

Federal Register

Monday
July 12, 1982

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Animal Biologics

Animal and Plant Health Inspection Service

Aviation Safety

Federal Aviation Administration

Coal Mining

Surface Mining Reclamation and Enforcement Office

Consumer Protection

National Highway Traffic Safety Administration

Continental Shelf

Minerals Management Service

Fisheries

National Oceanic and Atmospheric Administration

Grant Programs—Housing and Community Development

Community Planning and Development, Office of
Assistant Secretary

Hunting

Fish and Wildlife Service

Meat and Meat Products

Agricultural Marketing Service

Milk Marketing Orders

Agricultural Marketing Service

Motor Vehicle Safety

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Executive Order 12370 of July 8, 1982

The President

Creating an Emergency Board To Investigate a Dispute Between the Brotherhood of Locomotive Engineers and Certain Railroads Represented by the National Carriers' Conference Committee of the National Railway Labor Conference

A dispute exists between the Brotherhood of Locomotive Engineers and certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference designated on the list attached hereto and made a part hereof.

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

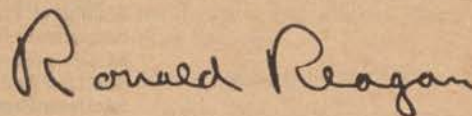
This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), it is hereby ordered as follows:

Section 1. *Establishment of the Board.* There is established effective July 10, 1982, a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

Sec. 2. *Report.* The board shall report its finding to the President with respect to the dispute within 30 days from the date of its creation.

Sec. 3. *Maintaining Conditions.* As provided by Section 10 of the Railway Labor Act, as amended, from the date of the creation of the Emergency Board and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers or by their employees, in the conditions out of which the dispute arose.



THE WHITE HOUSE,
July 8, 1982.

APPENDIX OF RAILROADS

Ann Arbor Railroad
Atchison, Topeka and Santa Fe Railway Company
Belt Railway Company of Chicago
Boston and Maine Corporation
Burlington Northern Railroad Company
Camas Prairie Railroad Company
Canadian National Railways:
 St. Lawrence Region, Lines in the United States
Central of Georgia Railroad Company
Central Vermont Railway, Inc.
The Chessie System:
 Baltimore and Ohio Railway Company
 Baltimore and Ohio Chicago Terminal Railroad Company
 Chesapeake and Ohio Railway Company
 Staten Island Railroad Corporation
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Colorado and Southern Railway Company
Denver and Rio Grande Western Railway Company
Detroit, Toledo and Ironton Railroad Company
Elgin, Joliet and Eastern Railway Company
The Family Lines:
 Seaboard Coast Line Railroad Company
 Gainesville Midland Railroad Company
 Louisville and Nashville Railroad Company
 Cinchfield Railroad Company
 Georgia Railroad
 Atlanta and West Point Railroad Company:
 The Western Railway of Alabama
Ft. Worth and Denver Railway Company
Grand Trunk Western Railroad Company
Houston Belt and Terminal Railroad Company
Illinois Central Gulf Railroad Company
Indiana Harbor Belt Railroad Company
Joint Texas Division of the CRI&P and FW&D Railway Company
Kansas City Southern Railway Company:
 Louisiana and Arkansas Railway Company
Longview, Portland and Northern Railway Company
Minnesota Transfer Railway Company
Missouri-Kansas-Texas Railroad Company:
 Oklahoma, Kansas and Texas Railroad Company
Missouri Pacific Railroad Company
New York Dock Railway
Norfolk and Portsmouth Belt Line Railroad Company
Norfolk and Western Railway Company
Northwestern Pacific Railroad Company
Ogden Union Railway and Depot Company
Pittsburgh and Lake Erie Railroad Company
Pittsburgh, Chartiers & Youghiogeny Railroad Company
Portland Terminal Railroad Company
Richmond, Fredericksburg and Potomac Railroad Company
Sacramento Northern Railway
St. Louis Southwestern Railway Company
Soo Line Railroad
Southern Pacific Transportation Company:
 Western Lines
 Eastern Lines
Southern Railway Company:
 Alabama Great Southern Railroad Company
 Atlantic and East Carolina Railway Company
 Terminal Railroad Association of St. Louis
Toledo Terminal Railroad Company
Union Pacific Railroad Company
Western Pacific Railroad Company
Youngstown and Southern Railway Company

[FR Doc. 82-18897

Filed 7-9-82; 8:45 am]

Billing code 3195-01-M

Editorial Note: The President's announcement of July 8, 1982, on creating an emergency board to investigate a railway labor dispute is printed in the *Weekly Compilation of Presidential Documents* (vol. 18, no. 27).

Rules and Regulations

Federal Register

Vol. 47, No. 133

Monday, July 12, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Section 22 Import Quotas; Certain Dairy Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of adjustment of application period for certain import licenses.

SUMMARY: This notice is to advise applicants for import licenses for certain dairy products that applicants mailed on either August 1 or 2 will be treated equally as to the date of mailing.

FOR FURTHER INFORMATION CONTACT:

Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447-5270.

SUPPLEMENTARY INFORMATION: Import Regulation 1, Revision 7 requires that applications for nonhistorical and supplementary import licenses for certain dairy products be submitted during a 90-day application period which begins on August 1 each year. Since many of the import licenses are issued on a first come, first served basis applicants are encouraged to mail their applications on August 1 each year. This year August 1, 1982, falls on Sunday, a non-work day for most post offices. Therefore, the purpose of this notice is to advise all applicants who submit applications on either August 1 or 2, 1982, that their applications will be treated equally for the purposes of determining priority in the issuance of import licenses. Thus, an application mailed on August 2 will receive the

same consideration as one mailed on August 1.

Signed, the 6th of July, 1982.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 82-18737 Filed 7-9-82; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-21; Amdt. 39-4416]

Airworthiness Directives; Hiller Aviation Model UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts a new Airworthiness Directive (AD) which supersedes AD 82-10-06 which required replacement of the fasteners of the main transmission mounted mercury clutch on Hiller Aviation Model UH-12 series helicopters. This superseding AD is required because a Hiller Aviation Service Bulletin was incorrectly cited in the original AD. This AD cites the correct Hiller Aviation Service Bulletin.

DATES: Effective July 16, 1982. Compliance required within 50 hours' additional time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93257.

A copy of each applicable service document is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, or at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, 76101.

FOR FURTHER INFORMATION CONTACT:

Harold Ferris, Aerospace Engineer, Propulsion Section, ANM-174W, Western Aircraft Certification Field Office, Northwest Mountain Region, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone (213) 536-6381, or Sam Brodie, Helicopter Policy and Procedures Staff,

Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, 76101, telephone (817) 624-4911, extension 504.

SUPPLEMENTARY INFORMATION:

Amendment 39-4381 (47 FR 21003; May 17, 1982), AD 82-10-06 required replacement of four bolts attaching the mercury clutch to the torsional coupling and replacement of the related washers with washers of a different design. There had been reports of loss of power to the main and tail rotors on Hiller Model UH-12 series helicopters which resulted in forced landings. The loss of power was attributed to the deformation of the washers under the bolt head. The resultant loss of torque resulted in the fatigue failure of the four bolts attaching the mercury clutch to the torsional coupling. Since this condition was likely to exist or develop in other helicopters of the same type design, the AD required replacement of the four attach bolts with new bolts and replacement of the related washers with washers of a different design which relieve the fatigue problem on Hiller Aviation Model UH-12 series helicopters. AD 82-10-06 incorrectly cited Hiller Aviation Service Bulletin No. 21-1, in the body of the AD. The correct Hiller Aviation Service Bulletin is No. 21-2, dated January 20, 1982. Therefore, a new AD is required to correct the previous AD.

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

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 removing Amendment 39-4381 (47 FR 21003), AD 82-10-06 and by adding the following new airworthiness directive:

Hiller Aviation: Applies to Model UH-12D, UH-12E, UH-12E4, UH-12E-L, UH-12L, UH-12LA, and military OH-23D, OH-23F and OH-23G series helicopters, certificated in all categories, through serial No. 5187.

Compliance required as indicated, unless already accomplished.

To prevent loss of power to the main and tail rotors, accomplish the following:

Within 50 hours' additional time in service after the effective date of this AD, remove the four P/N 21041 bolts and four AN 960-716L washers which attach the mercury clutch to the torsional coupling and replace with new P/N 21041 bolts and P/N 21074-3 washers in accordance with Part 2, Accomplishment Instruction, of Hiller Aviation Service Bulletin No. 21-2 dated January 20, 1982, or FAA approved equivalent. The four P/N 21041 bolts removed per this action must be considered unairworthy and marked accordingly.

Note.—Hiller Model UH-12 series helicopters converted to turbine power by Supplemental Type Certificate (STC) SH178WE or SH177WE do not incorporate the subject parts and therefore are not affected by this AD unless restored to the original configuration.

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

Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Western Aircraft Certification Field Office, FAA Northwest Mountain Region.

This amendment supersedes AD 82-10-06.

This amendment becomes effective July 16, 1982.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified 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, Texas, on June 28, 1982.

C. R. Melugin, Jr.,
Director, Southwest Region.

[FR Doc. 82-18572 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-33;
Amdt. 39-4414]

Airworthiness Directives; Hughes Helicopters Models 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one-time inspection, rework or replacement as required, and increased torque of the attaching hardware for the main transmission ring gear/carrier assembly on certain Hughes Model 269 series helicopters. The AD is needed because there have been reports of main transmission ring gear attachment bolts coming loose in service. This could result in main transmission jamming, loss of power to the rotors, and loss of control of the helicopter.

DATES: Effective July 12, 1982.

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

ADDRESSES: The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230. A copy of the service information is contained in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Harold Ferris, Aerospace Engineer, Propulsion Section, ANM-174W, Western Aircraft Certification Field Office, Federal Aviation Administration, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009 Telephone: (213) 536-6381.

SUPPLEMENTARY INFORMATION: There have been reports that the bolts that attach the main transmission ring gear to its carrier have become loose in service. This loss of torque could cause fretting corrosion, fatigue cracking of the carrier assembly, and fatigue fracture of the attaching bolts resulting in loss of power to the rotor system or jamming of the main transmission and could result

in loss of control of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection, rework or replacement (as required), and increased bolt torque on the main transmission ring gear/carrier assembly on certain Hughes Model 269 series helicopters.

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

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety, Safety, and Air transportation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 9.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive.

Hughes Helicopters: Applies to Model 269A (all S/N's), TH-55A (all S/N's converted to civil use), 269A-1 (all S/N's), and 269C (S/N's 0001 through 1074) helicopters equipped with main transmission assemblies P/N 269A5175-7, -9, -11, -13, -15, and -17, except those transmissions with the letter "W" on the transmission nameplate below and adjacent to the transmission serial number. Applies to helicopters certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent failure of the main transmission, accomplish the following:

(a) Within 50 hours' additional time in service after the effective date of this AD, disassemble the transmission and inspect the ring gear/carrier interface and attachment bolts for possible fretting or cracking, and rework in accordance with Service Information Notice N-181, paragraphs a. through j., or later FAA approved equivalent. All parts that cannot be reworked within the criteria of Service Information Notice N-181 are considered unairworthy and must be replaced with like serviceable parts.

Note.—Those portions of Service Information Notice N-181 which address disposition of parts which exceed the prescribed inspection and rework criteria are not applicable.

(b) Reassemble the transmission in accordance with Service Information Notice N-181, paragraphs k. through o., or FAA approved equivalent.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(d) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Certification Field Office, FAA Northwest Mountain Region, 15000 Aviation Boulevard, Room 5W26, Hawthorne, California.

This amendment becomes effective July 12, 1982.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified 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, Texas, on June 25, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-18574 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-36; Amdt. 39-4415]

Airworthiness Directives; Hughes 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts a new Airworthiness Directive (AD) that requires visual inspection of the drive belt idler pulley support bracket assembly for cracks or damage on certain Hughes Helicopters, Inc., Model 269 series helicopters. The AD is needed because there have been reports of cracks and fractures of the pulley

bracket support arm. These cracks and fractures could result in loss of drive belt tension and loss of power to the entire rotor system.

DATES: Effective July 16, 1982.

Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76102, or at the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Hal Ferris, Aerospace Engineer, Propulsion Section ANM-174W, Western Aircraft Certification Field Office, Federal Aviation Administration, Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6381.

SUPPLEMENTARY INFORMATION: There have been two reported cases that belt drive idler pulley support brackets have cracked or failed as a result of fatigue. Cracks have been found during the 100-hour inspection called for in the Hughes Maintenance Instruction (HMI) and a failure has occurred during operation causing clutch disengagement. This results in loss of power to the rotors. The fatigue crack initiation point and propagation is in an area of calculated and measured low stress. It is not known how the loads increase to cause fatigue cracks. The loads may be due to incorrect assembly or spring tension. Due to the critical nature of this failure mode, a mandatory inspection in the critical area is imposed by this AD.

Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires visual inspection of the belt drive idler pulley bracket on the Hughes 269 series helicopters.

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

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 Administration, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Hughes Helicopters, Inc.: Applies to Model 269 series helicopters certified in all categories with belt drive idler pulley clutch assembly P/N 269A5447 series installed and idler pulley support bracket assembly P/N 269A5575 or 269A5575-3 incorporated therein.

Compliance required as indicated, unless already accomplished.

To prevent loss of power to the rotor system accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD unless already accomplished, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the idler pulley support bracket assembly P/N 269A5575 or 269A5575-3 in accordance with paragraph (b) of the section entitled "Inspection Procedures" of the Hughes Service Information Notice No. N-182 dated May 28, 1982, or FAA approved equivalent.

(b) If any crack is found, prior to further flight replace bracket with a like serviceable part.

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

(d) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Western Aircraft Certification Field Office, FAA, Northwest Mountain Region, Hawthorne, California.

This amendment becomes effective July 16, 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 regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified 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, Texas, on June 23, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-18573 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/81-AWP-2]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Group II Terminal Control Area, Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reconfigures the Group II Terminal Control Area (TCA) at Las Vegas, NV, which first became effective on November 11, 1974. This realignment provides greater flexibility to aircraft wishing to avoid the TCA airspace, ensures that turbine-powered aircraft operations are wholly contained within TCA airspace, and ensures that the high level of safety provided by the TCA is not reduced.

EFFECTIVE DATE: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. B. Keith Potts, Airspace and Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3731.

SUPPLEMENTARY INFORMATION:

History

On August 20, 1981, a Notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* to amend the Las Vegas TCA by raising the TCA floor in some areas to provide greater flexibility to aircraft wishing to avoid the TCA airspace and to expand certain other areas to assure that turbine-powered aircraft operations are wholly contained within the TCA. Other aspects considered in meeting these specific goals included noise abatement, costs to users, safety to passengers, and the safe and efficient use of airspace.

The action contained in this rule was preceded with broad and helpful public participation with the FAA in considering the development of an airspace description for a TCA that is responsive to the need to increase safety

and to the needs of both transient and local aircraft operators who might be affected. An extensive publicity effort was made to invite all interested persons to participate in meetings held on June 19 and 27, 1979. Invitations were extended to 3,000 airspace users in the Las Vegas area. Notice of the meetings was also given radio and press coverage. In response to public suggestions, several adjustments to the TCA configuration were developed and were reflected in the notice.

After experience is gained with the revised TCA configuration, consideration will be given to proposing any modifications that appear necessary. Any future modifications that may be prepared would be thoroughly coordinated with airspace users.

Discussion of Comments

The FAA received three written comments from citizen groups and aviation and trade industry associations in response to the proposed modification to the Las Vegas TCA. The FAA also had the benefit of discussions with airspace users at user group meetings. The FAA appreciates the thoughtful and meaningful contributions and interest expressed by all those who took time to participate in this rulemaking action.

In reviewing the comments submitted verbally and in writing, the following categories of comments emerged:

A. The Aircraft Owners and Pilots Association was pleased that the FAA had chosen not to extend the TCA ceiling to 12,500 feet mean sea level (MSL) as had been originally proposed in the June 1979 meeting. They concur with the proposal.

B. The Air Line Pilots Association responded with general support for the proposed reconfiguration. They recommend, however, raising the TCA ceiling for Area "D" to 10,500 feet MSL to provide optimum fuel descent procedures for Runway 25 approaches.

No discernable fuel savings beyond current operations could be derived from the proposed ceiling alteration of Area "D." Las Vegas is now in full concert with the provisions of Order 7110.22C, Arrival and Departure Handling of High Performance Aircraft. The proposed alteration, as stated, has no real bearing insofar as optimizing fuel descent procedures of Runway 25 approaches.

C. The Air Transport Association of America (ATA) disagrees in the portion of the reconfiguration designating the new Area "I." They believe this area will pose a restriction by increasing flying miles for Runway 25 heavy turbojet departures using the MEAD 6 and OVETO 5 Standard Instrument

Departures (SID's), while not providing separation from north Las Vegas traffic. Contrary to ATA's beliefs, virtually no increase in flying miles will result from the adoption of Area "I." What will result, however, is the containment and protection of large turbine-powered aircraft within the TCA, heretofore nonexistent in that specific area.

To substantiate this, we need only correlate the existing OVETO 5 and MEAD 6 flight path restrictions with the area in question. Departures are required to "climb on runway heading until reaching 4 DME (4 nautical miles from Las Vegas VORTAC) then turn right heading 070° to cross the LAS R-280 between 4,000 and 7,000 * * * At 4 DME, aircraft are still within Area "A." at the apex of their right turn, aircraft routinely are between 6 and 8 DME, thus contained in reconfigured Area "H." Crossing the LAS R-280 (dividing line between Areas "H" and "I"), aircraft in today's environment are at or above 4,500 feet, thus providing the rationale for the floor altitude of Area "I."

In summary, the procedures and flight paths currently flown will not be altered physically, but merely added to the confines of the Las Vegas TCA.

Local Benefits

The modifications of the Group II TCA will provide greater flexibility to aircraft wishing to avoid TCA airspace. In addition, all turbojet arrival and departure profiles are fully contained within TCA airspace for air safety purposes. The TCA will have a minimum impact on aircraft not required to be under ATC control due to this proposed action.

Economic Impacts

The costs of modifying the Las Vegas TCA were considered as part of the regulatory decisions being made. Since all turbine-powered IFR aircraft will continue to be contained in the TCA as reconfigured, there will be no change in economic effect for those flights. Uncontrolled aircraft have the same or larger amounts of airspace in which to conduct their activities. Any adverse economic impact that may now exist will remain the same or be reduced as available airspace is increased for traffic not operating within the TCA.

