	Elko	Elko					
	Subtotal (6)	96,471							
High Rock Lake	NV-020-007	62,396	Humboldt	Sonoma-Gerlach	Sonoma-Gerlach	MFP-T	1981	1983	1983
Poodle Mountain	NV-020-012 2/ CA-020-618	140,050	Washoe	Sonoma-Gerlach					
Fox Mountain Range	NV-020-014	75,404	Washoe	Sonoma-Gerlach					
Pole Creek	NV-020-014A	12,969	Washoe	Sonoma-Gerlach					
Calico Mountains	NV-020-019	67,647	Humboldt/ Pershing	Sonoma-Gerlach					
Selenite Mountains	NV-020-200	32,041	Pershing	Sonoma-Gerlach					
Mount Limbo	NV-020-201	23,702	Pershing	Sonoma-Gerlach					
China Mountain	NV-020-406P	10,358	Pershing	Sonoma-Gerlach					
Tobin Range	NV-020-406Q	13,107	Pershing	Sonoma-Gerlach					
North Black Rock Range	NV-020-622 2/	30,191	Humboldt	Sonoma-Gerlach					
Augusta Mountain	NV-030-108 2/ 3/	89,372	Churchill/ Pershing/ Lander	Sonoma-Gerlach					
	Subtotal (11)	557,237							
Blue Lakes	NV-020-600	20,508	Humboldt	Paradise-Denio	Paradise-Denio	MFP-T	1981	1983	1983
Alder Creek	NV-020-600D	5,142	Humboldt	Paradise-Denio					
South Jackson Mountains	NV-020-603	60,211	Humboldt	Paradise-Denio					
North Jackson Mountains	NV-020-606	26,457	Humboldt	Paradise-Denio					
Black Rock Desert	NV-020-620	319,594	Humboldt/ Pershing	Paradise-Denio					
Pahute Peak	NV-020-621 2/	57,529	Humboldt	Paradise-Denio					
North Fork Little Humboldt	NV-020-827	69,683	Humboldt	Paradise-Denio					
	Subtotal (7)	559,124							
Clan Alpine Mountains	NV-030-102	193,120	Churchill	Lahontan	Lahontan	RMP	1981	1983	1984
Stillwater Range	NV-030-104	92,053	Churchill	Lahontan					
Desatoya Mountains	NV-030-110 2/	48,150	Churchill	Lahontan					
Job Peak	NV-030-127	91,022	Churchill	Lahontan					
	Subtotal (4)	424,345							

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	DEIS Completion	Plan/EIS Completion
Gabbs Valley Range	NV-030-407	75,440	Mineral	Walker	Walker	RMP	1983	1986	1986
Burbank Canyons	NV-030-525A	13,395	Douglas	Walker					
	Subtotal (2)	88,835							
Goshute Canyon	NV-040-015	31,343	White Pine	Egan	Egan	RMP	1981	1983	1984
Park Range	NV-040-154	47,268	Nye	Egan					
Riordan's Well	NV-040-166	57,002	Nye	Egan					
South Egan Range	NV-040-168 2/3/ 2/	96,996	White Pine/ Lincoln/ Nye	Egan					
Mount Grafton	NV-040-169 2/	73,216	White Pine/ Lincoln	Egan					
	Subtotal (5)	305,825							
Granite Springs	NV-040-086 3/	23,327	White Pine	Schell	Schell	MFP-T	1981	1983	1983
Far South Egan	NV-040-172 2/	53,224	Nye/Lincoln	Schell					
Fortification Range	NV-040-177	41,615	Lincoln	Schell					
Table Mountain	NV-040-197 1/	35,958	Lincoln	Schell					
White Rock Range	NV-040-202	23,625	Lincoln	Schell					
Parsnip Peak	NV-040-206 2/	88,175	Lincoln	Schell					
Worthington Mountains	NV-040-242 2/	47,632	Lincoln	Schell					
Weepah Spring	NV-040-246	61,137	Lincoln/Nye	Schell					
	Subtotal (8)	374,693							
South Pahroc/Hiko	NV-050-0132	28,600	Lincoln	Caliente	Caliente	MFP-A	1983	1984	1984
Grapevine Spring	NV-050-0139	84,935	Lincoln	Caliente					
Meadow Valley Mountains	NV-050-0156	185,744	Lincoln/ Clark	Caliente					
Mormon Mountains	NV-050-0161	162,887	Lincoln/ Clark	Caliente					
Tunnel Spring	NV-050-0166 1/	5,400	Lincoln	Caliente					
Delmar Mountains	NV-050-0177	126,700	Lincoln	Caliente					
Evergreen	NV-050-01R-16A,B,C 3/	2,834	Lincoln	Caliente					
Fish & Wildlife #1	NV-050-0201 3/	8,891	Lincoln/ Clark	Caliente					
	Subtotal (8)	605,991							
Arrow Canyon Range	NV-050-0215	32,853	Clark	Caliente	Clark	MFP-T	1981	1984	1984
Fish & Wildlife #2	NV-050-0216 3/	16,518	Clark	Caliente					
Fish & Wildlife #3	NV-050-0217 3/	22,002	Clark	Caliente					
Muddy Mountains	NV-050-0229	96,170	Clark	Caliente					
Lime Canyon	NV-050-0231 3/	30,747	Clark	Caliente					
Million Hills	NV-050-0233	11,523	Clark	Caliente					
Garrott Buttes	NV-050-0235 1/3/ 3/	7,360	Clark	Caliente					
Jumbo Springs	NV-050-0236 3/	3,811	Clark	Caliente					
Bonelli Peak	NV-050-0238 3/	6,581	Clark	Caliente					
Quail Springs	NV-050-0411	12,225	Clark	Esmeralda Stateline/ Esmeralda					
Mount Stirling	NV-050-0401	69,650	Nye/Clark	Stateline/ Esmeralda					
LaMadre Mountains	NV-050-0412	56,243	Clark	Stateline/ Esmeralda					
Pine Creek	NV-050-0414	23,850	Clark	Stateline/ Esmeralda					
El Dorado	NV-050-0423 3/	12,596	Clark	Stateline/ Esmeralda					
North McCullough Mountains	NV-050-0425	52,258	Clark	Stateline/ Esmeralda					
McCullough Mountains	NV-050-0435	62,000	Clark	Stateline/ Esmeralda					
Ireteba Peaks	NV-050-0438 3/	12,000	Clark	Stateline/ Esmeralda					
Nellis	NV-050-04R-15 3/	5,718	Clark	Stateline/ Esmeralda					
	Subtotal (18)	534,105							
Silver Peak Range North	NV-050-0338	33,900	Esmeralda	Stateline/ Esmeralda	Esmeralda	RMP	1983	1986	1986
Pigeon Spring	NV-050-0350 1/	3,575	Esmeralda	Stateline/ Esmeralda					
Queer Mountain	NV-050-0354	81,550	Esmeralda	Stateline/ Esmeralda					
Bonnie Claire Flat	NV-050-0355 1/3/	69,000	Esmeralda/ Nye	Stateline/ Esmeralda					
Resting Springs Range	NV-050-0460 1/3/	3,850	Nye	Stateline/ Esmeralda					
	Subtotal (5)	191,875							
Kawich	NV-060-019	54,320	Nye	Tonopah	Tonopah	MFP-A	1981	1982	1982
Rawhide Mountain	NV-060-059	64,360	Nye	Tonopah					
South Reveille	NV-060-112	106,200	Nye	Tonopah					
Palisade Mesa	NV-060-142/162	99,550	Nye	Tonopah					
Blue Eagle	NV-060-158/199	60,310	Nye	Tonopah					
The Wall	NV-060-163 2/	38,000	Nye	Tonopah					
Fandango	NV-060-190	40,940	Nye	Tonopah					
Morey	NV-060-191	20,120	Nye	Tonopah					
	Subtotal (8)	483,800							
Antelope	NV-060-231/241 2/	87,400	Nye	Shoshone/Eureka	Shoshone/Eureka	RMP	1981	1983	1983
Simpson Park	NV-060-428	49,670	Lander	Shoshone/Eureka					
Roberts	NV-060-541	15,090	Eureka	Shoshone/Eureka					
	Subtotal (3)	152,160							
STATE TOTAL	Areas (89)	4,550,086							

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
010-Albuquerque; 020-Socorro; 030-Las Cruces; 060-Roswell
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

Statewide Consolidated Wilderness Study and EIS; Draft EIS (1983) and Plan/EIS Completion (1984)

TABLE II G

NEW MEXICO

WSA Name	Number	Acreage	County	Resource Area
Denazin	NM-010-004	19,000	San Juan	Farmington
Ah-She-Sle-Pah	NM-010-009	6,000	San Juan	Farmington
Bisti	NM-010-057	3,520	San Juan	Farmington
	Subtotal (3)	28,520		
Ignacio Chavez	NM-010-020 2/	32,248	McKinley/ Sandoval	Rio Puerco
Chamisa	NM-010-021	11,091	Sandoval	Rio Puerco
Cabezon	NM-010-022	8,118	Sandoval	Rio Puerco
Ojito	NM-010-024	11,200	Sandoval	Rio Puerco
Empedrado	NM-010-063	8,419	Sandoval	Rio Puerco
La Lena	NM-010-063A	9,359	Sandoval	Rio Puerco
Manzanos	NM-010-092 3/	845	Torrance	Rio Puerco
	Subtotal (7)	81,280		
San Antonio	NM-010-035	7,050	Rio Arhiba	Taos
Sabinosa	NM-010-055	15,760	San Miguel	Taos
Navajo Peak	NM-010-059 3/	7,750	Rio Arhiba	Taos
	Subtotal (3)	30,560		
Rimrock (IBLA)	NM-020-007	29,273	Valencia	San Augustine
Sand Canyon (IBLA)	NM-020-008	8,320	Valencia	San Augustine
Little Rim Rock (IBLA)	NM-020-009	9,785	Valencia	San Augustine
Pinon (IBLA)	NM-020-010	12,788	Valencia	San Augustine
	Subtotal (4)	60,166		
Petaca Pinta	NM-020-014	11,625	Valencia	Jornada
Sierra Ladrones	NM-020-016	38,368	Socorro	Jornada
	Subtotal (2)	49,993		
Mesita Blanca	NM-020-018	19,414	Catron	Jornada
Eagle Peak	NM-020-019	43,960	Catron	Jornada
Veranito	NM-020-035	7,267	Socorro	Jornada
Sierra Las Canas	NM-020-038	13,404	Socorro	Jornada
Stallion	NM-020-040	24,557	Socorro	Jornada
Horse Mountain	NM-020-043	5,032	Catron	Jornada
Continental Divide	NM-020-044 3/	70,000	Catron	Jornada
Devil's Backbone	NM-020-047A 3/	9,689	Socorro	Jornada
Devil's Reach	NM-020-047B 3/	860	Socorro	Jornada
Jornada De Muerto	NM-020-055/ 2/ 030-081	28,919	Socorro/ Sierra	Jornada/White Sands
	Subtotal (10)	223,102		
Cowboy Spring	NM-030-007	6,710	Hidalgo	Las Cruces Lordsburg
Gila Box	NM-030-023	7,980	Grant/	Las Cruces Lordsburg
Blue Creek	NM-030-026	13,584	Grant/ Hidalgo	Las Cruces Lordsburg
Cooke Range	NM-030-031	19,870	Luna	Las Cruces Lordsburg
Big Hatchet Mountains	NM-030-035	65,950	Hidalgo	Las Cruces Lordsburg
Alamo Hueco Mountains	NM-030-038	20,840	Hidalgo	Las Cruces Lordsburg
Cedar Mountains	NM-030-042	14,780	Luna	Las Cruces Lordsburg
West Potrillo Mountains/ Mt. Riley	NM-030-052 A&C	150,545	Luna/ Dona Ana	Las Cruces Lordsburg
Aden Lava Flow	NM-030-053	24,725	Dona Ana	Las Cruces Lordsburg
Robledo Mountains	NM-030-063	11,640	Dona Ana	Las Cruces Lordsburg
Las Uvas Mountains	NM-030-065	10,680	Dona Ana	Las Cruces Lordsburg
Organ Mountains	NM-030-074	7,200	Dona Ana	Las Cruces Lordsburg
	Subtotal (12)	354,504		
Brokeoff Mountains	NM-030-112 3/	28,600	Otero	White Sands/Jornada
Culp Canyon	NM-030-152	10,937	Otero	White Sands/Jornada
	Subtotal (2)	39,537		

WSA Name	Number	Acreage	County	Resource Area
Little Black Peak	NM-060-109	15,298	Lincoln	Roswell
Carrizozo Lava Flow	NM-060-110A	10,587	Lincoln	Roswell
	Subtotal (2)	25,885		
Devil's Den Canyon	NM-060-145 3/	320	Otero	Carlsbad (Lincoln
McKittrick Canyon	NM-060-146 3/	200	Eddy	Carlsbad National
Lonesome Ridge	NM-060-801 3/	2,443	Eddy	Carlsbad Forest)
	Subtotal (3)	2,963		
Mudgetts	NM-060-819/819A 3/ (1)	2,941	Eddy	Carlsbad
STATE TOTAL	Areas (49)	896,451		

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
001-Lakeview; 002-Burns; 003-Vale; 005-Prineville; 006-Baker; 011-Medford; 012-Coos Bay; 013-Spokane
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.

Statewide Consolidated Wilderness Study and EIS; Draft EIS (1983)and Plan Completion/EIS (1984)