This TCA configuration, as compared to the existing configuration, demonstrates no change in impacted airports, number of operations, or the number of airports receiving diverted traffic, the number of aircraft expected to relocate or divert due to the TCA, and operational procedures at adjacent airports remain unchanged.

List of Subjects in 14 CFR Part 71

Terminal control areas.

Adoption of the Amendment**PART 71—DESIGNATION OF
FEDERAL AIRWAYS, AREA LOW
ROUTES, CONTROLLED AIRSPACE,
AND REPORTING POINTS**

Accordingly, pursuant to the authority delegated to me, § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 g.m.t. September 30, 1982, by revising the Las Vegas, NV, TCA as follows:

Subpart K—Terminal Control Areas**§ 71.401 Designation.**

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

**Las Vegas, NV, Terminal Control Area
[Revised]**

Primary Airport and Navigational Aid McCarran International Airport (lat. 36°04'48" N., long. 115°09'08" W.).

Las Vegas VORTAC (lat. 36°04'47" N., long. 115°09'32" W.).

Boundaries—Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials.

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the Las Vegas 020° radial; thence direct to the 20-mile DME point on the Las Vegas 033° radial; thence northeasterly along the Las Vegas 033° radial to the 25-mile DME point, and clockwise along the 25-mile radius arc to the Las Vegas 046° radial, and southwesterly along the Las Vegas 046° radial, to and clockwise along the 10-mile radius arc to the Las Vegas 115° radial; thence westerly along a line direct to, and counterclockwise along, the 2-mile radius arc of Henderson Sky Harbor Airport (lat. 35°58'35" N., 115°07'55" W.) to, and along, the Las Vegas 180° radial to, and clockwise along, the 6-mile radius arc to, and counterclockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal (lat. 36°12'45" N., long. 115°11'46" W.) to, and north along, the Las Vegas 005° radial to, and clockwise along, the 15-mile radius arc to the point of beginning.

Area B. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the north by the Las Vegas 046° radial and on the south by the Las Vegas 115° radial.

Area C. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the north by the Las Vegas 046° radial and on the south by the Las Vegas 125° radial.

Area D. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs bounded on the north by the

Las Vegas 083° radial and on the south by the Las Vegas 115° radial.

Area E. That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the northeast by the Las Vegas 115° radial and on the southwest by the Las Vegas 185° radial.

Area F. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the east by the Las Vegas 125° radial and on the west by the Las Vegas 235° radial.

Area G. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 10-mile DME point on the Las Vegas 115° radial; thence clockwise along the 10-mile radius arc to, and south along, the Las Vegas 185° radial to, and clockwise along, the 15-mile radius arc to, and northeasterly along, the Las Vegas 135° radial to, and clockwise along, the 10-mile radius arc to, and easterly along, the 8-mile radius arc, to, and northerly along the Las Vegas 180° radial to lat. 35°59'45" N., long. 115°09'40" W. and clockwise along, the 2-mile radius arc to Shy Harbor Airport to, and easterly along, a line direct to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 6 and 8-mile radii arcs bounded on the north by the Las Vegas 295° radial and on the south by the Las Vegas 180° radial.

Area I. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 6-mile DME point on the Las Vegas 295° radial; thence westerly along that radial to, and clockwise along, the 10-mile radius arc to, and northwesterly along, U.S. Highway 95 to, and clockwise along, the 11-mile radius arc, to and southerly along, the Las Vegas 005° radial to, and clockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal to, and counterclockwise along, the 6-mile radius arc to the point of beginning.

Area J. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 11 and 15-mile radii arcs bounded on the east by the Las Vegas 005° radial and on the west by U.S. Highway 95.

Area K. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs, bounded on the west by U.S. Highway 95, and on the east by a line from the 15-mile DME point on the Las Vegas 020° radial direct to the 20-mile DME point on the Las Vegas 033° radial.

Area L. That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 36-mile DME point on the LAS 033° radial thence southwest along the 033° radial to and counterclockwise along the 20-mile arc to U.S. Highway 95 direct to the 36-mile DME point on the 005° radial thence clockwise along the 36-mile arc to the point of beginning.

Area M. That airspace extending upward from 5,000 feet MSL to and including 9,000

feet MSL between the Las Vegas 25 and 30-mile radii arcs, bounded on the west by the Las Vegas 033° radial and on the east by the Las Vegas 046° radial.

Area N. That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 30 and 36-mile radii arcs, bounded on the west by the Las Vegas 033° radial and on the east by the Las Vegas 046° radial.

Area O. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs, bounded on the west by the Las Vegas 046° radial and on the southeast by the Las Vegas 060° radial.

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

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

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

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

[FR Doc. 82-18549 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Office of the Assistant Secretary for
Community Planning and
Development****24 CFR Part 570**

[Docket No. R-82-994]

Community Development Block Grants

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule establishes a new Community Development Special Project Program for States and units of general local government. This rule describes policy and procedures for HUD to award Special Projects assistance. The program is authorized by the 1981 amendments to the Housing and Community Development Act of 1974.

EFFECTIVE DATE: August 11, 1982.

COMMENTS DUE: September 10, 1982.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address. This rule may be changed on the basis of comments received.

FOR FURTHER INFORMATION CONTACT:

Liza Bowles, Office of Program Policy Development, Room 7131, Community Planning and Development, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-8909 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The 1981 amendments to the Housing and Community Development Act of 1974 established a new program to provide grants to States and units of local government for special projects otherwise authorized under Title I of the Act. The regulations provide the necessary guidance to implement this program. Although the new Special Projects Program and the Technical Assistance Program are both authorized pursuant to section 107(b)(4) of the Act, the two programs are distinct. The Department is publishing this rule for interim effect to allow for the immediate implementation of the program. Additionally, the rule does not contain policy directives beyond that included in the statute so that public comment is not deemed necessary to the successful implementation of the program. The rule has no adverse impact and delaying the effective date would be counter to efficient management.

The subject matter of this rulemaking action relates to grants and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption.

The Secretary has determined that it is in the public interest to implement the new Special Projects Program as soon as possible. Accordingly, the delay that would result from affording an opportunity for public comment on this amendment prior to its effective date would be contrary to the public interest. For that reason, the Secretary has found

that good cause exists for adopting this amendment as an interim rule, without prior public comment. However, public comments are invited for 60 days following publication and will be considered in the adoption of a final rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

This rule does not constitute a "major rule" as the term is defined in section 1 (b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation. The Special Projects program will be listed in the Catalog of Federal Domestic Assistance under number 14.226.

This rule was not listed in the Department's Semi-annual Agenda of Regulations published on August 17, 1981 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 570

Community development block grants, Grant programs; Housing and community development, Loan programs; Housing and community development, Low and moderate income

housing, New communities, Pockets of poverty, Small cities.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Accordingly, 24 CFR Part 570, Subpart E, is amended by adding a new § 570.410 to read as follows:

§ 570.410 Special Projects Program.

(a) *Program Objectives.* The Community Development Special Projects Program enables HUD to award grants to States and units of general local government, subject to availability of funds, for special projects that address community development activities or techniques consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

(b) *Eligible Applicants.* Only States and units of general local government (as defined in 24 CFR 570.3(u) and 24 CFR 570.3(v)) are eligible to submit proposals or applications for Special Projects grants. Proposals or applications may be submitted by eligible applicants on behalf of themselves, on behalf of other eligible applicants, or jointly by more than one eligible applicant.

(c) *Eligible Activities.* Project activities that may be funded under this Section are those eligible under 24 CFR Part 570—Community Development Block Grants, Subpart C—Eligible Activities. No more than twenty (20) percent of the funds awarded under this Section may be used for overall program administration or planning activities eligible under 24 CFR 570.205 and 24 CFR 570.206.

(d) *Proposals.* Eligible applicants may submit unsolicited proposals. HUD may ask proposers to submit additional information if necessary for evaluation. There is no HUD commitment to fund any unsolicited proposal regardless of its merit. If HUD elects to fund a proposal, it will request that the proposer submit a formal application.

(1) Three (3) copies of a proposal must be sent to the address stated in (3), below. Each proposal submitted pursuant to this Section shall be evaluated by HUD using the following criteria:

(i) The extent to which the proposal satisfies purposes of this Title and addresses a special community development need.

(ii) The eligibility of proposed activities.

(iii) The feasibility of the project; i.e., its technical and financial feasibility for achieving the goals stated in the proposal.

(iv) The capacity of the proposer to carry out satisfactorily the proposed project activities.

(2) If the proposal is submitted jointly by, or on behalf of, more than one eligible applicant, the proposal must:

(i) Contain a cooperation agreement signed by the Chief Executive Officer of each participating jurisdiction which specifies concurrence with the purpose and intent of the proposal and intent to comply with grant requirements;

(ii) Address problems faced by all jurisdictions listed in the proposal; and,

(iii) Be submitted by the lead jurisdiction. The lead jurisdiction shall be responsible for overall coordination and administration of the project.

(3) Unsolicited proposals may be submitted any time during the year. However, if there are no funds available for such proposals, they will be returned without review. Proposals shall contain a Standard Form 424 signed by the Chief Executive Officer of the State or unit of general local government. They shall be sent to: Department of Housing and Urban Development, Office of Community Planning and Development, 451 Seventh Street, S.W., Washington, D.C. 20410, Attention: Director, Office of Program Policy Development, CPP.

(e) *Applications.* Applications are accepted only from eligible applicants in response to letters of solicitations, or to competition announcements published in Notices in the *Federal Register*. Submission requirements and criteria to be used by HUD to evaluate solicited applications and instructions regarding their submission shall be stated in each Notice or letter.

(f) *Certifications.* Applications shall contain the certifications required by 24 CFR 570.307, except that regarding citizen participation: The applicant must certify that citizens likely to be affected by the project, particularly low- and moderate-income persons, have been provided an opportunity to comment on the proposal or application. If the application is submitted jointly, or on behalf of more than one jurisdiction, each jurisdiction shall submit the required certifications.

(g) *Selection and Notification.* The HUD decision to approve, disapprove or conditionally approve a proposal or application shall be communicated in writing to the applicant.

(Title 1, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: May 24, 1982.

Stephen J. Bollinger,
Assistant Secretary for Community Planning
and Development.

[FR Doc. 82-18768 Filed 7-9-82; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations on the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This final rulemaking amends the regulations to specify that the Director, Minerals Management Service (MMS), has the authority to consider inordinate delays in obtaining governmental permits and consents when evaluating a lessee's request for a suspension of operations thereby extending the primary term of the lease on the Outer Continental Shelf (OCS). Such action assures a lessee that its leasehold interest will not expire because of governmental delays beyond the control of the lessee. The equitable position of lessees in such situations had previously been recognized and suspensions had been granted when appropriate. The effect of the rule is to formalize the criteria so that lessees can be assured of the Director's authority to grant a suspension under the circumstances identified in the rule. In response to the Notice of Proposed Rulemaking published in the *Federal Register* on August 20, 1981 (46 FR 42286), by the U.S. Geological Survey (USGS) (the MMS succeeded to the authorities and responsibilities of the USGS in this regard on January 19, 1982 (Secretarial Order No. 3071)), industry, various Government Agencies, and the interested public submitted comments on the proposed changes which were evaluated and analyzed in connection with this final rule.

EFFECTIVE DATE: August 11, 1982.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION:

Background

The current regulation, 30 CFR 250.12(b), was promulgated to implement section 5 of the Outer Continental Shelf Lands Act (OCSLA) with respect to granting a suspension of operations upon the request of the

lessee. The regulation identifies the criteria used by the Director, upon the lessee's request, to suspend operations and extend the term of the lease, as provided in the Act. The first criterion authorizes a suspension to facilitate the proper development of a lease. The Director has interpreted this criterion to encompass situations where delays in obtaining governmental permits and consents have been of such a duration as to jeopardize the exploration and development of a lease within the initial lease term, and which delays are not the result of fault or negligence of the lessee. However, in order to clarify that inordinate delays are a proper element for consideration in granting a suspension of operations, the regulations are being amended to explicitly recite this standard.

Comments

A total of 18 comments and recommendations were received in response to the Notice of Proposed Rulemaking. Fourteen commenters agreed that inordinate delays should be considered in determining whether suspensions of operations should be granted, one was opposed, and three questioned what was meant by the change but expressed no opinion.

Difference Between Proposed Rule and Final Rule

There is no difference between the proposed rule and final rule.

Discussion of Comments

The majority of commenters agreed with the Department's proposal to articulate the authority of the Director to grant suspensions of operations when inordinate delays are encountered in obtaining governmental permits or consents. Several of the commenters expressed their approval because the amendment would facilitate the development of OCS leases by minimizing the risk of losing a lease for failure to explore and develop during the lease term because of inordinate delays in obtaining necessary governmental permits or consents. The specific authorization serves to put lessees on notice as to their ability to request a suspension when facing such delays.

Many commenters questioned the definition of inordinate. Some industry commenters suggested the use of a specific time frame for permit or consent approval, such as 90 or 120 days beyond which an inordinate delay would be presumed. We disagree with the use of a specific time frame. Because of the many differences in the types of permits and consents that a lessee may need

and the time that may be necessary to process such permits and consents, it is not practicable to establish a time frame in advance. Each case must be dealt with on an individual basis to determine what constitutes an inordinate delay. Two governmental Agencies expressed the opinion that the determination of what was an inordinate delay should not reside exclusively in the Department of the Interior (DOI), but that the permitting Agency should be consulted. We fully intend to consult with other Agencies when appropriate, but do not feel that a mandatory formal procedure for contact should be established. The evidentiary burden concerning the delays is on the lessee who requests a suspension of operations based on inordinate delay. If the lessee meets the threshold burden of showing that an unreasonably lengthy period of time has passed without some resolution in a permitting situation, it then becomes the responsibility of the Department to determine if the delay has been unreasonably lengthy, i.e., has there been an inordinate delay. A number of factors would be considered, such as the usual time required for processing the specific type of permit in question, whether the lessee cooperated with the permitting Agency, and whether the lessee's proposed operations were atypical so as to justify a closer and more time-consuming analysis by the permitting Agency. In many cases, knowledge of and consideration of these and other relevant factors could not occur without consulting the permitting Agency.

Another commenter recommended that upon a showing of inordinate delay the granting of a suspension of operations should be automatic. We disagree. The decision to grant or deny a suspension of operations is a matter of discretion under the OCSLA. The existence of inordinate delays is not the only criterion considered in granting a suspension. The Department must also consider whether the suspension is in the national interest. That determination requires the exercise of judgment and cannot be subject to an automatic determination.

One of the commenters stated several reasons for opposing the rule. First, it felt the rule conflicted with the OCSLA since the Act lists three criteria for granting suspensions. The commenter argued that the Congress intended these three criteria to be exclusive. The commenter stated that the three criteria were all for postlease operational type delays and that if delays were encountered in obtaining permits, they resulted from DOI's failure to perform

its duty to consult with other Agencies prior to granting a lease. We disagree that prelease consultation would necessarily identify all of the issues that might arise under a permit. The passage of time alone may well result in changed circumstances. We also disagree that the proposed suspension criterion is inconsistent with the statutory criteria. Permits and consents are a necessary prerequisite to development of an OCS lease. If failure to obtain the necessary permits through no fault of the lessee jeopardizes the proper development of a lease, the lessee should not be penalized when the lessee cannot control the issuance of a permit. The Department is simply clarifying its authority to grant suspensions for inordinate delays in order to facilitate proper development of a lease—a statutorily identified criterion.

Second, the commenter argued that the Department had violated the standard announced by the court in *Union Oil v. Morton*, 512 F.2d 743 (1975), that a lease cannot be suspended for matters that could have been anticipated at the time of the issuance of the original lease. We disagree that this rulemaking violates the court's ruling. If delays are inordinate they are unanticipated by definition and can be the basis for granting a suspension.

Third, the commenter alleged that the Department had inappropriately waived the requirements of the National Environmental Policy Act (NEPA) and Executive Order (E.O.) 12291. No such waivers occurred. The Notice of Proposed Rulemaking stated that the Department had made determinations that the proposed revision was not a major Federal action that would significantly affect the quality of the human environment, therefore, an environmental impact statement was not necessary; and that a regulatory impact analysis was not required under E.O. 12291 because the rule was not major within the meaning of that Order. This rulemaking does not change any policy that affects the human environment, rather it formalizes in the regulations a criterion currently recognized by the Director when considering a lessee's request for suspension of operations.

The regulations of the Council on Environmental Quality (CEQ) implementing NEPA (40 CFR 1508.4) provide for the identification of categories of actions that do not have a significant impact on the human environment. An action within such a categorical exclusion ordinarily requires neither an environmental impact statement nor an environmental

assessment. Pursuant to these CEQ regulations, a list of categorical exclusions has been published as an appendix to the DOI Manual chapter of NEPA procedures (516 DM 6, Appendix 2) (46 FR 7485, January 23, 1981). One of the listed exclusions relates to modification of regulations with impacts limited to administrative, economic, or technological effects and minimal environmental impact. Because the proposed rule simply clarifies the preexisting authority of the Director, the impacts of the amendment of this regulation are limited to administrative effects. The Department Manual further lists nine exceptions that apply to actions within categorical exclusions which necessitate preparation of an environmental assessment (516 DM 2). None of the nine exceptions is applicable to the amendment of this regulation and, therefore, it remains within the categorical exclusion status. Accordingly, it was properly determined that no NEPA documentation was required. In accordance with E.O. 12291 a Determinations of Effects of Rules document was prepared by the Department concluding that the rule was not major within the meaning of that Order and, therefore, a regulatory impact analysis was not necessary. This conclusion was concurred in by the Office of Management and Budget as required by E.O. 12291 prior to publication of the Notice of Proposed Rulemaking. The same procedure is followed by the Department regardless of the nature of the rule. The Department has been in full and complete compliance with the requirements of NEPA and E.O. 12291 throughout this rulemaking process.

Finally, the commenter alleged that the rule was simply a response to an adverse trial court decision that affirmed the position of the State of California in Lease Sale No. 53. The commenter bases this allegation on the fact that the Notice of Proposed Rulemaking was published less than 1 week after the trial court's decision. As the Department was in no position to anticipate the court's decision far enough in advance to initiate the rulemaking process, it is not possible that this revision could have been in response to the court decision. This rulemaking is part of a departmental effort to streamline regulatory requirements found to be excessive, burdensome, or counterproductive. This rule was identified as a result of internal review and was also identified in comments solicited from the public by the Secretary in January 1981. It was one of a number of regulations approved for

streamlining action by the Department in June 1981. The processing of rulemaking through to the publication stage under E.O. 12291 is a lengthy undertaking and could not be accomplished in response to an action occurring less than a week earlier.

INFORMATION COLLECTION: The information collection requirement contained in 30 CFR 250.12 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043.

AUTHORS: Platte Clark, Jane Roberts, and David Schuenke, Minerals Management Service, Department of the Interior, (703) 860-7916.

REGULATORY ANALYSIS AND SMALL ENTITY FLEXIBILITY ANALYSIS:

The Department has determined that this final rule is not a major action and does not require the preparation of a regulatory impact analysis under E.O. 12291. In addition, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities and does not, therefore, require a small entity flexibility analysis under the Regulatory Flexibility Act.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

March 4, 1982.

List of Subjects in 30 CFR Part 250

Continental shelf; Suspension of operations; Lessees for Federal Government OCS tracts.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons set out in the preamble, 30 CFR Part 250 is amended as set out below:

1. Section 250.0(b) is added to 30 CFR 250.0 to read as follows:

§ 250.0 Authority for information collection.

(a) * * *

(b) The information collection requirement contained in 30 CFR 250.12 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043. The information is being collected and will be used to determine the propriety of granting a suspension of operations requested by a lessee. The obligation to respond is required to obtain a benefit.

2. Section 250.12 is amended by changing the format of (b)(1), by adding a new paragraph (b)(1)(iv), and by revising (b)(3)(iii) to read as follows:

§ 250.12 Suspension of operations and lease cancellation.

(b)(1) Upon the request of a lessee, the Director may suspend or temporarily prohibit production or any other operation or activity pursuant to a lease when the Director determines that the suspension or temporary prohibition is in the national interest and will—

(i) Facilitate proper development of a lease;

(ii) Allow for the construction of, or for the negotiation for the use of, transportation facilities;

(iii) Facilitate the installation of equipment the Director determines is necessary for safety or environmental reasons; or

(iv) Allow for inordinate delays encountered by the lessee in obtaining any required permit or consent from a Federal, State, or local Government authority, including administrative or judicial challenges or appeals.

(2) * * *

(3) * * *

(iii) Whether, during the primary term, the lessee has been prompt and efficient in the exploration or in attempts to explore the lease.

* * * * *

(43 U.S.C. 1334)

[FR Doc. 82-18772 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean at San Miguel Island, California Danger Zone; Correction

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule; correction.

SUMMARY: The Department of the Army published final rules in the Federal Register on February 3, 1982 (47 FR 4990-4991), amending the regulations which establish a danger zone at San Miguel Island, California, under 33 CFR 204.203. The statutory authority in 33 U.S.C. 3 was omitted in the Federal Register document. We are correcting that omission by inserting:

"AUTHORITY: (33 U.S.C. 3)."

EFFECTIVE DATE: July 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, HQDA, DAEN-CWO-N, Washington, D.C. 20314 or call (202) 272-0200.

Dated: June 30, 1982.

Approved:

James W. Ray,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 82-18734 Filed 7-9-82; 6:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2066-6]

Approval and Promulgation of Air Pollution Control Regulations As Part of the Illinois State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 3, 1979, the Illinois Environmental Protection Agency (IEPA) submitted for incorporation in the Illinois State Implementation Plan (SIP) a number of rules and amendments to rules contained in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations. This notice announces the Environmental Protection Agency (EPA) final approval of the incorporation of this material in the Illinois SIP.

DATE: This action will be effective on September 10, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Mr. Gary Gulezian, Chief of the Regulatory Analysis Section of the EPA Region V Air Programs Branch (address below). Copies of the material submitted by the State of Illinois are available at the following locations:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604
Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, S.W., Washington, D.C. 20460
Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT:

Mr. Randolph O. Cano at the EPA Region V address above, or call him at (312) 886-6035.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the Illinois Environmental Protection Agency (IEPA) submitted a number of rules and amendments to

rules contained in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations for incorporation in the Illinois SIP. EPA, however, in its February 21, 1980 rulemaking (45 FR 11472) indicated that it was taking no action at that time to include these regulations and amendments in the federally approved SIP.

EPA has subsequently reviewed these regulations and amendments. Each regulation and/or amendment is summarized below in order of the date of adoption by the Illinois Pollution Control Board (IPCB). The full text of these regulations is available for inspection at the addresses listed in the beginning of this notice.

The following Illinois Regulations were adopted on May 3, 1973:

Rule 301 serves as a preamble which discusses the nature and purpose of ambient air quality standards.

Rule 302 indicates that the standards of Part III are applicable throughout the State of Illinois except as otherwise provided in this part.

Rule 304 makes the standards contained in Part III effective 10 days after they are filed with the Secretary of State.

Rule 305 requires that pollution levels be determined by sampling stations beyond the premises on which a source is located. These stations will be established in conformance with the guidelines developed by the National Air Pollution Control Administration.

Rule 306 requires that all measures of air quality be corrected to a reference temperature of 25°C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars).

Rule 307 sets the primary and secondary ambient air quality standards for particulates and defines the measurement method.

Rule 308 sets the primary and secondary ambient air quality standards for sulfur oxide and defines the measurement period.

Rule 310 sets the ambient air quality standards for carbon monoxide and defines the measurement method.

Rule 311 sets the ambient air quality standards for nitrogen dioxide and defines the measurement method.

The following Illinois regulations were adopted March 26, 1975:

Amendments to Rule 103(i) were added exempting certain types of equipment which constitute only minor sources of air pollution from the requirement of an operating permit.

Rule 205(c) which regulates emissions of uncontrolled organic material emitted to the atmosphere from effluent water separators receiving 200 or more gallons per day of organic material from any

equipment processing, refining, treating, storing or handling organic material was amended by deleting Rule 205(c)(2)(B).

Rule 206(c) which sets carbon monoxide emission standards and limitations from petroleum and petrochemical processes was relaxed by adding Rule 206(c)(2) and (3).

The following Illinois regulation was adopted on September 4, 1975:

Rule 204(f)(1) which sets sulfur dioxide standards and limitations for process emission sources was changed. It relaxes sulfur dioxide emissions standards for hydrogen sulfide flares at chemical manufacturing plants.

The following Illinois regulation was adopted on September 29, 1975:

Rule 205(f)(2)(D) which exempts any owner, operator, user or manufacturer of paint, varnish, lacquer, coatings or printing ink whose Compliance Program and Project Compilation Schedule provides for the reduction of organic material used in such processes to 20 percent or less of total volume by May 30, 1975, from the requirements of Rule 205(f) which prohibits the discharge of more than 8 pounds per hour of organic material into the atmosphere was changed.

The following Illinois regulation was adopted on November 23, 1977:

Rule 203(d)(9) which exempts certain small iron melting air furnaces located in Hoopeston, Vermilion County, Illinois from Rules 203(b) and 203(c) if certain conditions are met was added.

The following Illinois regulations were adopted on December 8, 1977:

Rule 201 defines Polybasic Organic Acid Partial Oxidation Manufacturing Process as any process involving partial oxidation of hydrocarbons with air to manufacture polybasic acids or their anhydrides, such as maleic anhydride, phthalic anhydride, terephthalic acid, isophthalic acid, or trimellitic anhydride.

Rule 206(h) which regulates the emission of gases containing carbon monoxide from polybasic organic acid partial oxidation manufacturing processes was added.

The following Illinois regulations were adopted on March 30, 1978:

Rule 201 defines coal refuse as waste products of coal mining, cleaning, and coal preparation operations containing coal, matrix material, clay and other organic and inorganic material.

Rule 207(a) was amended to incorporate two new provisions: Rule 207(a)(4) sets nitrogen oxide emission standards and limitations for new fuel combustion emission sources firing solid fossil fuel with actual heat input equal to or greater than 250 million btu per hour.

Rule 207(a)(5) sets nitrogen oxide emission standards for new fuel combustion emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels with actual heat input equal to or greater than 250 million btu per hour.

EPA is today approving the incorporation of these regulations and/or amendments thereto without prior proposal. The public should be advised that this action will be effective September 10, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date withdrawing the final action and beginning a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

This regulation is exempt from the office of Management and Budget review under section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7407).)

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS.

1. Section 52.720 is amended by revising the introductory text of paragraph (c) (16) to read as follows:

§ 52.720 Identification of plan.

* * *

(c) * * *

(16) On April 4, 1979, the State submitted its draft nonattainment area plan for all areas designated

nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained a request for extensions of the statutory attainment deadline for CO and O₃. The submittal also included a vehicle emission inspection and maintenance program and a new source review plan. Although the State submittal also included the following provisions, U.S. EPA is taking no action to include them in the federally approved SIP at this time: the portions of Rules 101, 103 and 105 relating to the provisions addressing malfunctions, general requirements of the Clean Air Act which are not Part D requirements, and the provisions covering open burning, mobile source emission standards, diesel locomotive emission standards, sulfur dioxide emissions for certain fuel combustion sources located outside major metropolitan areas, compliance dates for organic emission limitations, particulate emissions from low carbon waste incinerators, and adoption of Federal New Source Performance Standards. In addition, U.S. EPA is not rulemaking at this time on those portions of the following rules which contain specified changes made between the publication of the notice of proposed rulemaking and the final rulemaking action:

[FR Doc. 82-18717 Filed 7-9-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 2121-6]

Approval and Promulgation of Implementation Plan—Kentucky: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 6, 1979, the Kentucky Division of Air Pollution Control submitted numerous revisions to the State's implementation plan. EPA has conditionally approved the revisions which were submitted to satisfy the requirements of Part D of Title I of the Clean Air Act (CAA) for nonattainment areas. EPA today announces final approval of the remaining revisions in this submittal.

EFFECTIVE DATE: This action will be effective on September 10, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be

examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street SW., Washington, D.C. 20460
Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, NE., Atlanta,
Georgia 30365
Library, Office of the Federal Register,
1100 L Street NW., Room 8401,
Washington, D.C. 20005
Kentucky Department for Natural
Resources and Environmental
Protection, Division of Air Pollution
Control, 18 Reilly Road, Bldg. 2, Fort
Boone Plaza, Frankfort, Kentucky
40601.

FOR FURTHER INFORMATION CONTACT:

Ms. Denise W. Pack, Air Programs
Branch, EPA Region IV, at the above
address, telephone 404/881-3286 (FTS
257-3286).

SUPPLEMENTAL INFORMATION: On May 13, 1972 (37 FR 10842), EPA approved Kentucky's State Implementation Plan (SIP) as submitted on February 8, 1972. On June 6, 1979, the Kentucky Department for Natural Resources and Environmental Protection adopted numerous revisions in its implementation plan and air pollution control regulations. Public hearings were conducted on the revisions on January 9, 10, April 16, and June 7, 1979. The revisions were submitted to EPA on June 29, 1979. EPA has already given conditional approval to the revisions which were submitted to satisfy the requirements of Part D of Title I of the Clean Air Act (CAA) for nonattainment areas. The non-Part D revisions being approved today deal with the following subjects:

- *General Administrative Procedures*—In this section the State has made minor changes to several definitions; the source sampling methods that have been incorporated by reference; and the procedures for which permit and compliance schedules are approved and enforced.

- *Hazardous Pollutants*—In this section a definition of hazardous air pollutants has been added and the classification dates for all of the pollutants have been changed.

- *New Source Standards and Existing Source Standards*—In this section the State has made numerous minor changes to the New Source Standards which include changes in the opacity limitations and applicability of the standard.

General Standards of Performance—In this section the State has rewritten its

standard for fugitive emissions to make it more stringent and enforceable.

EPA has reviewed these revised regulations and found them to meet all applicable requirements. Therefore, EPA today approves the Kentucky revisions.

The public should be advised that this action will be effective September 10, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. Section 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

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

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: May 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.920 is amended by adding paragraph (c)(31) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plans revisions listed below were submitted on the dates specified.

* * * * *

(31) Miscellaneous non-Part D revisions, submitted on June 29, 1979, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 82-18773 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 2125-3]

Approval and Promulgation of Implementation Plans— Massachusetts—Revision for Metal Coil Coating

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this document is to approve the State Implementation Plan (SIP) revision for metal coil coating in Massachusetts as submitted on June 24, 1980 by the Massachusetts Department of Environmental Quality Engineering (DEQE). This revision was prepared to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. Approval of this SIP revision will establish an emissions limit for the only metal coil coater in the state. This action is an Immediate Final Rulemaking.

EFFECTIVE DATE: This action will be effective September 10, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments may be mailed to Harley F. Laing, Chief, Air Branch, Room 1903, Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the Massachusetts submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW, Washington, DC 20460; The Office of the Federal Register, 1100 L Street NW, Room 8401, Washington, DC; and the Department of Environmental Quality Engineering (DEQE), Division of Air Quality Control, One Winter Street, 8th Floor, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61293), EPA

approved the Massachusetts SIP with the condition that, by July 15, 1980, the DEQE submit a metal coil coating regulation as a SIP revision. The DEQE submitted Regulation 310 CMR 7.18(10) on June 24, 1980 and it was consistent with EPA guidance, except that it contained an extended compliance date.

The regulation provides the source with the following two options for achieving the CTG recommended emission limitation of 2.6 pounds of VOC per gallon of coating (excluding water) at application:

1. The source can comply by July 1, 1980. This would normally necessitate using add-on control equipment since low/no solvent coatings were not available to the source in 1980.

2. The source can choose to postpone full compliance until December 31, 1984, if it chooses to study and develop low/no solvent coatings in order to achieve the emissions limitation. If the source elects this option it must be achieving annual incremental reductions according to the schedule which is specified in the regulation, and if at some point during the study it determines it cannot achieve full compliance through low/no solvent coatings, it must install add-on control equipment.

The extended compliance date was included in the regulation because the State believed that the only metal coil coater in the State, Teledyne Rodney Metals, needed additional time to achieve compliance through reformulation to low/no solvent coatings. Low/no solvent coatings eliminate the need for add-on control equipment and thereby significantly reduce overall plant energy requirements. EPA policy therefore allows the approval of an extended compliance date if it is demonstrated that the additional time is needed for a source to develop low/no solvent technology. (See Walter Barber's November 3, 1978 memorandum, "Categorical Compliance Schedule for VOC Sources").

Teledyne Rodney chose to study and develop low/no solvent coatings, but after converting to 50 percent waterborne coatings, Teledyne Rodney realized that it could not achieve full compliance with Regulation 310 CMR 7.18(10), nor could it resolve its nearby residents' odor complaints and maintain customer acceptance using waterborne coatings. It therefore decided that additional reformulation was not feasible, decided to change its control strategy and installed an incinerator

(which was approved by the State on February 16, 1982) to achieve compliance with the regulation.

EPA has reviewed the materials submitted by the state and has concluded that the Massachusetts regulation for metal coil coating, submitted on June 24, 1980, is approvable, and that Teledyne Rodney is in compliance with 310 CMR 7.18(10).

This action fulfills the condition of approval on the metal coil coating portion of the Massachusetts 1979 SIP as set forth on September 16, 1980 (45 FR 61293). It also amends the Massachusetts VOC Surface Coating Bubble Regulation 310 CMR 7.18(2)(b) by procedures set forth in the July 21, 1981 Notice of Proposed Rulemaking (46 FR 37525), to allow metal coil coaters to bubble their emissions to achieve compliance.

This approval is being made without prior proposal because this action effects only one source, and the agency views this as a noncontroversial SIP revision and anticipates no comments. This action will be effective September 10, 1982 unless, within 30 days from the date of this Federal Register, notice is received that adverse or critical comments will be submitted. If such notice is received, the Region will publish two subsequent notices, one to withdraw this Immediate Final Rulemaking and one to announce a proposal action and establish a comment period before the effective date.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

(Sec. 110(a) and section 301(a) of the Clean Air Act, is amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: July 2, 1982.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart W—Massachusetts

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

1. Section 52.1120 is amended by adding paragraph (c)(47) as follows:

§ 52.1120 Identification of plan.

(c) ***

(47) Regulation 310 CMR 7.18(10) for metal coil coating was submitted on June 24, 1980 by the Commissioner of the Department of Environmental Quality Engineering, in order to meet Part D requirements for ozone.

2. Section 52.1120 paragraph (c)(42) is revised to read as follows:

(c) ***

(42) Regulation 310 CMR 7.18(2)(b), to allow existing surface coating lines regulated under 310 CMR 7.18 (4), (5), (6), (7), (10), (11), (12), (14), (15) and (16) to bubble emissions to meet the requirements of Part D for ozone was submitted by the Governor on March 6, 1981, and a letter clarifying state procedures was submitted on November 12, 1981. The emission limitations required by the federally-approved portion of 310 CMR 7.18 are the applicable requirements of the Massachusetts SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the state under and which comply with 310 CMR 7.18(2)(b) and the procedures set out in the letter of November 12, 1981 shall be the applicable requirements of the Massachusetts SIP in lieu of those contained elsewhere in 310 CMR 7.18 and shall be enforceable by EPA and by citizens.

§ 52.1166 [Amended]

3. Section 52.1166 is amended by removing and reserving paragraph (a)(1).

[FR Doc. 82-18721 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2165-6]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) authority to the Pima County Health Department (PCHD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT:

David Jesson, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The PCHD has required authority for delegation of certain NSPS and NESHAPS source categories. A delegation of authority was granted by letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. C. Lee Fox,

Director, Air Quality Control District, Pima County Health Department, 151 West Congress Street, Tucson, AZ 85701.

Dear Mr. Fox: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). We have reviewed your request for delegation and have found your present programs, rules, and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
Electric Utility Steam Generators.....	Da.
Storage Vessels for Petroleum Liquids.....	Ka.
Kraft Pulp Mills.....	BB.

NSPS	40 CFR Part 60 subpart
Grain Elevators.....	DD.
Stationary Gas Turbines.....	GG.
Lime Manufacturing Plants.....	HH.

NESHAPS	40 CFR Part 61 subpart
Vinyl Chloride.....	F.