TABLE II H

OREGON

WSA Name	Number	Acreage	County	Resource Area
Devil's Garden Lava Bed	OR-001-02	29,640	Lake	High Desert
Squaw Ridge Lava Bed	OR-001-03	28,320	Lake	High Desert
Four Craters Lava Bed	OR-001-22	12,120	Lake	High Desert
Sand Dunes	OR-001-24	14,520	Lake	High Desert
Diablo Mountain	OR-001-58	113,120	Lake	High Desert
	Subtotal (5)	197,720		
Orejana Rim	OR-001-78	22,800	Harney	Warner Lakes
Abert Rim	OR-001-101	22,240	Lake	Warner Lakes
Fish Creek Rim	OR-001-117	18,520	Lake	Warner Lakes
Guano Creek	OR-001-132	10,560	Lake	Warner Lakes
Spaulding Reservoir	OR-001-139	65,720	Lake/Harney	Warner Lakes
	Subtotal (5) 2/3/	139,840		
Malheur River-Bluebucket Creek	OR-002-14	5,560	Harney	Riley
	Subtotal (1)			
Hawksie Walksie	OR-001-146A	68,360	Harney	Warner Lakes/ Andrews
Hawksie Walksie	OR-001-146B 2/3/	8,520	Harney	Warner Lakes
Lower Stonehouse	OR-002-23L 2/3/ 2/	21,000	Harney	Riley/Andrews
Stonehouse	OR-002-23M	8,090	Harney	Andrews
Mahogany Ridge	OR-022-77	27,370	Harney	Andrews
Red Mountain	OR-002-78	14,730	Harney	Andrews
Pueblo Mountains	OR-002-81 1/	68,030	Harney	Andrews
Rincon	OR-002-82 1/	97,550	Harney	Andrews/ Warner Lakes
Alvord Peak	OR-002-83	14,655	Harney	Andrews
Basque Hills	OR-002-84 2/	137,220	Harney	Andrews/ Warner Lakes
High Steens	OR-002-85F	65,940	Harney	Andrews
South Fork of the Donner and Blitzen River	OR-002-85G	35,850	Harney	Andrews
Home Creek	OR-002-85H	25,120	Harney	Andrews
Blitzen River	OR-002-86E	52,060	Harney	Andrews
Little Blitzen Gorge	OR-002-86F	9,380	Harney	Andrews
Bridge Creek	OR-002-87	14,060	Harney	Andrews
	Subtotal (16)	667,935		

WSA Name	Number		Acreage	County	Resource Area
Sheepshead Mountains	OR-002-72C	2/	53,200	Harney/ Malheur	Andrews/Southern Malheur
Wildcat Canyon	OR-002-72D	2/	34,600	Malheur	Andrews/Southern Malheur
Heath Lake	OR-002-72F		20,100	Harney	Andrews
Table Mountain	OR-002-72I		38,600	Harney/ Malheur	Andrews
West Peak	OR-002-72J		7,900	Harney	Andrews
East Alvord	OR-002-73A		21,600	Harney	Andrews
Winter Range	OR-002-73H		14,800	Harney/ Malheur	Andrews
Alvord Desert	OR-002-74		212,500	Harney/ Malheur	Andrews/Southern Malheur
Owyhee Breaks	OR-003-59	2/	13,100	Malheur	Northern Malheur/ Southern Malheur
Lower Owyhee Canyon	OR-003-110	2/	75,300	Malheur	Northern Malheur/ Southern Malheur
Saddle Butte	OR-003-111		86,300	Malheur	Southern Malheur
Palomino Hills	OR-003-114		54,600	Malheur	Southern Malheur
Bowden Hills	OR-003-118		59,900	Malheur	Southern Malheur
Clarks Butte	OR-003-120		31,500	Malheur	Southern Malheur
Jordan Craters	OR-003-128		27,900	Malheur	Southern Malheur
Willow Creek	OR-003-152	2/	30,000	Harney/ Malheur	Southern Malheur/ Andrews
Disaster Peak (Includes OR-002-78D)	OR-003-153	1/2/	18,300	Harney/ Malheur	Southern Malheur/ Andrews
Fifteen Mile Creek	OR-003-156		51,300	Malheur	Southern Malheur
Oregon Canyon	OR-003-157		42,900	Malheur	Southern Malheur
Twelve Mile Canyon	OR-003-162		28,600	Malheur	Southern Malheur
Upper West Little Owyhee	OR-003-173		62,560	Malheur	Southern Malheur
Owyhee Canyon	OR-003-195	1/	190,700	Malheur	Southern Malheur
	Subtotal (22)		1,176,200		
Strawberry Mountain	OR-002-98A	3/	180	Grant	John Day
Strawberry Mountain	OR-002-98C	3/	720	Grant	John Day
Strawberry Mountain	OR-002-98D	3/	208	Grant	John Day
Aldrich Mountain	OR-002-103		9,395	Grant	John Day
	Subtotal (4)		10,503		
Castle Rock	OR-003-18		6,200	Harney/ Malheur	Northern Malheur
Beaver Dam Creek	OR-003-27		19,500	Malheur	Northern Malheur
Camp Creek	OR-003-31		19,200	Malheur	Northern Malheur
Cottonwood Creek	OR-003-32		8,700	Malheur	Northern Malheur
Gold Creek	OR-003-33		13,600	Malheur	Northern Malheur
Sperry Creek	OR-003-35		5,600	Malheur	Northern Malheur
Cedar Mountain	OR-003-47		33,600	Malheur	Northern Malheur
Dry Creek	OR-003-53		23,500	Malheur	Northern Malheur
Dry Creek Buttes	OR-003-56		51,800	Malheur	Northern Malheur
Blue Canyon	OR-003-73		12,700	Malheur	Northern Malheur
Upper Leslie Gulch	OR-003-74		3,000	Malheur	Northern Malheur
Solcum Creek	OR-003-75		7,600	Malheur	Northern Malheur
Honeycombs	OR-003-77A		39,000	Malheur	Northern Malheur
Wild Horse Basin	OR-003-77B		12,100	Malheur	Northern Malheur
	Subtotal (14)		256,100		
Thirtymile	OR-005-01		7,560	Sherman/ Gillian	Central Oregon
Lower John Day	OR-005-06		19,370	Sherman/ Gillian	Central Oregon
North Pole Ridge	OR-005-08		6,062	Sherman/ Gillian	Central Oregon
Spring Basin	OR-005-09		5,982	Wheller	Central Oregon
	Subtotal (4)		38,974		

WSA Name	Number	Acreage	County	Resource Area
Steelhead Falls	OR-005-14 3/	3,114	Deschutes/ Jefferson	Deschutes/Ochoco National Forest
	Subtotal (1)			
Badlands	OR-005-21	32,053	Deschutes/ Crook	Deschutes
North Fork	OR-005-31	10,745	Crook	Central Oregon
South Fork	OR-005-33	19,631	Crook	Central Oregon
Sand Hollow	OR-005-34	8,791	Crook	Central Oregon
Gerry Mountain	OR-005-35	20,700	Crook	Central Oregon
Hampton Butte	OR-005-42	10,600	Crook/ Deschutes	Central Oregon
Cougar Well	OR-005-43	17,315	Crook/ Deschutes	Central Oregon
	Subtotal (7)	119,835		
McGraw Creek	OR-006-01 3/	1,465	Wallowa	Baker
Homestead	OR-006-02 3/	8,075	Baker	Baker
Sheep Mountain	OR-006-03	7,040	Baker	Baker
	Subtotal (3)	16,580		
Cache Creek Ranch (975 acres in Washington)	OR-006-10 1/3/	2,935	Wallowa/ Asotin	Grande Ronde
	Subtotal (1)			
Mountain Lakes	OR-011-01 3/	320	Klamath	Klamath
Soda Mountain	OR-011-17	5,640	Jackson	Klamath
	Subtotal (2)	5,960		
North Sisters Rocks	OR-012-08 3/	3	Curry	Myrtlewood
Zwagg Island	OR-012-14 3/	5	Curry	Myrtlewood
	Subtotal (2)	8		
	Oregon Subtotal (87)	2,641,264		
In Washington State, Administered by Oregon				
Chopaka Mountain	OR-013-02	5,520	Okanogan	Border
Little Patos Island	OR-013-24	15	San Juan	Border
	Subtotal (2)	5,535		
TOTAL FOR ADMINISTERED AREA	Areas (89)	2,646,799		

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
020-Salt Lake; 040-Cedar City; 050-Richfield; 060-Moab; 080-Vernal
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.
Statewide Consolidated Wilderness Study and EIS; Draft EIS (1983) and Plan Completion/EIS (1984).