In addition, we are redelegating the following NSPS and NESHAPS categories since your revised programs, rules, and procedures are acceptable:

NSPS	40 CFR Part 60 subpart
Fossil-Fuel Fired Steam Generators.....	D.
Incinerators.....	E.
Portland Cement Plants.....	F.
Nitric Acid Plants.....	G.
Sulfuric Acid Plants.....	H.
Asphalt Concrete Plants.....	I.
Petroleum Refineries.....	J.
Storage Vessels for Petroleum Liquids.....	K.
Secondary Lead Smelters.....	L.
Secondary Brass and Bronze Ingot Production Plants.....	M.
Iron and Steel Plants (BOPF).....	N.
Sewage Treatment Plants.....	O.
Primary Copper Smelters.....	P.
Primary Zinc Smelters.....	Q.
Primary Lead Smelters.....	R.
Primary Aluminum Reduction Plants.....	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.....	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.....	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.....	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.....	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate.....	X.
Coal Preparation Plants.....	Y.
Ferroalloy Production Facilities.....	Z.
Iron and Steel Plants (Electric Arc Furnaces).....	AA.

NESHAPS	40 CFR Part 61 subpart
Asbestos.....	B.
Beryllium.....	C.
Mercury.....	E.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Cordially yours,

Sonia F. Crow,

Regional Administrator.

cc. Arizona Department of Health Services.

With respect to areas under the jurisdiction of the PCHD, all reports, applications, submittals, and other

communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the PCHD at the address shown in the letter of delegation.

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

(Secs. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*))

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-18681 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2165-7]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) authority to the California Air Resources Board (CARB) on behalf of the Ventura County Air Pollution Control District (APCD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT: David Jesson, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS source categories on behalf of the Ventura County APCD. A delegation of authority was granted by letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer, Air Resources Board,
1709-11th Street, P.O. Box 2815,
Sacramento, CA 95812.

Dear Mr. Boyd: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Ventura County Air Pollution Control District (APCD). We have reviewed your request for delegation and have found that the Ventura County APCD's present programs, rules, and procedures are acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
General Provisions.....	A.

In addition, we are redelegating the following National Emission Standards for Hazardous Air Pollutants (NESHAPS) categories since the Ventura County APCD's revised programs, rules, and procedures are acceptable.

NESHAPS	40 CFR Part 61 subpart
Asbestos.....	B.
Beryllium.....	C.
Beryllium Rocket Motor Firing.....	D.
Mercury.....	E.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the future.

Cordially yours,
Sonia F. Crow,
Regional Administrator.

cc: Ventura County Air Pollution Control District

With respect to Ventura County, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the Ventura County APCD at the address shown in 40 CFR Parts 60.4 and 61.4.

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

(Secs. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*))

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subpart A of Parts 60 and 61 Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

§§ 60.4 and 61.04 [Amended]

1. Sections 60.4(b)(F) and 61.04(b)(F) are each amended by revising the address of the Ventura County Air Pollution Control District to read as follows:

* * * * *

(b) * * *

(F) * * *

Ventura County Air Pollution Control District,
800 South Victoria Avenue,
Ventura, CA 93009

* * * * *

[FR Doc. 82-18682 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2165-8]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) authority to the California Air Resources Board (CARB) on behalf of the South Coast Air Quality Management District (AQMD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT:

David Jesson, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS source categories on behalf of the South Coast AQMD. A delegation of authority was granted by letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer,
Air Resources Board,
1709—11th Street,
P.O. Box 2815,
Sacramento, CA 95812.

Dear Mr. Boyd: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on behalf of the South Coast Air Quality Management District (AQMD). We have reviewed your request for delegation and have found that the South Coast AQMD's present programs, rules, and procedures are acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
General Provisions.....	A.
Storage Vessels for Petroleum Liquids.....	Ka.
Stationary Gas Turbines.....	GG.
Lime Manufacturing Plants.....	HH.
Ammonium Sulfate.....	PP.

NESHAPS	40 CFR Part 61 subpart
General Provisions.....	A.

In addition, we are redelegating the following NSPS and NESHAPS categories since the South Coast AQMD's revised programs, rules, and procedures are acceptable:

NSPS	40 CFR Part 60 subpart
Fossil-Fuel Fired Steam Generators.....	D.
Incinerators.....	E.
Portland Cement Plants.....	F.
Nitric Acid Plants.....	G.
Sulfuric Acid Plants.....	H.
Asphalt Concrete Plants.....	I.
Petroleum Refineries.....	J.
Storage Vessels for Petroleum Liquids.....	K.
Secondary Lead Smelters.....	L.
Secondary Brass & Bronze Ingot Production Plants.....	M.
Iron and Steel Plants (BOPF).....	N.
Sewage Treatment Plants.....	O.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.....	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.....	U.

NSPS	40 CFR Part 60 subpart
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.....	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.....	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate.....	X.
Coal Preparation Plants.....	Y.
Iron and Steel Plants (Electric Arc Furnaces).....	AA.
Grain Elevators.....	DD.

NESHAPS	40 CFR Part 61 subpart
Asbestos.....	B.
Beryllium.....	C.
Beryllium Rocket.....	D.
Motor Firing.....	E.
Mercury.....	F.
Vinyl Chloride.....	F.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Cordially yours,

Sonia F. Crow,
Regional Administrator.

cc: South Coast Air Quality Management District

With respect to areas under the jurisdiction of the South Coast AQMD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the South Coast AQMD at the address shown in 40 CFR Parts 60.4 and 61.4.

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

(Sec. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*))

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subpart A of Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

§§ 60.4 and 61.04 [Amended]

1. Sections 60.4(b)(F) and 61.04(b)(F) are each amended by revising the address of the South Coast Air Quality Management District to read as follows:

* * * * *

(b) * * *

(F) * * *

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

* * * * *

[FR Doc. 82-18683 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2166-1]

Delegation of New Source Performance Standards (NSPS); and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of New Source Performance Standards (NSPS) and National Emission Standards for the Hazardous Air Pollutants (NESHAPS) authority to the California Air Resources Board (CARB) on behalf of the Bay Area Air Quality Management District (AQMD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT:

David Jesson, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS source categories on behalf of the Bay Area AQMD. A delegation of authority was granted by letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer, Air Resources Board, 1709
11th Street, P.O. Box 2815, Sacramento,
CA 95812.

Dear Mr. Boyd: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Bay Area Air Quality Management District (AQMD). We have reviewed your request for delegation and have found that the Bay Area AQMD's present programs, rules, and procedures are acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
Electric Utility Steam Generators.....	Da.
Kraft Pulp Mills.....	BB.
Grain Elevators.....	DD.
Stationary Gas Turbines.....	GG.
Lime Manufacturing Plants.....	HH.
Ammonium Sulfate.....	PP.

In addition, we are redelegating the following NSPS and National Emission Standards for Hazardous Air Pollutants (NESHAPS) categories since the Bay Area AQMD's revised programs, rules, and procedures are acceptable.

NSPS	40 CFR Part 60 subpart
General Provisions.....	A.
Fossil-Fuel Fired Steam Generators.....	D.
Incinerators.....	E.
Portland Cement Plants.....	F.
Nitric Acid Plants.....	G.
Sulfuric Acid Plants.....	H.
Asphalt Concrete Plants.....	I.
Petroleum Refineries.....	J.
Storage Vessels for Petroleum Liquids.....	K.
Secondary Lead Smelters.....	L.
Secondary Brass & Bronze Ingot Production Plants.....	M.
Iron and Steel Plants (BOPF).....	N.
Sewage Treatment Plants.....	O.
Primary Copper Smelters.....	P.
Primary Zinc Smelters.....	Q.
Primary Lead Smelters.....	R.
Primary Aluminum Reduction Plants.....	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.....	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.....	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.....	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants.....	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate.....	X.
Coal Preparation Plants.....	Y.
Ferroalloy Production Facilities.....	Z.
Iron and Steel Plants (Electric Arc Furnaces).....	AA.

NESHAPS	40 CFR Part 61 subpart
General Provisions.....	A.
Asbestos.....	B.
Beryllium.....	C.
Beryllium Rocket Motor Firing.....	D.
Mercury.....	E.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written

notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Cordially yours,

Sonia F. Crow, Regional Administrator.

cc: Bay Area Air Quality Management District

With respect to areas under the jurisdiction of the Bay Area AQMD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the Bay Area AQMD at the address shown in 40 CFR Parts 60.4 and 61.4.

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

(Secs. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*))

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-18684 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2166-2]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) authority to the California Air Resources Board (CARB) on behalf of the San Diego County Air Pollution Control District (APCD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT: David Jesson, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9,

215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS source categories on behalf of the San Diego County APCD. A delegation of authority was granted by letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer, Air Resources Board, 1709
11th Street, P.O. Box 2815, Sacramento,
CA 95812.

Dear Mr. Boyd: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on behalf of the San Diego County Air Pollution Control District (APCD). We have reviewed your request for delegation and have found that the San Diego County APCD's present programs, rules, and procedures are acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
General Provisions.....	A.
Electric Utility Steam Generators.....	Da.
Storage Vessels for Petroleum Liquids.....	Ka.
Glass Manufacturing Plants.....	CC.
Grain Elevators.....	DD.
Stationary Gas Turbines.....	GG.

NESHAPS	40 CFR Part 61 subpart
General Provisions.....	A.

In addition, we are redelegating the following NSPS categories since the San Diego County APCD's revised programs, rules, and procedures are acceptable:

NSPS	40 CFR Part 60 subpart
Petroleum Refineries.....	J.
Storage Vessels for Petroleum Liquids.....	K.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Cordially yours,

Sonia F. Crow,
Regional Administrator.

cc: San Diego County Air Pollution Control District

With respect to San Diego County, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the San Diego County APCD at the address shown in 40 CFR Parts 60.4 and 61.4.

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

(Secs. 111 and 112 of the Clean Air Act, as amended [42 U.S.C. 1857, *et seq.*])

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-18685 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2165-4]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) authority to the Clark County Health District (CCHD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of NSPS and NESHAPS categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift primary program responsibility for the affected NSPS and NESHAPS source categories from EPA to State and local governments.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT: David Jesson; New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8220, FTS 454-8220.

SUPPLEMENTARY INFORMATION: The CCHD has requested authority for delegation of certain NSPS and NESHAPS source categories. A delegation of authority was granted by

letter dated May 24, 1982 and is reproduced in its entirety as follows:

Mr. Michael H. Naylor, P.E.,
Director, Air Pollution Control Division,
Clark County Health District, P.O. Box
4426, 625 Shadow Lane, Las Vegas, NV
89106.

Dear Mr. Naylor: I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). We have reviewed your request for delegation and have found your present programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
General Provisions.....	A.
Storage Vessels for Petroleum Liquids.....	Ka.
Grain Elevators.....	DD.
Stationary Gas Turbines.....	GG.
Lime Manufacturing Plants.....	HH.
Automobile and Light Duty Truck Surface Coating Operations.....	MM.

NESHAPS	40 CFR Part 61 subpart
General Provisions.....	A.
Beryllium Rocket Motor Firing.....	D.

In addition, we are redelegating the following NSPS and NESHAPS categories since your revised programs and procedures are acceptable:

NSPS	40 CFR Part 60 subpart
Fossil-Fuel Fired Steam Generators.....	D.
Incinerators.....	E.
Portland Cement Plants.....	F.
Asphalt Concrete Plants.....	I.
Storage Vessels for Petroleum Liquids.....	K.
Secondary Lead Smelters.....	L.
Sewage Treatment Plants.....	O.
Primary Copper Smelters.....	P.
Primary Zinc Smelters.....	Q.
Primary Lead Smelters.....	R.
Coal Preparation Plants.....	Y.

NESHAPS	40 CFR Part 61 subpart
Asbestos.....	B.
Beryllium.....	C.
Mercury.....	E.
Vinyl Chloride.....	F.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the Federal Register in the near future.

Cordially yours,

Sonia F. Crow,
Regional Administrator.

cc: Division of Environmental Protection,
Nevada Department of Conservation and
Natural Resources

With respect to areas under the jurisdiction of the CCHD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the CCHD at the address shown in the letter of delegation.

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

(Secs. 111 and 112 of the Clean Air Act, as amended [42 U.S.C. 1857, *et seq.*])

Dated: June 29, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-18680 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-1-FRL 2160-1]

Designation of Areas for Air Quality Planning Purposes; Rhode Island

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a request to change the attainment status of Providence, Rhode Island, for suspended particulate ambient air quality standards from nonattainment for primary standards to nonattainment for secondary standards. EPA is taking this action because the Rhode Island Department of Environmental Management has requested it. This redesignation will make Providence's suspended particulate attainment classification more accurately reflect current actual air quality measurements.

DATES: This action will be effective September 10, 1982 unless notice is received on or before August 11, 1982 that someone intends to submit adverse or critical comments.

ADDRESSES: Copies of Rhode Island's submittal are available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Region I Air Branch—Room 1903, JFK Federal Building, Boston, Massachusetts 02203; U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street S.W.,

Washington, D.C. 20460; and the Rhode Island Department of Environmental Management, Division of Air Resources, Cannon Building, Room 204, 75 Davis Street, Providence, Rhode Island 02908.

Send written comments to Linda M. Murphy, Acting Chief, State Air Programs Branch, U.S. Environmental Protection Agency, at the Boston address listed above.

FOR FURTHER INFORMATION CONTACT:

Brian Hennessey at the U.S. Environmental Protection Agency Boston address above or call (617) 223-4448.

SUPPLEMENTARY INFORMATION: For each pollutant for which there is a national ambient air quality standard (NAAQS), section 107(d) of the Clean Air Act requires all areas of the nation to be designated either (1) as attaining the NAAQS, (2) as unclassifiable with respect to attainment status, (3) as not meeting primary NAAQS, or (4) as not meeting secondary NAAQS for the pollutant. Primary NAAQS protect the public health; secondary NAAQS protect the public welfare. Providence, Rhode Island was designated nonattainment for the suspended particulate (TSP) primary NAAQS on May 7, 1981 (46 FR 25447) based upon air quality data collected in 1978 at a Westminster Street air sampler.

On February 28, 1982 the Rhode Island Department of Environmental Management (RIDEM) requested that EPA redesignate Providence from nonattainment for TSP primary standards to nonattainment for TSP secondary standards. RIDEM's submittal noted that the 1978 primary NAAQS violation occurred during a period of local and unusually high construction and demolition activity. Furthermore, RIDEM has reviewed its former TSP sampling practices and concluded that passive sampling error was likely to have biased TSP readings high enough to have caused the reported primary standards violation. Last, and supporting these two findings, no violation of the TSP primary NAAQS has been observed in the 3 years of sampling since 1978. For these reasons, EPA agrees with RIDEM that the 1978 TSP measurements at Westminster Street are an inappropriate basis for a nonattainment designation and approves the state's request to redesignate Providence from nonattainment for TSP primary to nonattainment for TSP secondary NAAQS. The secondary standards violation is based on TSP measurements collected in 1980 at Westminster Street.

Since this action affects only the designated air quality status of a limited

geographical area, this rulemaking is considered noncontroversial. Based on past experience with similar actions in Region I, no adverse or critical comments are expected. Therefore, this action is being published as a final rulemaking. EPA believes that publishing a notice of proposed rulemaking is unnecessary.

However, if notice is received on or before August 11, 1982, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective 60 days from the date of publication of this Federal Register notice.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not Major because it imposes no new regulatory requirements, but only changes an

area's air quality designation. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 2, 1982.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AIR QUALITY CONTROL REGIONS

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

1. In § 81.340 the attainment status designation table for TSP is revised to read as follows:

§ 81.340 Rhode Island.

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Rhode Island—TSP				
Providence.....		X.....		
East Providence, Warwick, North Providence, Pawtucket, and Central Falls.....			X.....	
Remainder of Rhode Island portion of AQCR 120.....				X.....

(Secs. 107, 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

[FR Doc. 82-18755 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 73 and 74

[Gen. Docket No. 81-911; RM-3533; FCC 82-283]

Reallocate Certain MHz Frequency Bands to Television and Radio Respectively in the State of Alaska.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Alaska Public Broadcasting Commission, a government body of the State of Alaska, asked the FCC to make VHF-TV channels 5 and 6 and FM channels 201-260 (76-100 MHz) available for broadcast use in Alaska.

Up until now broadcasters were not allowed to use these channels because they were reserved for another use, namely common carrier fixed operations. The FCC proposed to reallocate the spectrum between 76 and 100 MHz in a Notice of Proposed Rule Making adopted December 24, 1981, and released January 7, 1982. In this Report and Order, the FCC is adopting changes to its Rules which are required to make these channels available to broadcast operations in Alaska. With this action broadcasters in Alaska gain access to TV and FM channels which they may now use in providing service to the people of that State.

EFFECTIVE DATE: August 11, 1982.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis—(202) 653-8164.

SUPPLEMENTARY INFORMATION:**List of Subjects****47 CFR Part 2**

Radio, Frequency allocation.

47 CFR Part 73

Radio broadcast, Television, Noncommercial educational FM stations.

47 CFR Part 74

Radio, Television, TV translators and low power TV stations, FM translators.

Report and Order

In the matter of amendment of Parts 2 of the Commission's rules governing frequency allocations and radio treaty matters general rules and regulations, 73 of the Commission's rules governing the Radio Broadcasting Services, and 74 governing Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services to reallocate the frequency bands 76-88 and 88-100 MHz to television and radio respectively in the State of Alaska; Gen Docket No. 81-911, RM-3533.

Adopted: June 23, 1982.

Released: July 2, 1982.

1. Since 1955, the frequency band 76-100 MHz has been allocated, in the State of Alaska, for Government and non-Government fixed operations. This spectrum is presently allocated throughout the rest of the U.S. to the Broadcast Services and is commonly referred to as VHF Television Channels 5 and 6 (76-88 MHz) and FM Radio Channels 201-260 (88-100 MHz). In 1979, the Commission received a petition for rule making (RM-533) from the Alaska Public Broadcasting Commission (APBC) requesting reallocation of the band 76-100 MHz to the Broadcast Services in Alaska which would bring that State's allocation in line with the rest of the United States.¹

2. On January 7, 1982, the Commission issued a *Notice of Proposed Rule Making (Notice)*² proposing to reallocate that portion of the spectrum between 76 and 100 MHz for shared use by the Broadcast Services on a primary basis and the Common Carrier Fixed Service on a secondary basis. The *Notice* also proposed to "grandfather" existing common carrier operations to provide them interference protection from new broadcast stations. A list of

the existing fixed service licensees is included as Appendix B to this Order.

3. The eight comments and the two reply comments which were filed in response to our notice voiced unanimous support for the proposed reallocation, including the provisions for existing and future common carriers. Aurora Community Broadcasting, Alascom, State of Alaska, Northern Television, Alaska Public Broadcasting Commission (APBC), and Association of Maximum Service Telecasters (MST) urged the Commission to adopt the proposed Rule changes without delay. The remaining commenters qualified their support as follows:

4. Communication Equipment and Service, a radio common carrier (RCC) in Alaska, recommended that immediate reallocation take place but that licensing be deferred " * * * until all other available FM and TV channels have been exhausted." In reply comments, APBC opposed the RCC suggestion pointing out, among other reasons, the existence of other low VHF bands which are available to the RCC. We agree with APBC that such a delay in licensing would undermine the purpose of this rule making proceeding. Petitioner has already demonstrated the effects of needless restrictions on applicants for educational FM stations. Our purpose here is to eliminate these hindrances, not to prolong their existence.

5. The National Association of Broadcasters (NAB) supports the entire proposal, but recommends limiting fixed use of the 76-100 MHz band by establishing a cut-off date. However, NAB does not offer any specific date(s). We understand NAB's concern that at some time a broadcaster will be prevented from obtaining a TV or FM radio channel because an RCC is operating in that portion of the spectrum. We draw NAB's attention to the comments of MST where the latter explains why "[a] unique combination of circumstances makes [sharing] possible * * *" (page 2). Furthermore we now have no idea how long RCC's will continue to use the 76-100 MHz band in Alaska. Alascom, in its reply highlights the advantage of having " * * * a broad range of facilities * * * available. In 1955, circumstances dictated that we reallocate the band for Government and non-Government Fixed use. The situation in 1982 is changed, and our action herein seeks to meet the new need for extensive cross-Service sharing. Our provisions for Fixed use of this band may indeed become obsolete as the common carriers gradually move to other parts of the spectrum. If so, we

will then delete the Fixed provisions from these Rules.

6. Because of the eight parties' unanimous support for our proposal, and based on our own study of the population distribution and fixed-use locations, we are confident that reallocation of the 76-100 MHz band to the Broadcast Services is entirely in the interest of the people of Alaska. Without interrupting the Common Carrier Rural Radio Service in Alaska, we are expanding the number of available TV and FM channels, thus providing greater spectrum utilization on these frequencies in the State.

7. We have altered the language originally proposed for the affected rule sections in Parts 73 and 74. These changes are purely editorial and are intended simply to clarify the intent of the rules for ease of understanding. At the same time, we have included an editorial amendment of Section 73.513, which was not proposed, but which is necessary to reflect the adoption of the change in allocation.

8. Pursuant to section 605 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 94 Stat. 1164; 5 U.S.C. 601 *et seq.*) the Commission certifies that the action contained herein will not have a significant economic impact on a substantial number of small entities. There is only one radio common carrier, Alascom, operating in the Fixed Service in Alaska in the 76-100 MHz range, and that entity is not a small business according to the Small Business Administration's criteria.

9. Accordingly, it is ordered that under the authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, the Commission's Rules are amended as set forth in Appendix A, effective thirty days after publication in the *Federal Register*.

10. It is further ordered that a copy of this Report and Order be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 2 and 73 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

¹ At the time APBC filed (November 30, 1979), TV Channels 5 and 6 (76-88 MHz), and FM Channels 251-300 (98-108 MHz) were allocated to the Common Carrier Rural Radio Service in Hawaii. Hawaii's allocation has since been changed to conform with broadcast allocation of the contiguous States (46 FR 59372).

² 47 FR 983, General Docket 81-911.

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

§ 2.106 [Amended]

1. Section 2.106 is revised by removing footnote designator US23 in column 5 for the bands 76–88 and 88–108 MHz.

2. Section 2.106 is revised by adding a new footnote, NG129, in column 7 for the bands 76–88 and 88–108 MHz.

3. Section 2.106 is revised by removing the text of footnote US23 from the list of footnotes following the Table of Frequency Allocations.

4. Section 2.106 is revised by adding a new footnote to the list of footnotes following the Table to read:

NG129 In Alaska, the bands 76–88 MHz and 88–100 MHz are also allocated to the Fixed service on a secondary basis to the Broadcast service. Broadcast stations operating in these bands shall not cause interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

PART 73—RADIO BROADCAST SERVICES

1. In § 73.220, paragraph (b) is revised to read as follows:

§ 73.220 [Amended]

(b) In Alaska, FM broadcast stations operating on Channels 221–300 (92.1–107.9 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

2. In § 73.501, paragraph (b) is revised to read as follows:

§ 73.501 [Amended]

(b) In Alaska, FM broadcast stations operating on Channels 200–220 (87.9–91.9 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

3. Section 73.513 should be revised as follows:

§ 73.513 Noncommercial educational FM stations operating on unreserved channels.

Noncommercial educational FM stations other than Class D (secondary) which operate on Channels 221 through 300 but which comply with § 73.503 as to licensing requirements and the nature of the service rendered, must comply with the provisions of the following Sections of Subpart B: § 73.201 through § 73.213 (Classification of FM Broadcast Stations and Allocations of Frequencies) and such other Sections of Subpart B as are made specially applicable by the provisions of this Subpart C. Stations in Alaska authorized before August 11, 1982, using Channels 261–300 need not meet the minimum effective radiated power requirement specified in § 73.211(a). In all other respects, stations operating on Channels 221 through 300 are to be governed by the provisions of this Subpart and not Subpart B.

4. In § 73.603, paragraph (b) is revised to read as follows:

§ 73.603 [Amended]

(b) In Alaska, television broadcast stations operating on Channel 5 (76–82 MHz) and on Channel 6 (82–88 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In § 74.702, the last sentence of paragraph (a)(1) is revised and the paragraph now reads as follows:

§ 74.702 Channel assignments.

(a) * * *

(1) Any one of the 12 standard VHF Channels (2 to 13 inclusive) may be assigned to a VHF low power TV or TV translator station. Channels 5 and 6 assigned in Alaska shall not cause harmful interference to and must accept interference from non-Government fixed operation authorized prior to January 1, 1982.

2. In § 74.1202, paragraph (b)(3) is revised to read as follows:

§ 74.1202 [Amended]

(b) * * *

(3) In Alaska, FM translators operating on Channels 201–260 (88.1–99.9 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

APPENDIX B.—LIST OF RECEIVE SITES OF EXISTING FIXED OPERATIONS AS OF JANUARY 1, 1982, INCLUDING PROPOSED INTERFERENCE PROTECTION CRITERIA

Rx stations	Lat	Long	Rx freq (MHz)	Rx occupied BW (KHz)	Rx threshold sensitivity (C/N-10dB)	Ant. type	Ant. gain (dB1)	Cnd. elev. ft. AMSL	Ant. ft. AGL	Call sign	Ant. azimuth	Interference criteria
Pelican.....	57 57 38.00	136 13 50.00	96.9000	510	-99 dBm.....	VC.004M (Andrew 3605A).	6.5	50.	80.	WGF39.....	318.02°	-118 dBm
Cape Spencer.....	58 11 56.00	136 38 16.00	93.8000	510	-99 dBm.....	VC.004M	6.5	70.	40.	WGF30.....	137.68°	-118 dBm
Cape Spencer.....	58 11 56.00	136 38 16.00	86.6000	510	-99 dBm.....	VY.005M (Scale CLFM).	7.0	70.	40.	WGF30.....	65.79°	-118 dBm
Gustavus.....	58 25 4.00	135 41 43.00	90.2000	510	-99 dBm.....	VY.005M	7.0	36.	60.	WGF35.....	246.59°	-118 dBm
Gustavus.....	58 25 4.00	135 41 43.00	82.4000	510	-99 dBm.....	VY.005M	7.0	96.	60.	WGF35.....	154.20°	-118 dBm
Hoonah.....	58 7.4090.	135 25 50.86	79.1000	510	-99 dBm.....	VY.005M	7.0	1539.	105.	WGF826.....	334.43°	-118 dBm
Hoonah.....	58 7.4093.	135 25 50.86	89.1000	264	-102 dBm.....	VY.005V	7.0	1539.	105.	WGF826.....	194.89°	-121 dBm
Hoonah Village.....	58 6 29.00	135 26 27.00	93.1000	264	-102 dBm.....	VY.005V	7.0	75.	30.	WGF36.....	14.88°	-121 dBm
Boswell Bay.....	60 25 4.00	146 9 8.00	95.4000	510	-99 dBm.....	VY.005M	7.0	782.	42.	WGF70.....	57.57°	-118 dBm
Sand Point.....	55 21 3.00	160 29 15.00	83.0000	60	-108.5 dBm.....	VC.004H	6.5	299.	88.	WGF45.....	355.65°	-127 dBm

NOTE.—The interference criteria denote the maximum allowable received interference levels (in dBm) over the receiver occupied bandwidth exceeded no more than 10% of the time.

47 CFR Part 73

[Docket No. 21502; RM-2737; FCC 82-281]

Radio Broadcast Services;
Subscription Television Service

Preamble

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Four of the five issues raised in the Further Notice of Proposed Rule Making, relating to subscription television (STV) 46 FR 57078, published November 20, 1981, are resolved by this action which amends the Commission's rules. First, the rule restricting STV operation to communities within the Grade A contour of at least five commercial television stations, including that of the STV operator, is eliminated. Second, the requirement that an STV station broadcast at least 28 hours of conventional programming per week is eliminated. Third, the Commission is allowing either the purchase or lease of STV decoders by subscribers at the discretion of the STV licensee. Fourth, the requirement that an applicant for STV authorization ascertain the needs and interests of the community specifically with regard to subscription programming is eliminated. The deletion of these rules essentially deregulates the subscription television service. These restrictions have inhibited competition and unnecessarily burdened STV licensees while depriving the public of greater diversity in programming. Removal of these regulatory restraints will thus foster the development of this relatively new communications outlet and thereby provide consumers with more diverse programming.

DATE: Effective August 5, 1982.

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

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792, or Scott W. Roberts, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television, Radio broadcast.

In the matter of Amendment of Part 73 of the Commission's rules and regulations in regard to § 73.642(a)(3) and other aspects of the subscription television service; Docket No. 21502, RM-2737.

Third Report and Order

Adopted: June 17, 1982.

Released: June 29, 1982.

1. This document is the *Third Report and Order* in the above referenced subscription television ("STV") proceeding.¹ Now before the Commission for consideration are the comments filed in response to a *Further Notice of Proposed Rule Making* ("Further Notice").² Four of the five issues raised in the *Further Notice* will be resolved in this *Order*. They are:

(1) Whether the rule restricting STV operation to communities within the Grade A contour of at least five commercial television stations, including that of the STV operator, should be modified or deleted;

(2) Whether the requirement that an STV station broadcast at least 28 hours of conventional programming per week should be modified or deleted;

(3) Whether the Commission should allow the purchase of decoders by subscribers or should retain the present system of permitting only the leasing of such equipment; and

(4) Whether the requirement that an applicant for STV authorization ascertain the needs and interests of the community specifically with regard to subscription programming should be deleted.³

2. To place our consideration of these issues in an historical context, we will briefly summarize the more detailed history of STV regulation contained in the *Further Notice*. After lengthy administrative proceedings, the Commission in 1968 established the basis for nationwide over-the-air STV service.⁴ At that time it was concluded that STV could provide a beneficial supplement to conventional television programming and that, as an alternative medium, it might well provide a wholesome stimulus to conventional television which could lead to an improvement in overall programming available to the public. Until more was known about how STV would develop on a nationwide scale, the Commission decided it was best to proceed with caution.

3. Thus the regulations initially governing the subscription television service were imposed in the belief that

they were necessary to maintain the availability of conventional programming. These regulations restricted STV operation to communities within the Grade A contour of at least five commercial television stations including that of the STV operator (the "complement of four" rule). In those communities, only one station was permitted to engage in STV operations (the "one-to-a-community" rule). Also, STV stations were required to broadcast at least 28 hours of conventional programming per week and operated under a variety of program restrictions. Additionally, to protect the public against the obsolescence of equipment or cessation of service during STV's infancy, decoder equipment could be leased but not purchased by subscribers.

4. Although non-experimental STV stations were permitted as of 1968, none commenced operation until almost a decade later. Because of the increased public interest in pay broadcast and the significant development of pay television technology, the Commission commenced a re-evaluation of its rules restricting STV service in 1977. *Notice of Inquiry and Proposed Rule Making* ("Notice"), Docket No. 21502, 67 F.C.C. 2d 202 (1977).

5. In the *First Report and Order* ("First Report") in Docket No. 21502, the Commission eliminated the rule providing that only one station in a community could engage in STV operations.⁵ The Commission found that rather than precluding additional conventional programming, the growth of STV could both stimulate the use of UHF channels not currently utilized and provide a sound economic underpinning for existing UHF facilities. The Commission noted that since STV can obtain subscribers by responding to intense demands of a small viewing group, this communications service could make cultural, minority-oriented, or quality children's programming financially viable. Therefore, it was concluded that eliminating the "one-to-a-community" rule could hold the promise of more diversity in the mode and substance of television fare. The Commission also refused to require compatibility of STV systems, and decided that a cut-off procedure for applications for STV authorization was neither necessary nor beneficial in view of the elimination of the "one-to-a-community" rule.

6. In the *Second Report and Order* in Docket 21502 ("Second Report"), we

¹ Briefly described, subscription television broadcasting involves the broadcasting of a scrambled television signal which, on payment of a fee, subscribers are authorized to unscramble through use of a decoder. See *In the Matter of Subscription Television Program Rules*, 52 F.C.C. 2d 1, 2 (1974).

² 88 F.C.C. 2d 213 (1981).

³ The fifth issue raised the question of whether STV stations should be made to comply with those television technical standards, largely in the audio performance area, not currently met by STV stations. We are not prepared, at this time, to resolve this issue.

⁴ *Fourth Report and Order*, 15 F.C.C. 2d 466 (1968).

⁵ FCC 79-535, 44 F.R. 60091 (published October 18, 1979).

established the policy that mutually exclusive applications proposing STV and conventional service would be compared by traditional comparative criteria.⁶ The Commission found that STV is an alternate form of programming, and that the marketplace would more efficiently serve the public interest in selecting the more needed format.

7. Upon adoption of the *Second Report*, the only issues raised in the *Notice* which remained unresolved were: (a) Whether criteria should be established for comparing applications for STV authorization where the applicants hold licenses or construction permits, but only one can operate as an STV station because of the "complement of four" rule; (b) whether proceedings should be consolidated where an applicant is involved in two mutually exclusive hearings, one in which it seeks a construction permit for a new television station and the other in which it seeks an STV authorization; and (c) whether the purchase of decoders by subscribers should be allowed. Resolution of issues (a) and (b) was left to a final decision on whether to delete the "complement of four" rule. Deletion of the rule would obviate the need for both comparative criteria and consolidation of mutually exclusive STV and conventional application proceedings because no STV comparative situations would arise. These matters will be resolved in this *Third Report and Order*.

The STV Marketplace

8. The *Further Notice* indicated that nineteen STV stations were on the air as of April 1981, serving approximately 864,000 subscribers. *Further Notice* at paragraph 16. As of May 1, 1982, there were 27 stations operating in an STV mode in 18 different markets serving over 1,300,000 subscribers.⁷ The 27 stations are as follows:

WWHT Newark, New Jersey
WSNL Smithtown, New York
KBSC Corona, California
KWHY Los Angeles, California
WSNS Chicago, Illinois
WFBN Joliet, Illinois
WWSG Philadelphia, Pennsylvania
WRBV Vineland, New Jersey
KTSF San Francisco, California
KSTS San Jose, California
WQTV Boston, Massachusetts
WSMW Worcester, Massachusetts

⁶ 85 F.C.C. 2d 631 (1981). Traditional comparative criteria include, but are not limited to, diversification of mass media and integration of ownership and management.

⁷ The STV subscriber count as of January 1, 1982, is based on information obtained from the Subscription Television Association.

WXON Detroit, Michigan
WIHT Ann Arbor, Michigan
WCQR Washington, D.C.
WCLQ Cleveland, Ohio
KTWS Dallas, Texas
KNBN Dallas, Texas
KTXA Ft. Worth, Texas
WVEU Atlanta, Georgia
WKID Ft. Lauderdale, Florida
KECH Salem, Oregon
WBTI Cincinnati, Ohio
WCGV Milwaukee, Wisconsin
KNXV Phoenix, Arizona
KAUT Oklahoma City, Oklahoma
KGCT Tulsa, Oklahoma

An additional sixteen stations have been approved for STV operation, but they have not yet commenced operating in a pay mode.

9. STV stations provide both conventional and pay programming. Generally, from sign-on to about 7 or 8 pm, they present conventional programming much the same as other non-network affiliated stations. In the pay mode, the signal is scrambled so that only subscribers supplied with a decoder can receive the programming. Pay programming consists of unedited movies, sports and specials. Movies make up the bulk of the pay schedule and in any given month as many as twelve to twenty new titles are scheduled with older movies to provide the customer with diverse viewing. Specials include Las Vegas type shows and cultural events such as ballet, opera, symphonies and plays. Sometimes educational children's programs are also included in the earlier hours of pay programming. A few stations also present late night movies considered "adult" fare. These movies are offered for an additional fee over and above the regular monthly fee, a practice known as "tiering." Occasionally, some STV stations also charge an additional fee for a special telecast such as the Roberto Duran-Sugar Ray Leonard fight.

10. The costs to the STV subscriber are broken down into three categories: deposit, installation and monthly fees. Not all stations require a deposit, but, of those that do, the range is from \$25 to \$50. Installation fees vary from \$30 to \$100 and monthly charges range from \$17 to \$22.95. The average monthly charge is \$19.95. Of those stations that use tiering, the second level generally costs an additional \$5 per month.

Issues for Resolution

11. As indicated in the brief history of STV development discussed, *supra*, STV has been encumbered by administrative restrictions that had the unintended effect of inhibiting its growth because of concern over the availability of

conventional programming. Although some deregulation has occurred, a number of restrictions, including the "complement of four" rule, remain intact. As stated in the *Further Notice*, a significant question to be resolved is whether STV should be viewed as an additional broadcast service with the ability to develop as the marketplace dictates or as a minor supplemental service limited to that role by government regulation. The comments filed in response to the *Further Notice* have aided us in making this determination.⁸

12. As will be discussed in further detail, we have concluded that STV should be given the opportunity to develop on an equal footing with conventional television since it can respond directly to the intensity of consumer preferences, and therefore serve the public interest. We find that conventional broadcasting need not be protected from STV incursion. Neither the data studied nor the comments submitted indicate that STV development threatens the preservation of conventional broadcasting. Whatever impact it has on the continued existence of conventional television is thus likely to be minimal.