TABLE II I

UTAH

WSA Name	Number	Acreage	County	Resource Area
Deep Creek Mountains	UT-020-060/ 050-020 2/	68,910	Tooele/Juab	Pony Express/ House Range
North Stansbury Mtns.	UT-020-089 3/	10,480	Tooele	Pony Express
Cedar Mountains	UT-020-094	50,500	Tooele	Pony Express
Big Hollow	UT-020-105 3/	3,593	Tooele	Pony Express
	Subtotal (4)	133,483		
Cottonwood Canyon	UT-040-046	11,330	Washington	Dixie

WSA Name	Number	Acreage	County	Resource Area
Cougar Canyon	UT-040-123 1/	10,568	Washington	Dixie
Red Mountain	UT-040-132	18,250	Washington	Dixie
Canaan Mountain/ Cottonwood Point	UT-040-143/ 1/2 AZ-001-041	53,619	Washington/ Mohave	Dixie
Deep Creek	UT-040-146 3/	3,320	Washington	Dixie
Red Butte	UT-040-147 3/	804	Washington	Dixie
The Watchman	UT-040-149 3/	600	Washington	Dixie
LaVerkin Creek Canyon	UT-040-153 3/	567	Washington	Dixie
Taylor Creek Canyon	UT-040-154 3/	35	Washington	Dixie
Goose Creek Canyon	UT-040-176 3/	89	Washington	Dixie
Beartrap Canyon	UT-040-177 3/	40	Washington	Dixie
	Subtotal (11)	99,222		
Steep Creek	UT-040-061	22,034	Garfield	Kanab/Escalante
Carcass Canyon	UT-040-076 2/	46,711	Garfield/ Kane	Kanab/Escalante
Mud Spring Canyon	UT-040-077 2/	38,075	Kane/ Garfield	Kanab/Escalante
Fifty Mile Mountain	UT-040-080 2/3/	146,143	Kane/ Garfield	Kanab/Escalante
Scorpion	UT-040-082 3/	35,884	Kane/ Garfield	Escalante
Orderville Canyon	UT-040-145 3/	1,750	Kane	Kanab
North Fork Virgin River	UT-040-150 3/	1,040	Kane	Kanab
Moquith Mountain	UT-040-217	14,830	Kane	Kanab
Parunuweap Canyon	UT-040-230 3/	30,800	Kane	Kanab
Paria-Hackberry	UT-040-247	135,822	Kane	Kanab
The Blues	UT-040-268 3/	19,030	Garfield	Kanab
	Subtotal (11)	491,119		
Canaan Mountain	UT-040-143 1/2/3/	47,170	Washington/ Kane	Dixie/Kanab
Spring Canyon	UT-040-148 3/	4,433	Iron	Beaver River
White Rock Range	UT-040-216 1/	2,600	Beaver	Beaver River
	Subtotal (3)	54,203		
Conger Mountains	UT-050-035	22,863	Millard	Warm Springs
King Top	UT-050-070	84,770	Millard	Warm Springs
Wah Wah Mountains	UT-050-073/ 2/ 040-205	35,000	Millard/ Beaver	Warm Springs/ Beaver River
Howell Peak	UT-050-077	23,825	Millard	Warm Springs
Notch Peak	UT-050-078	51,130	Millard	Warm Springs
	Subtotal (5)	217,588		
Swasey Mountain	UT-050-061	49,500	Millard/ Juab	House Range
Fish Springs Range	UT-050-127	52,500	Juab	House Range
Rockwell	UT-050-186	9,150	Juab	House Range
	Subtotal (3)	111,150		
Fremont Gorge	UT-050-221 3/	2,540	Wayne	Henry Mountains
Dirty Devil	UT-050-236A 3/	61,000	Wayne/ Garfield	Henry Mountains
French Spring/Happy Canyon	UT-050-236B	25,000	Wayne	Henry Mountains
Horseshoe Canyon	UT-050-237 3/	38,800	Wayne	Henry Mountains
Blue Hills/Mount Ellen	UT-050-238	54,480	Wayne/ Garfield	Henry Mountains
Fiddler Butte	UT-050-241 3/	27,000	Garfield	Henry Mountains
Bull Mountain	UT-050-242	11,800	Wayne/ Garfield	Henry Mountains
Little Rockies	UT-050-247 3/	38,700	Garfield	Henry Mountains
Mount Pennell	UT-050-248	27,300	Garfield	Henry Mountains
Mount Hillers	UT-050-249	20,000	Garfield	Henry Mountains
	Subtotal (10)	306,620		
Muddy Creek	UT-060-007	31,360	Emery	San Rafael
Side Mountain	UT-060-023	80,530	Emery	San Rafael
Devil Canyon	UT-060-025	9,610	Emery	San Rafael
Crack Canyon	UT-060-028A	25,315	Emery	San Rafael
San Rafael Reef	UT-060-029A	55,540	Emery	San Rafael
Horseshoe Canyon	UT-060-045/2/3/ 050-237A	20,550	Emery/ Wayne	San Rafael Henry Mountain
	Subtotal (6)	222,905		
Mexican Mountain	UT-060-054 2/	60,360	Emery	Price River/ San Rafael
Turtle Canyon	UT-060-067	33,970	Emery	Price River
Desolation Canyon	UT-060-068A 2/	257,975	Carbon/ Emery/ Grand	Price River/Grand
	Subtotal (3)	352,305		
Flume Canyon	UT-060-100B	48,440	Grand	Grand
Coal Canyon	UT-060-100C	64,670	Grand	Grand
Spruce Canyon	UT-060-100D	20,650	Grand	Grand
Black Ridge Canyon West	UT-060-116/117	5,100	Grand	Grand
Westwater Canyon	UT-060-118	30,800	Grand	Grand
Lost Spring Canyon	UT-060-131B 3/	3,880	Grand	Grand
Negro Bill Canyon (IBLA)	UT-060-138	7,620	Grand	Grand
Behind the Rocks	UT-060-140A	12,930	Grand/ San Juan	Grand
	Subtotal (8)	194,090		
Indian Creek	UT-060-164 3/	7,300	San Juan	San Juan
Bridger Jack Mesa	UT-060-167	5,300	San Juan	San Juan
Butler Wash	UT-060-169 3/	22,120	San Juan	San Juan
Pine Canyon	UT-060-188	11,300	San Juan	San Juan
Cheese Box Canyon	UT-060-191	15,410	San Juan	San Juan
Bullet Canyon	UT-060-196	8,730	San Juan	San Juan

WSA Name	Number *	Acreage	County	Resource Area
Slickhorn Canyon	UT-060-197/198 3/	46,800	San Juan	San Juan
Road Canyon	UT-060-201	65,000	San Juan	San Juan
Fish Creek Canyon	UT-060-204	48,530	San Juan	San Juan
Mule Canyon	UT-060-205B	5,600	San Juan	San Juan
Sheiks Canyon	UT-060-224	3,070	San Juan	San Juan
	Subtotal (11)	239,160		
West Cold Springs	UT-080-103/ CO-010-208 1/	3,330	Daggett	Diamond Mountain
Diamond Breaks	UT-080-113 1/	3,900	Daggett	Diamond Mountain
	Subtotal (2)	7,230		
Daniel's Canyon	UT-080-414 3/	2,475	Uintah	Book Cliffs
Bull Canyon	UT-080-419 1/	520	Uintah	Book Cliffs
	Subtotal (2)	2,995		
STATE TOTAL	Areas (79)	2,432,070		

TABLE II

BLM WILDERNESS STUDY AREAS (WSA's)
(Excludes Instant Study Areas)

District Prefix Code:
010-Worland; 030-Rawlins; 040-Rock Springs; 060-Casper
1/ Crosses State political boundaries.
2/ Crosses BLM resource administrative boundaries.
3/ Contiguous wilderness area or study area on lands administered by Federal agency other than BLM.
*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

TABLE II J
WYOMING

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	DEIS Completion	Plan/EIS Completion
Owl Creek	WY-010-104A/B/C 3/	710	Hot Springs	Grass Creek	Grass Creek	MFP-T	1981	1986	1986
Bobcat Draw Badlands	WY-010-126	17,150	Washakie	Grass Creek					
Sheep Mountain	WY-010-130	23,250	Big Horn	Grass Creek					
Red Butte	WY-010-131	11,350	Big Horn	Grass Creek					
	Subtotal (4)	52,460							
Honeycombs	WY-010-221	21,000	Big Horn	Washakie	Washakie	RMP	1982	1986	1986
Cedar Mountain	WY-010-222	21,570	Washakie	Washakie					
South Paint Rock	WY-010-236 3/	660	Washakie	Washakie					
Paint Rock	WY-010-239 3/	2,770	Big Horn	Washakie					
Medicine Lodge	WY-010-240 3/	7,740	Big Horn	Washakie					
Alkali Creek	WY-010-241	10,100	Big Horn	Washakie					
Trapper Creek	WY-010-242	7,200	Big Horn	Washakie					
	Subtotal (7)	71,040							
McCullough Peaks	WY-010-335	25,210	Park	Cody	Cody	MFP-A	1985	1986	1986
	Subtotal (1)								
Sweetwater Canyon	WY-030-101	9,056	Fremont	Lander	Lander	RMP	1982	1985	1985
Dubois Badlands	WY-030-109	4,520	Fremont	Lander					
Whiskey Mountain	WY-030-110 3/	487	Fremont	Lander					
Copper Mountain	WY-030-111	6,858	Fremont	Lander					
Sweetwater Rocks	WY-030-120	6,316	Fremont	Lander					
Sweetwater Rocks	WY-030-122	12,789	Fremont	Lander					
Sweetwater Rocks	WY-030-123A	7,041	Fremont	Lander					
Sweetwater Rocks	WY-030-123B	6,429	Fremont	Lander					
	Subtotal (8)	53,496							
Encampment River Canyon	WY-030-031 3/	3,380	Carbon	Medicine Bow	Medicine Bow	RMP	1983	1986	1986
Prospect Mountain	WY-030-303 3/	1,099	Carbon	Medicine Bow					
Bennett Mountains	WY-030-304	5,722	Carbon	Medicine Bow					
Pedro Mountains	WY-030-305	5,990	Carbon	Medicine Bow					
	Subtotal (4)	16,191							

WSA Name	Number *	Acreage	County	Resource Area	Plan Name	Type **	Plan Start	DEIS Completion	Plan/EIS Completion
Adobe Town	WY-030-401/408	85,710	Sweetwater	Overland	Overland/Divide	MFP-T	1981	1983	1983
Ferris Mountains	WY-030-407	20,495	Carbon	Divide					
	Subtotal (2)	106,205							
Lake Mountain	WY-040-110	13,970	Sublette	Pinedale (81MFP-A)	Rock Springs	MFP-T	1980	1982	1983
Raymond Mountains	WY-040-221	32,936	Lincoln	Kemmerer (81MFP-A)					
Buffalo Hump	WY-040-306	10,300	Sweetwater	Big Sandy/ Pilot Butte					
Sand Dunes	WY-040-307	27,200	Sweetwater	Big Sandy/ Pilot Butte					
Alkali Draw	WY-040-311	16,990	Sweetwater	Big Sandy/ Pilot Butte					
South Pinnacles	WY-040-313	10,826	Sweetwater	Big Sandy/ Pilot Butte					
Alkali Basin/East Sand Dunes	WY-040-316/317	12,800	Sweetwater	Big Sandy/ Pilot Butte					
Red Lake	WY-040-318	9,515	Sweetwater	Big Sandy/ Pilot Butte					
Honeycomb Buttes	WY-040-323	41,620	Sweetwater	Big Sandy/ Pilot Butte					
Oregon Buttes	WY-040-324	5,700	Sweetwater	Big Sandy/ Pilot Butte					
Whitehorse Creek	WY-040-325	4,028	Fremont	Big Sandy/ Pilot Butte					
Devils Playground	WY-040-401	15,646	Sweetwater	Salt Wells					
Twin Buttes	WY-040-402	8,630	Sweetwater	Salt Wells					
Red Creek Badlands	WY-040-406	8,020	Sweetwater	Salt Wells					
	Subtotal (14)	218,181							
East Fork	WY-040-106 3/	1,415	Sublette	Pinedale	Pinedale	MFP-A	1985	1986	1986
	Subtotal (1)								
Mill Creek	WY-040-335 3/	1,300	Sublette	Big Sandy/ Pilot Butte	Big Sandy	MFP-A	1985	1986	1986
	Subtotal (1)								
Gardner Mountain	WY-060-201	6,423	Johnson	Buffalo	Buffalo	RMP	1982	1983	1983
North Fork Powder River	WY-060-202	10,089	Johnson	Buffalo					
Fortification Creek	WY-060-204	12,419	Johnson/	Buffalo					
	Subtotal (3)	28,931							
STATE TOTAL	Areas (45)	574,429							

TABLE III

INSTANT STUDY AREAS (ISA's)

1/ Study complete; ISA lacks wilderness characteristics; State Director has tentatively recommended it nonsuitable for preservation as wilderness (28 areas).
2/ Study complete; ISA with or without contiguous public land and has wilderness characteristics; State Director has tentatively recommended it suitable for preservation as wilderness (9 areas).
3/ Study deferred; ISA and contiguous public lands have wilderness characteristics; study to be completed within indicated plan/EIS (16 areas).
4/ Study no longer required as a result of Alaska National Interest Lands Conservation Act of December 1980 (1 area).
5/ Director concurrence; Secretary recommended suitable; forwarded to the President on 1/19/82 (1 area).

* The "ISA" acreage represents the previously designated natural or primitive area. The "contiguous" acreage listed in this table excludes any lands included in Table II. The BLM total acreage consists of the ISA acreage plus contiguous lands containing wilderness characteristics.