The "Complement of Four" Rule

13. The "complement of four" rule was adopted to assure that a pay service would not replace an existing free service or use an allocated but vacant channel which could otherwise be utilized by a conventional station, unless there was a minimum of four operating conventional services available. The *Further Notice* proposed eliminating the "complement of four" rule because it constitutes a barrier which prevents implementation of STV service in many television markets. Moreover, we noted that STV can serve the public interest by leading to the activation of otherwise vacant UHF allocations, and providing a new service where no service was previously available. Finally, our own staff study concluded that very few existing conventional stations could be expected to alter their mode of operation and become STV stations in the absence of the "complement of four" limitation.

14. In response to the *Further Notice*, most parties who commented on the merits of the "complement of four" rule favored its elimination. They submit that the Commission has recognized the shortcomings of the STV eligibility requirement by granting waivers,

⁸ A list of the parties filing comments and/or reply comments is contained in Appendix B.

eliminating the restriction in connection with low power subscription operations, and by apparently viewing this limitation as unnecessary for and inconsistent with the development of Direct Broadcast Service ("DBS") subscription television services. Commenters assert that entrepreneurs should be encouraged to select the appropriate pay television delivery system for their products based on engineering and economic considerations and not on the basis of an eligibility rule. They further note that the restriction has had a limiting effect on the ability of television broadcasters to compete with other pay television modes.

15. Commenters also argue that the development of STV has not been at the expense or in place of conventional programming. Rather, STV has led to the construction of new stations and the broadcasting of conventional programming which otherwise might not have existed. Proponents of deleting the "complement of four" rule submit that its elimination would not cause conventional programming to be supplanted. Although the National Association of Broadcasters ("NAB") views the continued availability of free over-the-air television as crucial, it too believes that market forces can be relied upon to provide a mix of conventional and STV programming which would satisfy the public interest.⁹ Most commenters conclude that the Commission's entry restriction does little more than deny large segments of the viewing public access to STV's programming services.¹⁰

16. Two parties addressed themselves specifically to the staff study analyzing the effect of relaxing the "complement of four" rule on conventional television. The Subscription Television Association ("STVA")¹¹ submits that operating experience demonstrates that the STV break-even point occurs at a much higher level than the staff estimated,

and that therefore the study significantly overstated an entrepreneur's willingness to forego conventional programming and provide STV services.¹² On the other hand, Subscription Television of America ("STA")¹³ argues that the study estimates the value of a television household to a conventional station at too high a level. STV submits that the value is really half the \$109 estimated by the staff and therefore more conversions are likely to occur.

17. STA objects to a complete elimination of the "complement of four" rule. Instead, it suggests a hybrid approach to modifying the rule. According to STA, the rule should be modified so that it does not prevent the inauguration of new service. However, STA would retain the rule to the extent that it prevents an existing station from changing to an STV format, except in cases that warrant a waiver of the restriction. Only two other parties opposed eliminating the "complement of four" rule in its entirety, Liberty Communications, Inc. ("Liberty"), owner of 34 cable television systems, and Wometco Home Theatre, Inc. ("Wometco"), a cable as well as an STV entrepreneur. Liberty submits that elimination of the rule might lead to a significant loss of conventional service.¹⁴ Wometco argues that diversity can be obtained in small communities through low power facilities without eliminating the rule.

18. In 1968, we concluded that a nationwide STV service is in the public interest. The growth of the service, particularly over the last few years, reinforces this conviction. STV can no longer be considered a service offering a product of uncertain appeal. Pay programming is now widely available over cable, through MDS systems, as well as STV stations. Proposals to offer vast subscription services via a DBS service have been filed with the Commission. There is clearly a market for pay video services and suppliers are likely to find themselves competing not only with conventional television but also among themselves.

19. There are some obvious advantages to be realized by allowing

STV to be offered without the "complement of four" restriction. The most significant advantage is the activation of new stations. Of the 27 operating STV stations, 18 were activated on otherwise unused channels. Only 9 were converted from previously operating conventional stations. Sixteen additional STV authorizations have been issued, and applications for STV authority are pending for 31 other stations, for a total of 47 potential STV stations. Thirty-five of these 47 stations represent new stations and 12 represent conventional stations which would convert to STV.¹⁵

20. Since the overwhelming majority of existing STV stations (two-thirds) and issued STV authorizations and pending applications (three-fourths) involve activation of new channels, we can expect the elimination of the "complement of four" restriction to permit STV to activate previously vacant channels. In this regard, there are 133 television markets comprising 25 percent of all television households which do not qualify for STV because of the "complement of four" rule. There are 503 vacant television allocations, the vast majority of which are UHF. Deletion of the "complement of four" rule will allow many of those 133 markets to obtain STV service by virtue of the activation of unused allocations. The data indicates that at least two out of three STV stations activate otherwise vacant channels. Although our experience shows that such conversions have occurred, their proportion is at a rate that is acceptable because many more new stations are put into service. Moreover, a conventional station that converts to STV may well be replaced in the market by an entrepreneur who wishes to fill the conventional programming void that was created by the conversion. The large number of vacant allocations allows for marketplace dynamics to occur.¹⁶

21. The staff study (Appendix A of the *Further Notice*), to which we have already referred, consists of an economic analysis undertaken to determine the likely result of eliminating

⁹The Department of Justice comments that some loss of conventional programming is not necessarily bad. Justice states that a conversion from conventional to STV service is likely to increase net economic welfare because it is in every broadcaster's interest to provide the kind of programming most desired by its customers. Further, Justice notes that the marketplace is far more sensitive to customer desires than is the prohibition of the "complement of four" rule.

¹⁰The Department of Justice states in its comments that the "complement of four" rule prohibits *de novo* STV entry into a market with fewer than four existing conventional stations even though such entry involves no loss of conventional programming.

¹¹STVA is a trade association comprised of companies which provide over-the-air subscription television services to the public. Its membership includes all of the STV operators now on the air.

¹²The staff study estimates the STV break-even point to occur between 25,000 and 40,000 subscribers, whereas STVA's estimate is 70,000 subscribers.

¹³STA has interests, through affiliated corporations, in operational STV franchisees in Atlanta, Georgia; Dallas, Texas; Chicago, Illinois; and Washington, D.C., and in proposed STV operations in St. Petersburg, Florida, and Boulder, Colorado.

¹⁴However, Liberty suggests that the public interest might warrant the Commission granting particular requests for waiver of the "complement of four" rule.

¹⁵In the *Further Notice* we found that about half of the 19 STV stations on the air in April 1981 had been converted from conventional stations. *Supra* at 219. These more recent figures indicate a significant increase in the ratio of new stations to conversions.

¹⁶We will entertain requests to amend the UHF Table of Assignments to add a channel to a community that has had an operating conventional station alter its format and become a pay service should such a request be filed by a party who indicates an intention to apply for a new authorization. The proposed reallocation would, of course, have to comply with relevant engineering requirements.

the "complement of four" restrictions of the mix of television services in markets thereby made available to STV. To predict the likely decisions of entrepreneurs who would consider markets opened up to STV by a change in the rule, the staff undertook to compare the advantages and disadvantages of each pay television delivery system, as well as the capital and operating costs of each system. The study concluded that cable has a significant advantage in head-to-head competition with STV. To apply this conclusion to an entrepreneur's decisional process, the staff also determined relative value of a single television household to both an STV station and a conventional station. By considering that value, along with the number of alternative pay and conventional program sources and the market's cable penetration, the staff concluded that the stations would remain conventional in both one and two station markets. As to markets with three or more operating stations, the staff concluded that there are really only four markets where conditions suggest a loss of conventional service if the "complement of four" rule is eliminated.¹⁷ The reason loss of conventional service is expected to be minimal is that in many markets cable penetration is sufficiently great to make STV entry unlikely.

22. Of the two parties addressing the staff's economic analysis, STVA's argument that the study significantly overstated an entrepreneur's willingness to forego conventional programming and provide STV services merely buttresses the staff's conclusions that conventional programming would not significantly be impaired by eliminating the "complement of four" rule. We take issue, however, with STA's assertion that the study is flawed in projecting the likely conversion of conventional stations to STV operations because it estimates the value of a television household to a conventional station at too high a level. STA contends that the study incorrectly attributed certain monies to a conventional broadcaster that actually are received by the networks from advertisers for program distribution and other monies that are given to advertising agencies as a commission for services rendered. Thus, STA asserts that the staff study values a television household to a conventional station at twice its true value. Similar costs, however, also could reduce the value of a subscription household to half

the amount used in the staff's analysis. Since no data has been offered to convince us that the staff's economic analysis is not essentially correct, we have no reason to dispute the study's conclusions. In any event, whether the staff's prediction that only four markets are likely to lose some conventional programming can be relied upon with precision is not crucial. What is significant is the fact that the study suggests only a limited loss of such programming. Even those who took issue with the study did not maintain that the loss would be significant.

23. Commenters have not expressed concern that the expansion of STV service will jeopardize the continued availability of conventional programming. There is very little information available demonstrating the effect of the addition of a premium service, such as STV, on existing service. Whether it would fractionalize the audience or create new audience (enlarge the audience) is not clear. However, we are satisfied that the growth of STV will not result in a net loss of service to the public. Net service loss would be a concern—increased competition is not. See *Carroll Broadcasting Co. v. FCC*, 258 F. 2d 440 (D.C. Cir. 1958).

24. The growth of pay cable and other pay services provides a compelling reason for removing restrictions to the introduction of STV.¹⁸ In facing the competition offered by pay cable, STV stations are at a potential disadvantage because they operate on a single channel, whereas cable offers multiple channels. It has been found that pay services which enter a market first have an advantage over similar types of services which follow. We do not believe that the public interest is served by a regulation which restricts market entry by one pay service but leaves those markets open to others. Rather, the public is best served by allowing interested parties to establish STV stations wherever they believe a market exists and a channel is available.

25. It has been suggested that we retain a version of the "complement of four" rule that would permit institution of a new service but would prevent conversion by an operating conventional station in the absence of four other conventional signals. However, prospering conventional stations are usually not candidates for STV operation. If it were otherwise, many

more stations already eligible to operate as subscription facilities would have chosen to do so. It is the marginal station that would consider conversion in an attempt to improve its situation. We do not wish to prohibit these stations from offering STV service, nor do we wish to adopt a test to evaluate the financial health of a conventional station that might apply for an STV authorization. Any such test would be arbitrary and would result in unavoidable delays that could prove fatal to the applicant. Moreover, such a rule would create an inequitable situation whereby an operating station could not offer a form of programming that is available to a newcomer with whom the operating station would eventually have to compete. We believe that existing stations should have the same options as applicants for new facilities. Finally, since we conclude on the basis of past performance and the staff's study that conventional television will continue to be viable in the absence of the "complement of four" rule, we perceive no overriding public interest justification for modifying the rule to permit new STV services while restricting the conversion of conventional services to an STV mode.

26. We also find it inappropriate and unnecessary to retain a more modest version of the rule, such as a complement of one or two. Our experience and the staff study indicates that STV provides a service that complements rather than substitutes for existing service. It has also been suggested that we retain the "complement of four" restriction, and apply a case-by-case waiver procedure to decide when the rule should be waived. Such a procedure would be time-consuming for all involved, i.e., the STV applicant, the FCC and the public. Furthermore, a waiver procedure is only advisable if the rule generally governs. Since we believe this regulation is unnecessary, retaining it in any form would be inappropriate. Another suggestion offered by a commenter would employ low power television as a substitute for STV. However, low power stations have a restricted coverage area and are secondary facilities. They are another means, not a substitute method, for bringing diverse services to many communities.

27. We are aware that deletion of the "complement of four" rule theoretically means that all the television stations in a market could become STV stations and that there would be no absolute guarantee that "free" service would be available. Our decision here should not be interpreted as an indication that the

¹⁷ The four markets are: Rochester, New York; Chattanooga, Tennessee; South Bend, Indiana; and Fort Wayne, Indiana.

¹⁸ Approximately 12 percent of television homes now have pay cable. By 1985 this percentage is expected to rise to 17 percent. See *Wines, The Cable Revolution—Tough Choices for the Industry and the Government*, the National Journal, page 1891, October 24, 1981.

continued availability of conventional service is no longer deemed essential for the "fair, efficient, and equitable distribution of radio service" as mandated by section 307(b) of the Communications Act of 1934, as amended. Rather, it is our conclusion that the net result of our decision here will be the addition of new service. We do not expect to lose conventional programming which has been accepted by the community.

The "28 Hour" Rule

28. Like the "complement of four" rule, the "28 hour" rule was designed to ensure the availability of conventional programming. The complement guaranteed at least four conventional stations in a community, while the "28 hour" restriction mandated the provision of conventional programming on an STV station.¹⁹ In 1968, the Commission was of the opinion that STV and conventional television could exist side by side on the same station, each service supplementing the other to the ultimate benefit of the public. However, the *Further Notice* asked whether the mix of conventional and pay programming might better be determined by the judgment of the individual entrepreneur and the demands of the marketplace. In the alternative, we solicited comments on a rule requiring conventional programming on a sliding scale according to the number of conventional stations in a community.²⁰ The *Further*

Notice also indicated that elimination of the "28 hour" requirement would permit STV stations to forgo all non-scrambled programming. In this connection, we solicited comments on whether STV licensees should continue to bear the responsibility to provide programming responsive to community needs, and if so, whether STV stations should be permitted to fulfill their public service programming obligations through offerings presented on a subscription basis.

29. Many commenters addressed the issue of whether to relax the "28 hour" rule. All but one were in favor of eliminating this requirement. None, however, found the sliding scale approach a viable one.²¹ Parties such as NAB submit that the rule's rescission would appear to be consistent with the First Amendment goal of reducing government involvement in broadcasters' programming decisions and licensees' choices as to how best to serve their audiences. While recognizing the possibility that eliminating the "28 hour" rule could result in some loss of conventional television programming in at least certain markets, NAB nevertheless believes that sufficient economic and competitive considerations exist to limit any potential loss of non-scrambled programming. A number of parties note that one of STV's benefits is that its success depends entirely upon subscriber satisfaction. The minimum hour requirement, however, restricts the independent judgment of STV licensees to meet subscriber demand. Cox Broadcasting Corporation submits that subscriber election to take or reject STV service represents a more direct and efficient means of influencing the licensee than intervention by the government to determine STV program schedules.

30. Only National Business Network, Inc. ("NBN"), licensee of an STV station, KNBN, Dallas, Texas, opposes deleting the "28 hour" rule at this juncture. It submits that inadequate STV operational experience makes it premature to either eliminate or modify this requirement. NBN's major concern in this matter is with a loss of competition and diversity in the STV industry. It alleges that STV operations are dominated by a handful of national businesses incapable or unwilling to deliver locally-oriented programming to the communities they serve. Of those parties responding to the *Further Notice*,

only Liberty Communications, Inc., commented on the questions raised in regard to an STV licensee's obligation to provide responsive programming to ascertained community needs. Liberty submits that the Commission should permit STV stations to fulfill their public service programming obligations through offerings presented on a subscription basis.

31. As previously noted, we do not see a present or future need for regulations to protect conventional programming. Accordingly, we will no longer require STV systems to broadcast any conventional programming. We do not believe that the "28 hour" rule is necessary to assure an adequate amount of conventional programming. Even if STV stations air only subscription programming, there will be substantial conventional programming available from non-STV facilities. Nothing has been offered to substantiate a public need for, or interest in, the broadcast of a designated number of hours of non-scrambled programming by STV facilities.

32. We conclude that the "28 hour" rule places an unnecessary and potentially burdensome requirement on STV stations with no apparent concomitant public interest benefit. This rule may operate to restrict an STV licensee from exercising independent programming judgments, and it could prevent efficient programming determinations in response to audience demands for conventional and/or pay programming. If there is an audience for non-scrambled programming, STV licensees will find it in their interests to air such broadcasts. Community needs for conventional and pay programming differ and those relative needs should be adequately addressed and met by marketplace forces rather than an arbitrary government rule. Therefore, we are deleting the "28 hour" rule.

33. However, an STV licensee will be expected to continue to meet its obligation to program in response to community needs. No reasons were offered by commenters or are evident to us to indicate that STV and conventional licensees should have different obligations in this area. However, we believe that the public interest will be better served if this basic obligation is fulfilled with the least government intrusion and with the most licensee flexibility. Therefore, we will allow an STV broadcaster to meet its programming responsibilities with either scrambled or conventional programming. In fact, permitting the former will allow the development of new types of non-entertainment

¹⁹ Section 73.643(a) of the Commission's Rules provides: "Any television broadcast station licensee or permittee authorized to broadcast subscription programs shall broadcast in addition to its subscription broadcasts, at least the minimum hours of nonsubscription programming required by § 73.1740." Section 73.1740(a)(2)(ii) states that all commercial television stations are required to operate not less than 2 hours in each day of the week and not less than a total of 28 hours per calendar week once they have been in operation 36 months. Before that time, television licensees or permittees are required by § 73.1740(a)(2)(i) to meet less strenuous standards, those being "not less than 2 hours daily in any 5 broadcast days per calendar week and not less than a total of:

(A) 12 hours per week during the first 18 months.
(B) 16 hours per week during the 19th through 24th month.

(C) 20 hours per week during the 25th through 30th month.

(D) 24 hours per week during the 31st through 36th month."

²⁰ For example, where the only station in a community was an STV facility, it might be required to present 28 hours of non-scrambled programming per week. If there were one conventional station in a community, the STV station would present at least 14 hours of non-scrambled programming. If two conventional stations were in operation, only 7 hours of such programming would be required by an STV operator. Finally, if three or more conventional stations were in operation, an STV licensee would have no conventional programming requirement.

²¹ While preferring deletion of the minimum hour requirement, Cox Broadcasting Corporation submits that the sliding scale procedure is preferable to no modification of the rule at all.

programs designed for select audiences willing to pay for such broadcasts (narrow-casting). In our view, greater diversity in responsive programming will result from an STV licensee's option to meet its programming responsibilities by conventional or scrambled means.