** MFP-Management Framework Plan, A - Amendment, T-Transition; RMP-Resource Management Plan; STWIDE-Statewide Consolidated Wilderness Study and EIS

ISA NAME	STATE	DISTRICT	Acreage * ISA	Contiguous	BLM Total	Resource Area	County	Plan Name	Plan Type**	Plan Start	Plan/EIS Complete
Halibut Cove 4/	Alaska	Anchorage	120	0	120	Cook Inlet	Kenai (Borough)	N/A	N/A	N/A	N/A
Aravaipa Canyon 5/	Arizona	Safford	4,044	2,626	6,670	Gila	Pinal/Graham	N/A	N/A	N/A	N/A
Big Sage 3/	Arizona	Arizona Strip	160	0	160	Vermillion	Coconino	Arizona Strip	MFP-A	1982	1983
Paiute 2/	Arizona	Arizona Strip	34,682	240	34,922	Shivwits	Coconino	N/A	N/A	N/A	N/A
Paria (Administered by AZ/UT) 2/	Arizona	Arizona Strip/ Cedar City	18,855	0	18,855	Vermillion	Coconino	N/A	N/A	N/A	N/A
Turbinella-Gambel Oak 1/	Arizona	Arizona Strip	154	0	154	Shivwits	Mohave	Arizona Strip	MFP-A	1982	1983
Vermillion Cliffs 2/	Arizona	Arizona Strip	50,135	360	50,495	Vermillion	Coconino	N/A	N/A	N/A	N/A
Subtotal	(6)		108,030	3,226	111,256						
Baker Cypress/ Lava Rock 3/	California	Redding	1,148	0	1,148	Ishi	Shasta	Redding	MFP-T	1981	1984
Bitterbrush 1/	California	Susanville	640	0	640	Eagle Lake	Lassen	N/A	N/A	N/A	N/A
Chemise Mountain 3/	California	Ukiah	3,941	0	3,941	Mendocino	Mendocino	King Rge/N. Coast	MFP-A	1984	1985
Negit Island 1/	California	Bakersfield	197	0	197	Bishop	Mono	N/A	N/A	N/A	N/A
Paiute Cypress 3/	California	Bakersfield	760	2,818	3,578	Caliente	Kern	Central CA	MFP-A	1981	1982
San Benito 1/	California	Folsom	1,500	0	1,500	Hollister	San	N/A	N/A	N/A	N/A
Subtotal	(6)		8,186	2,818	10,998						

ISA NAME		STATE	DISTRICT	Acreage * ISA	Contiguous	BLM Total	Resource Area	County	Plan Name	Plan Type**	Plan Start	Plan/EIS Completion
High Mesa	1/	Colorado	Canon City	680	0	680	Royal Gorge	Fremont	N/A	N/A	N/A	N/A
North Sand Dunes	1/	Colorado	Craig	791	0	791	Kremmling	Jackson	N/A	N/A	N/A	N/A
Needle Rock	1/	Colorado	Montrose	80	0	80	San Juan	Delta	N/A	N/A	N/A	N/A
Powderhorn	2/	Colorado	Montrose	40,480	9,660	50,140	Gunnison Basin	Gunnison	American Flats	MFP-A	1976	1979
Rare Lizard and Snake	1/	Colorado	Montrose	443	0	443	San Juan	Montezuma	N/A	N/A	N/A	N/A
Subtotal		(5)		42,474	9,660	52,134						
Birds of Prey	1/	Idaho	Boise	26,713	0	26,713	Owyhee/Bruneau	Ada/Owyhee/ Elmore	N/A	N/A	N/A	N/A
China Cup Butte	1/	Idaho	Idaho Falls	160	0	160	Big Butte	Blaine	N/A	N/A	N/A	N/A
Great Rift	2/	Idaho	Idaho Falls/ Shoshone	160	355,690	355,850	Big Butte/ Monument	Blaine/ Minidoka	N/A	N/A	N/A	N/A
Subtotal		(3)		27,033	355,690	382,723						
Bear Trap Canyon	2/	Montana	Butte	2,861	1,154	4,015	Dillon	Madison	N/A	N/A	N/A	N/A
Centennial Mt.	3/	Montana	Butte	21,774	0	21,774	Dillon	Madison	N/A	N/A	1982	1983
Humbug Spires	2/	Montana	Butte	7,041	4,261	11,302	Dillon	Madison	N/A	N/A	N/A	N/A
Square Butte	1/	Montana	Lewistown	1,947	0	1,947	Judith	Fergus	N/A	N/A	N/A	N/A
Subtotal		(4)		33,623	5,415	39,038						
Bristlecone	1/	Nevada	Ely	480	0	480	Egan	White Pine	N/A	N/A	N/A	N/A
Goshute Canyon	3/	Nevada	Ely	7,650	0	7,650	Egan	White Pine	Egan	RMP	1981	1984
Pygmy Sage	1/	Nevada	Ely	160	0	160	Schell	White Pine	N/A	N/A	N/A	N/A
Swamp Cedar	1/	Nevada	Ely	3,200	0	3,200	Schell	White Pine	N/A	N/A	N/A	N/A
Shoshone Ponds	1/	Nevada	Ely	1,240	0	1,240	Schell	White Pine	N/A	N/A	N/A	N/A
Lahontan-Cutthroat Trout	3/	Nevada	Winnemucca	12,316	0	12,316	Sonoma-Gerlach	Humboldt	Sonoma-Gerlach	MFP-T	1981	1983
Mount Meadow	1/	Nevada	Battle Mountain	22	0	22	Shoshone/Eureka	Nye	N/A	N/A	N/A	N/A
Pine Creek	3/	Nevada	Las Vegas	150	0	150	Stateline/ Esmeralda	Clark	Clark	MFP-T	1981	1984
Pinyon-Joshua	1/	Nevada	Las Vegas	560	0	560	Stateline/ Esmeralda	Esmeralda	N/A	N/A	N/A	N/A
Sunrise Mountain	1/	Nevada	Las Vegas	10,240	0	10,240	Caliente	Clark	N/A	N/A	N/A	N/A
Virgin Mountain	1/	Nevada	Las Vegas	6,560	0	6,560	Caliente	Lincoln	N/A	N/A	N/A	N/A
Subtotal		(11)		42,578	0	42,578						
El Malpais	2/	New Mexico	Socorro	84,000	14,369	98,369	Jornada	Valencia	N/A	N/A	N/A	N/A
Guadalupe Canyon	3/	New Mexico	Las Cruces	3,692	454	4,146	Las Cruces/ Lordsburg	Hidalgo	Coronado FS	Forest	1978	1982
Matthers	1/	New Mexico	Roswell	360	0	360	Carlsbad	Chaves	N/A	N/A	N/A	N/A
Subtotal		(3)		88,052	14,823	102,875						
Brewer Spruce	1/	Oregon	Medford	210	0	210	Grants Pass	Josephine	N/A	N/A	N/A	N/A
Douglas Fir	1/	Oregon	Coos Bay	590	0	590	Burnt Mountain	Coos	N/A	N/A	N/A	N/A
Little Sink	1/	Oregon	Salem	80	0	80	Yamhill	Polk	N/A	N/A	N/A	N/A
Lost Forest	3/	Oregon	Lakeview	8,960	0	8,960	High Desert	Lake	Oregon	STWIDE	1982	1984
Western Juniper	1/	Oregon	Prineville	600	0	600	Deschutes	Deschutes	N/A	N/A	N/A	N/A
Subtotal		(5)		10,440	0	10,440						
Book Cliffs	1/	Utah	Moab	400	0	400	Book Cliffs	Uintah	N/A	N/A	N/A	N/A
Dark Canyon	3/	Utah	Moab	49,904	0	49,904	San Juan	San Juan	Utah	STWIDE	1982	1984
Grand Gulch	3/	Utah	Moab	34,928	0	34,928	San Juan	San Juan	Utah	STWIDE	1982	1984
Link Flats	1/	Utah	Moab	912	0	912	San Rafael	Emery/Wayne	N/A	N/A	N/A	N/A
Devils Garden	1/	Utah	Cedar City	640	0	640	Escalante	Garfield	N/A	N/A	N/A	N/A
Joshua Tree	1/	Utah	Cedar City	1,040	0	1,040	Dixie	Washington	N/A	N/A	N/A	N/A
Escalante Canyons	3/	Utah	Cedar City	1,160	440	1,600	Escalante	Kane/ Garfield	Utah	STWIDE	1982	1984
North Escalante Canyon	3/	Utah	Cedar City	5,800	0	5,800	Escalante	Kane/ Garfield	Utah	STWIDE	1982	1984
The Gulch	3/	Utah	Cedar City	3,427	110,016	113,443	Escalante	Kane/ Garfield	Utah	STWIDE	1982	1984
Phipps Death Hollow	3/	Utah	Cedar City	34,288	8,443	42,731	Escalante	Kane/ Garfield	Utah	STWIDE	1982	1984
Paria (Administered by UT/AZ)	2/	Utah	Cedar City	8,660	12,810	21,470	Kanab	Kane	N/A	N/A	N/A	N/A
Subtotal		(10) (Paria not double-counted as an area)		141,159	131,709	272,868						
Scab Creek	2/	Wyoming	Rock Springs	6,680	956	7,636	Pinedale	Sublette	N/A	N/A	N/A	N/A
TOTAL		(55)		508,375	524,297	1,032,666						