The "Decoder Purchase" Option

34. Another regulation adopted in 1968 as a means to protect consumers was the requirement that STV equipment be leased and not sold to subscribers.²² The Commission reasoned that the best way to protect the public against the obsolescence of equipment or cessation of service at that early stage of STV development was to adopt the lease only rule. It also stated that requiring decoders to be leased could conceivably stimulate the growth of STV since selling decoders for an unfamiliar service might be more difficult than leasing. The Commission noted, however, that at some later stage the public interest might better be served by permitting sale or lease. Since early STV operations demonstrated a measure of success, the *Further Notice* raised the issue of whether to allow licensees to offer the purchase and/or lease of decoders.

35. Of the fourteen parties commenting on this issue, most favored a relaxation of the "lease only" provision. They submit that the significant increase in existing and potential nationwide STV service to the public precludes any real concern over the likelihood of the extinction of STV. Commenters, such as Channel 57 Corporation ("57 Corporation"), permittee of STV Station WWSG-TV, Philadelphia, Pennsylvania, assert that the sale of decoders would save consumers money since rental fees accumulated over two to three years would exceed the purchase price of the decoder box. Another purported benefit of permitting the purchase of decoders is the reduction of the STV operator's capital requirements by eliminating the substantial financial outlay required to purchase decoders for lease to subscribers. 57 Corporation asserts that this reduction is significant in view of the high interest rates and tight money faced by entrepreneurs. Also, ABC notes that allowing the purchase of decoders will give STV operations parity with other pay technologies, such as pay cable, where decoders may be offered on a lease or purchase basis.

36. Those opposing a modification of the "lease only" rule submit that the threat of technological obsolescence is greater today than it was at the time the

regulation was adopted. Then, STV services were anticipated as being fairly simple and geographically isolated. As the STV industry evolved, notes STVA, the services offered have become more complex, and in turn subscriber equipment is more sophisticated.²³ STVA argues that the STV operator should be the one to bear the burden of any major shift in design of decoder boxes. STVA contends that the "lease-only" rule should be retained in order to reduce the likelihood of marketing schemes which would attempt to sell decoder boxes like new automobiles based upon a premise of technological obsolescence.

37. Some commenters argue that there is still a threat of cessation of service. These parties maintain that most STV stations currently are operating at the edge of profitability notwithstanding the fact that the STV industry is now well established. STVA asserts that there would be a strong temptation to change decoder boxes and sell new ones as a means of raising quick capital each time that control of an STV franchise shifts from one company to another.

38. Some commenters also argue that if STV operators sell equipment to consumers, subscriber entry costs would escalate and harm the ability of STV operators to compete in the entertainment marketplace. According to American Television and Communications Corporation, the forced upfront purchase of a \$150 decoder would be a substantial deterrent to subscriber growth, and the STV operator who relies on this approach would suffer accordingly.

39. Opponents further argue that Multipoint Distribution Service ("MDS") and cable operators do not sell subscriber equipment. They also assert that subscribers' accumulated rental fees do not exceed the purchase price of decoder equipment and that, if purchased, subscribers would have to bear any maintenance costs required for the decoder. According to STVA, the wholesale cost of decoders ranges from \$100 to \$200, while that portion of the monthly subscription fee attributable to decoders is only between \$1.60 and \$2.00 depending on whether the cost of the decoder is amortized over a five, six or seven year period. It argues that the cost to a consumer of purchasing a decoder could be substantial compared

²² "Tiering" of services now is possible whereby several different programs may be offered, either simultaneously (using two or more available channels) or over time (as in the case of adult tiers offered late at night). Moreover, STVA asserts that widespread piracy of STV signals has caused nearly every new STV operation to use addressable decoding devices.

to the cost of leasing it, even for a period of fifteen years. STVA also submits that from a technological perspective, it is highly probable that over a fifteen year period decoder boxes will wear out or become obsolete. Consumers would then have to purchase new boxes to obtain the new technology and more sophisticated services.

40. One of the major concerns of opponents, such as Wometco Home Theatre, is piracy of the STV signal. They submit that subscriber purchases can only worsen the present problem of signal piracy by proliferating decoders owned by private parties. Even if a particular operator decides not to sell decoders, others may do so, thereby resulting in a pirate operation that will be difficult to quash.

41. Whether favoring or opposing the relaxation of the "lease only" rule, commenters generally recommend that, if purchase is allowed, the choice of offering sale and/or lease of decoders should be the province of individual STV entrepreneurs. They argue that this is a business matter best left to their judgment. Furthermore, giving this option to the STV operator allows it to decide whether the purchase of decoder equipment would create security problems. ABC contends, however, that whether or not an operator decides to offer decoders for purchase, it should be required to continue to offer decoders on a lease basis because significant changes in STV technology are still foreseeable. According to Telecast, Inc., subscribers should be able to lease or purchase decoders at their option, but not until late in this decade. Until that time, STV operators should have that option, thus providing a reasonable opportunity for them to solve any security problems.

42. After careful consideration of the comments on this issue, we believe it is appropriate to eliminate our requirement that STV decoders must be leased to subscribers. Thus, licensees will be able to lease or sell decoders to their customers. An operator that insists that its subscribers buy a decoder will impose a substantial entry barrier on new customers. Similarly, an operator that changes decoders in order to raise new capital will very likely lose a significant number of subscribers in the process. With the availability of alternative forms of home video entertainment, including conventional television, cable, pay cable, MDS and potentially low power and DBS, a businessman must respond appropriately to the requirements of the marketplace.

²³ See § 73.642(f)(3) of the Commission's Rules.

43. We recognize that encoding technology is in a state of flux, and that new and more secure systems are constantly being introduced. However, the possibility that a purchased decoder may become obsolete if the station decides to adopt a more modern system does not support a rule which absolutely bans the sale of decoders. Rather, it appears that the STV operator could retain subscriber good will by acknowledging the possibility of future new decoding systems when it offers a box for sale. The licensee may achieve the same type of customer satisfaction by offering a decoder owner a favorable price on any new decoder that is adopted by the station.

44. Finally, we do not believe that the sale of decoders by some or all STV operators may aggravate the piracy problem. Those individuals who may be capable of duplicating a decoder may be able to do so by utilizing boxes that are sold or rented to others or, for that matter, they may purchase the components from companies manufacturing and soliciting their sale.

45. In conclusion, allowing purchase or lease of decoder equipment at the STV operator's discretion can benefit both the businessman and consumer. As previously noted, decoder purchases can provide working capital to securely establish subscription operations. Additionally, the elimination of the restriction gives the STV operator the ability to change business practices on demand, thus serving himself and his subscribers. We do not believe that STV licensees should be restricted any longer in their ability to make a business judgment on whether to offer subscribers the purchase and/or lease of decoders. Thus, we are eliminating the rule prohibiting the sale of decoders.

The "STV Ascertainment" Study

46. One year after adopting the basic framework for the STV service, the Commission established guidelines for filing applications for STV authorization including the requirement that applicants survey the community's STV needs and interests.²⁴ This entails not only stating the methods used to ascertain those needs and interests, but indicating how the proposed STV programming will address them. The Commission believed that a substantial amount of STV programming might consist of feature films and sports with lesser amounts of STV programming offering opera, ballet or theater presentations. Thus, the Commission felt that ascertainment of the community's

needs and interests regarding STV programming would initially be a search principally directed at the sports and entertainment needs of a community.

47. After observing a number of STV services in operation, we believed it appropriate to question the necessity of this ascertainment obligation. As stated in the *Further Notice*, it appears that ascertaining the community's STV interests could be accomplished by the operation of the marketplace. Is it not likely, we asked, that consumers will subscribe only to those who pay television systems offering programs meeting their STV interests? All those parties addressing the issue favor abolishing this requirement. They note that such action would be in keeping with the Commission's present policy of avoiding involvement in entertainment programming decisions.²⁵ Commenters further submit that the marketplace can most effectively and efficiently ensure that STV broadcasters provide subscription programming that meets the community's needs. Channel 57 Corporation contends that if an STV operator fails to present subscription programming that directs itself to the needs and interests of the community, subscriber support will dwindle. Thus, the success or failure of an STV operator will depend upon its programming and its ability to satisfy viewer demand. Inherent in such a process is determining the consumers' sports and entertainment programming needs.

48. We agree with commenters who submit that the basic economic relationship between an STV operator and the consumers of a community provides sufficient incentive for that operator to determine its service area's STV requirements and to provide programming that addresses these desires. It is in an STV operator's self-interest to maximize the number of subscribers. This can only be accomplished through meeting subscriber demand. The special STV ascertainment requirement is clearly unnecessary. It imposes a costly, time-consuming burden on the STV applicant with no benefit whatsoever accruing to the public. Consequently, we are eliminating the obligation on applicants to survey the STV needs of their service area.^{26 27}

²⁵ See, *FCC v. WNCN Listeners Guild*, 450 U.S. 582 (1981).

²⁶ No change in the Commission's rules is required as a consequence of the action taken herein eliminating the STV ascertainment obligation. This requirement appeared in the text of the *Fifth Report and Order*, 19 F.C.C. 2d 559 (1969), but was not the subject of any specific Commission rule.

Conclusion

49. In summary, we are persuaded from the data available to us and comments submitted by interested parties that deregulating the STV service will be of great benefit to the public. We have every expectation that the action taken herein will accelerate the utilization of unused channels, allow for additional specialized programming, provide financial support for small market stations and offer a unique broadcast service that directly responds to consumer interests to a far greater audience, i.e., the entire country.

50. The removal of the "complement of four" restriction, the 28 hour rule, the lease-only limitation and the STV ascertainment requirement will aid not only the public but the STV industry as well. This pay broadcast medium now can effectively compete with other pay technological systems which do not operate under the same or similar regulatory restraints. The consequence of such competition should result in benefits to business and benefits to the consumer in the form of greater diversity in programming.

51. Regulatory Flexibility Analysis:

I. Need for and Purpose of the Rule

The Commission has concluded that the present restraints on the STV service inhibit the development of this broadcast medium while serving no public benefit. The proposal relaxation of the rules governing STV, by modification or deletion, will allow the natural expansion of the industry to the benefit of the public.

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues raised:

1. Those commenting in response to our initial analysis generally favored our proposals to relax the restrictions imposed on the STV service.

2. A few parties, however, opposed particular proposals. Some believed that in order to ensure an adequate amount of conventional programming, the "complement of four" restriction and the 28 hour rule should be retained.

3. Others argued that allowing subscriber purchase of decoder equipment would endanger the security

²⁷ STV permittees, like other television permittees, are required to ascertain the community's needs, problems and interests and propose programs to meet those needs when applying for a license. Similarly, licensees must ascertain needs when applying for renewal. The action taken herein in no way affects this basic ascertainment requirement.

²⁴ *Fifth Report and Order* in Docket No. 11279, 19 F.C.C. 2d 559 (1969).

of the STV signal thereby increasing the problem of STV piracy. Thus, they opposed relaxing the requirement providing that STV equipment be leased and not sold to subscribers.

B. Assessment.

1. The Commission concludes that the arguments opposing the relaxation of various STV regulations are not persuasive.

2. We also conclude that both the public and industry will benefit from removal of regulatory restraints on STV development. Deregulation of this broadcast service will permit additional STV authorizations in additional television markets with reduced administrative and operating restrictions. Thus, consumers can be offered greater diversity in programming. We are convinced that relaxation of the rules will open up opportunities for small entities and reduce burdens imposed on them. In addition, STV entrepreneurs will be able to compete effectively with other pay technologies.

C. Changes made as a result of such comment:

1. In response to those comments favoring the removal of regulatory restraints, we are deregulating the STV service.

2. We did not adopt any of the suggestions made by those commenters opposing the elimination of particular STV restrictions.

III. Significant Alternatives Considered and Rejected

1. The *Further Notice* proposed eliminating or modifying the "complement of four" restriction and the 28 hour rule. Specifically, we considered whether the "complement of four" rule should be reduced to a complement of some number less than four. Also, we evaluated an option which would require conventional programming on a sliding scale according to the number of non-pay stations in a community.

2. The Commission concludes that these regulations are unnecessary for the preservation of conventional programming and have operated only to prevent STV from being competitive with other pay technologies. Thus, preserving these rules in some form not only is unnecessary but harmful to the public as well as industry.

52. Authority for adoption of the action taken herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

53. Accordingly, it is ordered, That §§ 73.642, 73.643 and 73.644 of the Commission's Rules are amended, effective August 5, 1982, as described

above and set forth in the attached Appendix A.

54. Accordingly, it is further ordered, That the proceedings concerning this *Third Report and Order* are terminated.

55. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792, or Scott W. Roberts, Broadcast Bureau, (202) 632-6302.

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

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

PART 73—RADIO BROADCAST SERVICES

1. Section 73.642 of the Commission's Rules is amended by revising paragraph (a)(3) and removing paragraph (f)(3) in its entirety to read as follows:

§ 73.642 Subscription TV licensing policies.

(a) * * *

(3) An applicant for a construction permit for a new commercial television broadcast station: *Provided, however,* That such authorization will not be issued prior to issuance of the construction permit for the new station.

* * * * *

(f) * * *

(3) [Removed]

* * * * *

§ 73.643 [Amended]

2. Section 73.643 of the Commission's Rules is amended to remove paragraph (a) in its entirety and redesignate paragraph (b) as the sole undesignated paragraph of this section.

Appendix B

Parties Filing Comments*

American Broadcasting Companies, Inc.
American Television and Communications Corporation
Channel 57 Corporation
Choice Channel of Kansas City, Inc.
Consumer Electronics Group of the Electronic Industries Association
Cox Broadcasting Corporation
Department of Justice
Liberty Communications, Inc.
Marnel Associates, Ltd.
National Association of Broadcasters
National Business Network, Inc.

*The dates for filing comments and reply comments were originally December 21, 1981, and January 5, 1982, respectively. They were extended to January 15 and 29, 1982, by an Order adopted December 15, 1981. Because of severe weather conditions, the date for any submissions due to be filed on January 15, 1982, was extended to January 18, 1982, by the Commission. Thus, all comments were timely filed.

Oak Industries, Inc.
Subscription Television Association
Subscription Television of America, Inc.
Telease, Inc.
Wometco Home Theatre, Inc.
Zenith Radio Corporation

Parties Filing Reply Comments

American Broadcasting Companies, Inc.
National Cable Television Association
Satellite Syndicated Systems, Inc.
Subscription Television Association
Subscription Television of America, Inc.

Separate Statement of Commissioner Mimi Weyforth Dawson re: Subscription Television Service

With this decision we are taking the major step of removing all Commission regulations that restrict the ability of television broadcast licensees to collect subscription revenues. Under the existing "complement of four" rule, subscription service is restricted to communities within the Grade A contour of at least five commercial television stations, including that of the STV operator. The Report and Order adopted today correctly observes that elimination of the "complement of four" restriction will have the very beneficial result for consumers of additional television outlets. However, as discussed below, the potential long term benefits of the Order are much more significant and far-reaching.

The question of whether consumers will be better off under a subscription television system has been extensively discussed. For example, two decades ago Minasian cogently explained that:

In an advertising-supported system * * * the program results reflect an all-or-nothing type of voting since votes take weights of either one (viewer) or zero (non-viewer). In contrast, a subscription system can be expected to yield a more diversified program menu than an advertising system, because the former enables individuals, by concentrating their dollar votes, to overcome the "unpopularity" of their tastes.¹

Of course, the scholarly literature on pay television has recognized that there is no clear answer to the question of what pricing structure maximizes consumer welfare. For example, Noll, Peck and McGowan observe that:

The nature of a television broadcast precludes a solution which meets all of the efficiency criteria as satisfactorily as does a perfectly competitive industry producing a private good. Leaving aside the problem of income distribution, no structure will both insure equality of price and marginal cost and produce the socially most desirable mix and number of programs * * *²

Nevertheless, other scholars have argued that "pay TV with unrestricted entry and many competing channels (large numbers of differentiated products produced under

¹Jora R. Minasian, "Television Pricing and the Theory of Public Goods," 7 *Journal of Law and Economics* 75 (1964).

²R. G. Noll, M. J. Peck and J. J. McGowan, *Economic Aspects of Television Regulation*, p. 26 (1973).

monopolistic competition) may at least begin to approach efficiency."³

The question for the Commission to determine is what pricing system has the prospect to be the most efficient one. I believe the optimal system is most likely to be the one that naturally evolves in the marketplace, even if it results in many conventional stations switching over to subscription operations. Over the long term, as we gain experience with the newer methods of distributing video information, the optional pricing structure for video distribution may, for example, turn out to be advertiser supported channels broadcast by direct broadcast satellites, pay channels broadcast by VHF and UHF television stations and per-program pay television delivered by cable television. The number of possibilities is endless. But the implication for consumers is not. With the growth of subscription services the quantity and quality of video information distributed to the home will increase dramatically. I do not believe that the Commission should place any restrictions on the ability of conventional broadcast stations, or any other video distribution technology, to provide subscription service. Therefore, I strongly support this deregulatory action.

[FR Doc. 82-18754 Filed 7-9-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 11]

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment.

SUMMARY: When the final rule establishing Standard No. 213, *Child Restraint Systems*, was issued, it included a section setting requirements for a diagram to show the proper installation of a child restraint within a vehicle. Although the preamble discussed the installation diagram requirement, the standard inadvertently did not require the diagram to be placed on the restraint. This notice makes the necessary technical amendment to correct the standard.

DATE: The amendment is effective August 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety System, National Highway Traffic Safety Administration,

400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: In May 1978, the agency proposed a substantially upgraded Standard No. 213, *Child Restraint Systems* (43 FR 21470). In sections 5.5.2(a)-(k) of the standard, the agency proposed requirements for certain warning and installation labels for child restraints. In particular, section 5.5.2(k) proposed specific requirements for a diagram showing the proper installation of a child restraint in a vehicle. Section 5.5.1 of the standard proposed that all of the labels specified in 5.5.2(a)-(k) would have to be placed permanently on the child restraint.

When the agency issued its final rule, it expanded the labeling requirements for child restraints (44 FR 72131). The preamble for the final rule discussed the specifics of the expansion and the reasons for adopting the labeling requirements. Because of the expansion, the installation diagram requirement of section 5.5.2(k) of the proposal was redesignated as section 5.5.2(l) in the final rule. Inadvertently, section 5.5.1 of the standard was not modified to reflect the expansion of the labeling requirements and thus it continued to specify that only the information found in section 5.5.2(a)-(k) be placed on the child restraint.