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APPENDIX A

State Offices

U.S. Department of the Interior Bureau of Land Management

Alaska: (907) 271–5069, 701 C Street, P.O. Box 13, Anchorage, AK 99513
Arizona: (602) 241–3141, 2400 Valley Bank Center, Phoenix, AZ 85073
California: (916) 484–4636, Federal Building, 2800 Cottage Way, Sacramento, CA 95825
Colorado: (303) 837–3393, 1037 20th Street, Denver, CO 80202
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Idaho: (208) 334–1748, Federal Building, 550 West Fort Street, P.O. Box 042, Boise, ID 83724
Montana: (406) 657–6475, 222 North 32nd Street, P.O. Box 30157, Billings, MT 59107
Nevada: (702) 784–5748, Federal Building 300 Booth Street, Reno, NV 89509
New Mexico: (505) 988–6227, U.S. Post Office & Federal Building, P.O. Box 1449, Santa Fe, NM 87501
Oregon & Washington: (503) 231–6981, 729 N.E. Oregon Street, P.O. Box 2965, Portland, OR 97208
Utah: (801) 524–4257, University Club Bldg., 136 East South Temple Salt Lake City, UT, 84111
Wyoming: (307) 778–2073, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001

[FR Doc. 82-18475 Filed 7-7-82; 8:45 am]
BILLING CODE 4310-84-M

federal register

Thursday
July 8, 1982

Part IV

Department of Transportation

Federal Aviation Administration

Air Traffic Control System; Interim Operations Plan; Transfers and Exchanges of Slots

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22050; Reference SFAR No. 44-3]

Air Traffic Control System; Interim Operations Plan; Transfers and Exchanges of Slots

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of suspension of policy.

SUMMARY: Because of the limited capacity of the Air Traffic Control System resulting from the illegal air traffic controllers' strike, authority to land ("slots") at 22 of the Nation's busiest airports has been allocated to air carriers by the Federal Aviation Administration (FAA) under the Interim Operations Plan, Special Federal Aviation Regulation (SFAR) Nos. 44 through 44-3. Once allocated and used, the slots, which are assigned by hour, become part of a carrier's "operating base". Initially, allocation procedures did not provide for changes in a carrier's slot allocation.

In order to provide the airlines with more flexibility in scheduling, particularly for the upcoming summer scheduling season, a Notice of Policy issued May 6 (47 FR 19989; May 10, 1982) announced that the FAA would recognize transfers of slots between air carriers. That policy was to be in effect until June 10, but was extended until June 24 by a Notice issued June 10 (47 FR 22508; June 14, 1982). That Notice requested comments on the transfer policy, and proposed its termination.

This Notice announces the suspension of the transfer policy, to the extent it permitted carriers to buy and sell slots, until July 1, 1983. Since the needed flexibility has been provided and most air carriers no longer believe that sales flexibility is necessary, the FAA has no reason to continue the policy at this time. The FAA will, however, continue to accept transactions resulting from the exchange or trade of slots, irrespective of whether they are on a one-for-one basis.

FOR FURTHER INFORMATION CONTACT: Donald R. Segner, Associate Administrator for Policy and International Aviation, Federal Aviation Administration, Washington, D.C. 20591, 202-426-3030, or Franklin K. Willis, Deputy Assistant Secretary for Policy and International Affairs, Office of the Secretary of Transportation, Washington, D.C. 20590, 202-426-4540.

SUPPLEMENTAL INFORMATION:

Availability of Notice

Any person may obtain a copy of this notice 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 docket number of this notice. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular 11-2, which describes the application procedures.

Background and Discussion

The actions of certain air traffic controllers in August of 1981 reduced the number of controllers available to operate the Air Traffic Control (ATC) system. In order to assure the safe and efficient use of the navigable airspace, the FAA has been obliged to ration the limited ATC system capacity among users. It has done so by assigning "slots" (authority to land) under a series of emergency regulations [SFAR No. 44 (46 FR 30606; August 4, 1981); SFAR No. 44-1 (46 FR 44424; September 4, 1981); SFAR No. 44-2 (46 FR 48906, October 5, 1981); and SFAR No. 44-3 (47 FR 7816, February 22, 1982)].

Airlines began the period of restricted operations with a "base" number of slots at the Nation's 22 busiest airports (controlled airports) derived from their pre-strike planned operations. As the capacity of the ATC system has increased, additional slots have been awarded in response to requests by the carriers under procedures prescribed in SFARs 44-1, 44-2, and 44-3. These regulations also provide that air carriers must use slots awarded to them or lose them from their operating bases.

Because SFAR No. 44-3 does not provide for adjustments in slot assignments that may be occasioned by seasonal variations in demand, competitive pressures, or economic decisions of the carriers, the FAA has been receptive to efforts to add flexibility to the slot allocation system. To this end, the FAA withdrew its opposition to an air carrier request for antitrust immunity from the Civil Aeronautics Board (CAB) to permit trades of slots between carriers under a procedure administered by the Air Transport Association (ATA). While that procedure was successful in increasing scheduling flexibility among the carriers, the CAB-imposed anonymity requirement made it difficult for the carriers to consummate trades. Thus, a Notice of Policy was issued in May 6 (47 FR 19989; May 10, 1982) to test a procedure that might provide still greater flexibility to the allocation procedures.

Under that Policy, the FAA accepted transfers of slots between carriers in any number, without requiring an exchange or trade, and regardless of any consideration other than slots involved in the transfer. To register a transfer, a carrier was obliged to provide evidence that the transferor of a slot agreed to the transfer. When the FAA verified that the slot or slots transferred were actually in the transferor's base and that they were not necessary for the provision of essential air service, it approved the transaction and added the transferred slot to the transferee's base.

The purpose of the experimental policy was to provide additional flexibility for carriers to adjust their schedules. The timing was a result of the need to provide this flexibility in time for summer scheduling.

By Notice issued on June 10 (47 FR 22508; June 14, 1982), interested parties were provided an opportunity to submit comments on the discontinuance of the experimental policy, and a number of comments were received.

The Department of Justice, the Office of Management and Budget, New York Air, Continental/Texas International Airlines, People Express, Southwest Airlines, Braniff Airways, and a number of individual commentors favored continuation of the buy/sell policy. The Regional Airline Association, the ATA, the Airport Operators Council International, Delta Airlines, American Airlines, Trans World Airlines, Midway Airlines, Eastern Airlines, the National Air Carriers Association, the City of Des Moines, and the State of Wisconsin were among those who urged that the program be terminated.

Opponents of the program argued that slot sales work principally to the benefit of the larger carriers, which can afford to buy slots, and to the larger communities, where heavier passenger traffic means that each slot can provide more revenue than a slot at a smaller community. They also commented that slot sales result in windfall profits and unjust enrichment for some airlines. Slots, they noted, are so valuable that carriers are encouraged to obtain them for speculation purposes unrelated to any improved service pattern.

Proponents of the buy/sell program argued that reliance on market forces for the secondary distribution of slots is consistent with the Airline Deregulation Act and fosters competition. Sales, they alleged, provide for the most efficient distribution of air carrier capacity at the 22 controlled airports. They also

alleviate the rigidities built into the present allocation system, which limits management flexibility of the carriers and presents an almost insuperable barrier to new entrant carriers, who have too few slots to trade effectively. The proponents also noted, in response to arguments against buy/sell, that current prices for slots were artificially inflated by the extreme shortage of slots and the short period of their availability through sales under the experimental policy.

The FAA has reviewed the results of the experimental policy in light of the comments received. One hundred five applications for transfer, excluding resubmissions, were received by June 30; the applications requested approval of the transfer of 314 slots, 194 by sale and 120 by trade. The FAA has reviewed the impact of the transfers which have been approved to date.

As discussed above, the purpose of the experimental slot transfer policy was to provide a mechanism to add additional flexibility to the slot allocation system by permitting the carriers to adjust their schedules for the summer season. The air carriers had sought added flexibility, though not necessarily through sales. As reflected by the comments, at the conclusion of the experiment, the carriers were overwhelmingly opposed to the sales policy. Since the needed flexibility has been provided and most air carriers no longer believe that sales flexibility is necessary, the FAA has no reason to continue the policy at this time.

The FAA presently estimates that the air traffic control system will be restored to a sufficient degree by July 1, 1983, to reduce or entirely eliminate the aspects of the slot transfer policy that have been objected to by commenters opposed to transfer by sales. By then, in many parts of the country, slots will no longer be required. In others, the supply of slots will be short only at peak hours, and shortages will be significantly reduced. The slot transfer policy announced May 10 is therefore suspended until July 1, 1983, or until further notice.

The FAA will, however, continue to allow a high degree of flexibility with respect to the trading or exchange of slots. Carriers may exchange slots in any numbers, not necessarily on a slot-for-slot basis. Such transactions must be submitted in accordance with the following terms, which are basically the same as those that have been in effect under the May 10 Policy:

1. Any slot or slots to be exchanged after June 24 must come from the carriers' FAA-approved June 1–July 31 operating base, as determined under SFAR 44–3. (Only slots that have been operated by a carrier may be exchanged.) Later FAA-approved bases will be used for exchanges in the future.

2. All requests for approval must be submitted in writing to the Associate Administrator for Policy and International Aviation, API–1, Federal Aviation Administration, Washington, D.C. 20591, in the same format as slot requests submitted under SFAR No. 44–3. Exchange requests combined with other requests under the SFAR (such as slides) will not be accepted.

3. Written evidence of both carriers' consent to the exchange must be provided.

4. A record of the exchange will be made available to the public.

5. Exchanges that would reduce the number of slots allocated to an air carrier that has been afforded priority treatment in the distribution of new slots under paragraph 3(c) of the Appendix to SFAR No. 44–3 (certain new entrant airlines) will not be approved unless the carrier waives its right to be considered a "new entrant" in future distributions under the Interim Operations Plan.

6. Exchanges of slots necessary for the provision of essential air service within the meaning of section 419 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1389, will not be approved.

The provisions of SFAR No. 44–3 or any amendments to it continue to apply. In particular, it should be noted that only carriers may hold slots, and that a single slot covers only an arrival in a given hour at a single airport. In addition, for the present, the exchange of "tower en route" and ARTCC slots will not be approved.

Affirmative approval must be obtained from the FAA before slots may be used. The FAA anticipates that properly documented exchange requests will be approved within two weeks of the receipt of a request.

The FAA will continue to evaluate the slot transfer policy to determine whether changes are warranted before July 1, 1983. Any further comments on the matter should be directed to Docket No. 22050.

Finally, all interested parties are again reminded that a slot is a temporary creation of FAA emergency regulations, and does not confer on any carrier a long-term right. Slots can be taken from any carrier in accordance with the terms of the existing SFAR or any amendments to it. Moreover, the FAA does not guarantee that slots will be required at any airport for any particular period of time. As soon as possible, the FAA intends to relieve the carriers from the requirement of obtaining slots.

(49 U.S.C. 1301 *et seq.* and 49 U.S.C. 1651 *et seq.*)

Issued at Washington, D.C., on July 6, 1982.

Michael J. Fenello,

Acting Administrator.

[FR Doc. 82–18670 Filed 7–7–82; 11:45 am]

BILLING CODE 4910–13–M

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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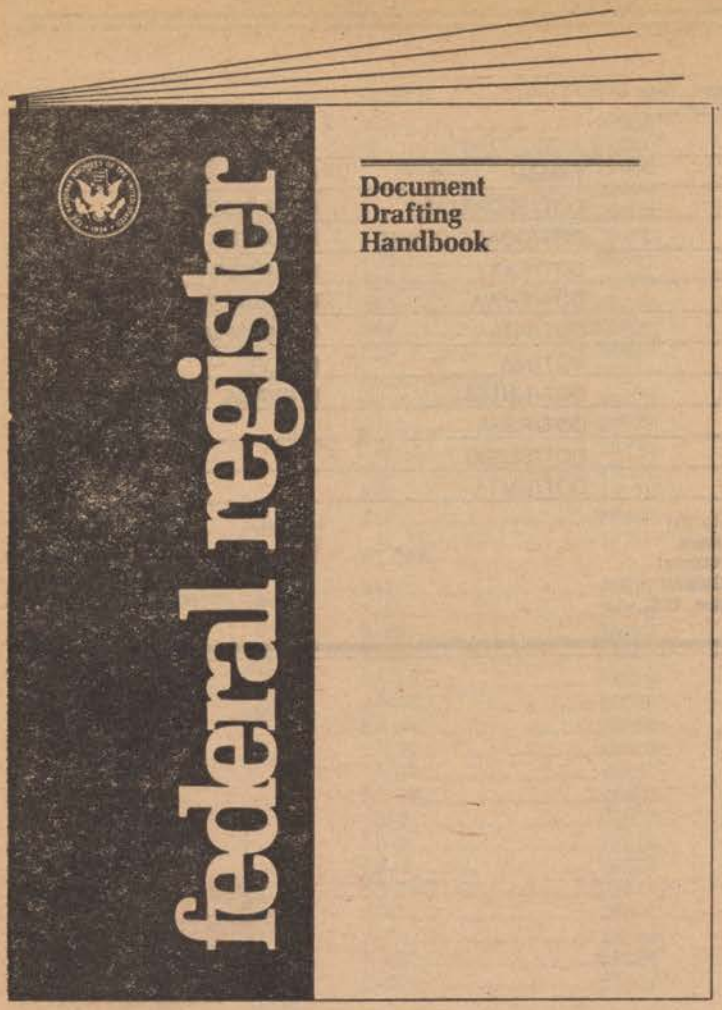

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