Most manufacturers recognized the intent of the agency and have placed the correct installation diagram on their restraints. A number of manufacturers apparently have not included such diagrams on their child restraints.

This notice makes the necessary technical amendment to correct the standard to require the installation diagram to be placed on a child restraint. The effective date of this correction is August 26, 1982. This will allow time for the few manufacturers that have not included installation diagrams to prepare the needed diagrams for their child restraints.

The agency has determined that there is good cause for not providing additional notice and opportunity to comment on this technical amendment. The public has previously had notice and opportunity to comment on the installation diagram requirement. This technical amendment merely corrects an error arising from the redesignation of the installation diagram requirement during the rulemaking process.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, Standard No. 213, *Child Restraint Systems* (49 CFR 571.213), is corrected as follows:

1. Section 5.5.1 is revised by amending it to read as follows:

Each child restraint system shall be permanently labeled with the information specified in § 5.5.2 (a) through (l).

2. Section 5.5.2 is revised by amending it to read as follows:

The information specified in paragraphs (a)-(l) of this section shall be stated in the English language and lettered in letters and numbers that are not smaller than 10 point type and are on a contrasting background.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18722 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1063

[Ex Parte MC 95 (Sub-1)]

Practices of Motor Common Carriers of Passengers; Checked Baggage Prohibitions and Liability Exemptions; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to notice of final rules.

SUMMARY: At 47 FR 21840, May 20, 1982, the Commission adopted regulations which define the groups of articles that motor common carriers of passengers (bus lines) may refuse to transport in checked baggage and for which bus lines may limit or disclaim liability for loss or damage. The regulations contained an inadvertent error, which omitted watches from the list of "valuable articles" given in § 1063.4(c)(3). That error is corrected below.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., (202) 275-7656.

SUPPLEMENTARY INFORMATION: Correct § 1063.4, which is amended at 47 FR 21840, by adding the word "watches", to follow the word "jewelry" and to precede the words "and other" in

³B. M. Owen, I. H. Beebe and W. G. Manning, Jr., *Television Economics*, p. 80 (1974).

paragraph (c)(3), which appears in the second column on that page.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-18632 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 2707-123]

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce issues this notice to close the commercial salmon fishery in the fishery conservation zone between Cape Falcon, Oregon and Leadbetter Point, Washington (subarea B) on July 8, 1982. The Director, Northwest Region, National Marine Fisheries Service has determined that the commercial quota of 89,000 coho salmon for this subarea will be reached by that date. This action is to ensure that quotas for coho salmon are not exceeded in 1982.

EFFECTIVE DATES: Closure of subarea B to commercial salmon fishing is effective from 2400 hours Pacific Daylight Time

(PDT), July 8, 1982, until 2400 hours PDT December 31, 1982.

FOR FURTHER INFORMATION CONTACT: H.A. Larkins (Director, Northwest Region, National Marine Fisheries Service), 7600 Sand Point Way, BIN C15700, Seattle, Washington 98115; telephone 206-527-6150.

SUPPLEMENTARY INFORMATION: Emergency regulations to implement a 1982 amendment to the fishery management plan (FMP) for the Commercial and Recreational Fisheries off the Coasts of Washington, Oregon, and California were published in the *Federal Register* (47 FR 21256) for the commercial fishery north of Cape Blanco, Oregon, and the recreational fisheries coastwide. These emergency regulations were effective on May 14, 1982, for a 45-day period and were extended for an additional 45 days on June 28 through August 11, 1982 (47 FR 28105).

These regulations specify at § 661.22 (a)(2) that when a subarea quota is projected by the Director, Northwest Region, National Marine Fisheries Service, (Regional Director) to be reached by a certain date, the Secretary shall, by publishing a field order in the *Federal Register*, close the commercial fishery as of the date the quota will be reached in that subarea.

The coho quota for the commercial fishery in subarea B is 89,000 coho salmon as stated in § 661.22 (a)(1). Based on the most recent catch data supplied by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife

(ODF&W), the commercial fishery in subarea B will reach the 89,000 coho salmon quota by July 8, 1982. The Secretary of Commerce therefore issues this notice that the commercial fishery in subarea B will be closed effective midnight, July 8, 1982. This notice does not affect seasons for other subareas specified in the 1982 regulations. Consultations were held with the Directors of WDF and ODF&W regarding the more-rapid-than-anticipated approach of the season closure. On the basis of that consultation, the Regional Director determined that no basis exists for adjusting the quota for subarea B as provided for in § 661.22(b)(1) (with respect to the contribution of private hatchery coho to established quotas).

As provided under § 661.22(c) all information and data relevant to this notice of closure have been compiled in aggregate form and are available for public review at the above-noted address during normal working hours.

This action is taken under the authority of 50 CFR 661.22, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

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

Dated: July 8, 1982.

William H. Stevenson,
Deputy Administrator, National Marine Fisheries Service.

[FR Doc. 82-18672 Filed 7-8-82; 3:35 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 47, No. 133

Monday, July 12, 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 54

Regulations for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service proposes to amend the regulations governing the grading and certification of meats, prepared meats, and meat products by changing the basis for collecting fees on Federal legal holidays from establishments using Federal grading and certification services. The change that is being proposed will make charges for Federal grading and certification services more equitable among all users of the service without imposing additional costs to the industry.

DATE: Comments on this proposed rule must be received on or before September 10, 1982.

ADDRESS: Written comments may be mailed to David K. Hallett, Chief, Meat Grading and Certification Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; Room M-1, Annex Building; Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: David K. Hallett (202/382-1246).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed action has been reviewed under Executive Order 12291 and USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no

increase in production costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions. Additionally, this rule will not adversely effect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Vern F. Highley, Administrator, Agricultural Marketing Service, has determined that this proposed action will not have an adverse economic impact on small entities. This proposed rule will make the industry's cost of using Federal grading and certification services more equitable among all establishments using the services without imposing additional costs to the industry.

Comments

Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent, in duplicate, to the Meat Grading and Certification Branch and should bear a reference to the date and page number of this issue of the Federal Register. Comments submitted pursuant to this proposed rule will be made available for public inspection in the Washington, D.C., Meat Grading and Certification Branch office during regular business hours.

List of Subjects in 7 CFR Part 54

Meat and meat products, Grading and certification, Beef, Veal, Lamb, Pork.

Background

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services to facilitate the orderly marketing of meats and meat products and to enable consumers to obtain the quality of meat which they desire. It also provides for the collection of fees from users of Federal meat grading and certification services which are approximately equal to the costs of providing services. The hourly fees for services include salary and fringe benefit expenses and the cost of supervision, travel, training, and other administrative and overhead costs.

The Department uses two methods of charging hourly fees for meat grading and certification services to ensure that the costs of providing services are recovered. Establishments located in areas where meat graders are assured of being utilized a minimum of 8 hours per day, Monday through Friday, are charged on an hourly, noncommitment basis. As such, these establishments pay only for the hours they actually utilize a meat grader and are not required to pay any charges on Federal legal holidays when grading and certification services are not provided.

Alternatively, in locations where insufficient work exists to justify stationing a permanent grader in the area, the Department arranges for an establishment or group of establishments to enter into a 40-hour commitment agreement for grading and certification services. Under a commitment agreement, the establishments guarantee a minimum payment for 8 hours of service per day, Monday through Friday, even if the meat grader is not utilized for the full 40 hours per week. This minimum payment includes 8 hours on any Federal legal holiday occurring Monday through Friday, even if the meat grader does not work on these legal holidays.

The Department has determined that it would be more equitable among all establishments using the service if commitment establishments are not required to pay for time on Federal legal holidays when no services are provided on these days. Therefore, the Department is proposing to eliminate the requirement that commitment users of the service guarantee a minimum payment for 8 hours on Federal legal holidays occurring Monday through Friday. The change will not affect the requirement that all establishments must pay for the hours they actually utilize a meat grader on Federal legal holidays. In addition, this action may make the use of grading and certification services more attractive on a commitment basis in outlying areas. Finally, no significant adverse effect on program revenue is anticipated as a result of this action.

In view of the foregoing, it is proposed that certain sections of the regulations appearing in 7 CFR Part 54, as they relate to commitment agreements and fees for Federal grading and certification

of meats, prepared meats, and meat products, be revised as set forth below.

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

1. The authority citation for Part 54 reads as follows:

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

2. 7 CFR 54.6(c)(2) and 54.27(b) are revised to read as follows:

§ 54.6 How to obtain service.

(c) Request by applicant for service

(2) *Commitment.* If desired, the applicant may request to enter into an agreement with the Agricultural Marketing Service for the furnishing of service on a weekly commitment basis, whereby the applicant agrees to pay for 8 hours of service per day, 5 days per week, Monday through Friday, excluding Federal legal holidays occurring Monday through Friday on which no grading and certification services are performed, as provided in § 54.27(b), and the Agricultural Marketing Service agrees to make an official grader available to perform such service for the applicant. However, the Agricultural Marketing Service reserves the right to use any grader assigned to a plant under such a commitment to perform service for other applicants when, in the opinion of the Chief, the grader is not needed to perform service for the commitment applicant. An applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay for the moving costs actually incurred by the Agricultural Marketing Service to cover the transfer of the grader who will service the applicant's new commitment. If more than one applicant is involved in the reapplication for a cancelled meat grading and certification commitment requiring the transfer of the grader, the moving costs will be prorated among the applicants according to each applicant's committed portion of the grader's services. However, the moving costs will be charged only to those applicants who were parties to the previously cancelled commitment. An applicant may, for periods of 3 months or less, enter into an agreement by memorandum with the Agricultural Marketing Service for the furnishing of service on a weekly basis. In the latter case, transfer of graders would not be involved and charges will be made in accordance with § 54.27.

§ 54.27 Fees and other charges for service.

(b) *Fees for Service on Commitment Basis.* Minimum fees for service performed under a commitment agreement shall be on the basis of 8 hours per day, Monday through Friday, excluding Federal legal holidays occurring Monday through Friday on which no grading and certification services are performed, calculated at the hourly rates in accordance with paragraph (a) of this section. Hours worked on Saturdays, Sundays, Federal legal holidays, and in excess of 8 hours per day will be charged at the appropriate hourly rate in accordance with paragraph (a) of this section. The Agricultural Marketing Service reserves the right under such a commitment to use any grader assigned to the plant on a commitment basis to perform service for other applicants as provided in § 54.6(c), crediting the commitment applicant with the number of hours charged to the other applicant, provided the allowable credit hours, plus hours actually worked for the applicants, do not exceed 8 hours on any day, Monday through Friday, excluding all Federal legal holidays.

Done at Washington, D.C.: July 6, 1982.
Eddie F. Kimbrell,
Deputy Administrator, Commodity Services.
[FR Doc. 82-18705 Filed 7-9-82; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Parts 1011, 1046, and 1098

[Docket Nos. AO-251-A23, AO-123-A48, and AO-184-A43]

Milk in the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, Marketing Areas; Extension of Time for Filing Exceptions to Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rules.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to the Tennessee Valley, Louisville-Lexington-Evansville, and Nashville, Tennessee, milk orders. The additional time was requested by Counsel for Dairymen, Inc. (DI), a cooperative association that represents producers in all three marketing areas.

DATE: Exceptions now are due on or before August 2, 1982.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued September 4, 1981; published September 11, 1981 (46 FR 45354).

Correction: Published September 22, 1981 (46 FR 46813).

Notice of Rescheduled Hearing: Issued September 24, 1981; published September 29, 1981 (46 FR 47588).

Suspension of Rule: Issued November 24, 1981; published November 30, 1981 (46 FR 58064).

Emergency Partial Final Decision: Issued January 15, 1982; published January 21, 1982 (47 FR 2999).

Final Order: Issued January 26, 1982, published January 29, 1982 (47 FR 4228).

Recommended Decision: Issued June 14, 1982; published June 21, 1982 (47 FR 26656).

Notice is hereby given that the time for filing exceptions to the recommended decision on proposed amendments to the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, milk orders is hereby extended to August 2, 1982.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Parts 1011, 1046 and 1098.

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on July 6, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-18675 Filed 7-9-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service**9 CFR Part 114****[Docket No. 82-033]****Viruses, Serums, Toxins, and Analogous Products; Amendment of Extension of the Expiration Date for a Serial or Subserial****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Proposed rule.

SUMMARY: Current regulations do not permit the extension of the expiration date for any portion of a biological product which has left the premises of a licensed establishment. The restriction applies to any product which is shipped between two licensed establishments owned or controlled by the same person. Since the Department has greater assurance that a product moving between two licensed establishments owned by the same person would be properly stored, handled, and shipped, this proposal would exempt such movements from the restriction but only on a one-time basis for a particular lot of the product.

DATE: Comments must be received on or before September 10, 1982.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed amendment to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION: This proposed amendment has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that these proposed changes would not have a significant economic impact on a substantial number of small entities. A small entity is defined as an independently owned firm not dominant in the field of veterinary biologics. This action would result in a beneficial effect to licensed producers with more than one establishment owned or controlled

by the same person and would have no effect on other licensees.

This proposed amendment relating to extension of dating of biological products would allow such extension for serials, subserials, or portions thereof which had been shipped one time between licensed establishments owned or controlled by the same person. Current regulations specifically prohibit an extension of dating for product that has left licensed premises. Such prohibition is based on the fact that proper storage, handling, and shipment of biological products have a great bearing on their potency and stability. When biologics are shipped from one licensed establishment to another licensed establishment owned or controlled by the same person, there is greater assurance that such products would be properly stored, handled, and shipped. Proper storage conditions at both licensed locations which are subject to USDA inspection, and shipment under control of a single licensee warrant different treatment of such product from product which is found in normal distribution channels. The licensee using normal distribution channels has little control over the distributed product and cannot be assured that it is properly handled and protected from abuse by a distributor, wholesaler, or user at another location. Therefore, such product should not be considered for an extension of dating.

This proposed amendment would provide additional flexibility in distribution and control of inventories of the producers affected by it. Further, it has not been shown that existing regulations permitting the shipment between establishments owned or controlled by the same person of partially prepared products or serials of completed fractions of combination products in accordance with 9 CFR 114.3(d) has had any adverse effect on the quality of these products or components. Therefore, it is reasonable to believe that a one-time shipment of finished product between two establishments owned or controlled by the same person would not adversely effect such product thereby preventing consideration of an extension of dating.

List of Subjects in 9 CFR Part 114

Animal biologics.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Section 114.14(a)(2) would be revised to read:

§ 114.14 Extension of expiration date for a serial or subserial.

(a) * * *

(2) For any serial or any portion of any serial which has left licensed premises; *Provided*, That product which has been shipped once between two licensed establishments owned or controlled by the same person shall be exempt from this requirement.

* * * * *

(37 Stat. 832-833; 21 U.S.C. 151-158)

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 6th day of July 1982.

Norvan L. Meyer,
Acting Deputy Administrator Veterinary Services.

[FR Doc. 82-18777 Filed 7-9-82; 8:45 am]

BILLING CODE 3410-34-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 704****[OPTS-80011B; TSH-FRL 2169-7]****Small Manufacturer Exemption Standards Reporting and Recordkeeping Requirements; Correction****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; correction.

SUMMARY: EPA issued a proposed rule containing general exemption standards for "small chemical manufacturers" under section 8(a) of the Toxic Substances Control Act. The rule was published in the Federal Register of June 23, 1982 (47 FR 27206). This document deletes the words "or mixture" wherever they appear inappropriately in the rule proposal. This correction is necessary because the proposed small manufacturer exemption standards are intended to apply only to manufacturers of chemical substances. The standards, particularly the production volume criterion they contain, are not intended to apply to manufacturers of mixtures.

FOR FURTHER INFORMATION CONTACT: Douglas Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511B, 401 M St., SW., Washington,

D.C. 20460, Toll free: (800-424-9065), In Washington, D.C. (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 82-16794 appearing on page 27206 in the issue of June 23, 1982:

1. On page 27206, column 3, paragraph 5, line 7, the words "or mixture" are removed.

2. 40 CFR 704.65(a), (b)(4) and (8), and (c)(1) are corrected to read as follows:

§ 704.65 Persons who are small manufacturers.

(a) *Scope.* (1) Under the authority of section 8(a)(3)(B) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a)(3)(B), this rule sets forth standards identifying small manufacturers (including importers) of chemical substances. Except as stated in paragraph (a)(2) of this section, the manufacturers who qualify as "small" under the standards contained in paragraph (c) of this section are exempt from rules promulgated under the authority of section 8(a) after June 23, 1982.

(2) Notwithstanding this exemption, the Administrator may, for any rule promulgated under section 8(a), require reporting or recordkeeping from any small manufacturer of a chemical substance that is subject to a rule proposed or promulgated under TSCA sections 4, 5(b)(4), or 6, or is subject to an order in effect under TSCA section 5(e), or is the subject of relief that has been granted under a civil action brought under TSCA section 5 or 7.

(b) * * *

(4) "Manufacturer" means a person who imports, produces, or manufactures a chemical substance. A manufacturer may own or control one or more manufacturing sites. A manufacturer may be owned or controlled by a foreign or domestic parent company.

(8) "Production volume" means the quantity of a chemical substance which is produced by a manufacturer, as measured in kilograms or pounds.

(c) * * *

(1) *First standard.* A manufacturer is small if its total annual sales, when combined with those of its parent company (if any), are less than \$30 million. However, if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer is greater than 45,400 kilograms (100,000 pounds), the

manufacturer shall not qualify as small for purposes of reporting on the production of that chemical substance at that site, unless the manufacturer qualifies as small under paragraph (c)(2) of this section.

* * * * *

Dated: July 7, 1982.

John A. Todhunter,
Assistant Administrator for Pesticides and
Toxic Substances.

[FR Doc. 82-18844 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS-62017C; TSH FRL 2170-01]

**Polychlorinated Biphenyls (PCBs);
Notice of Availability of Guidelines for
the Analysis of PCBs**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule-related notice.

SUMMARY: In the Federal Register of June 8, 1982 (47 FR 24976), the Environmental Protection Agency issued a proposed rule which excluded Polychlorinated Biphenyls (PCBs) produced in closed manufacturing processes and controlled waste manufacturing processes from the Toxic Substances Control Act (TSCA) ban on the manufacture, processing, distribution in commerce and use of PCBs. In the proposed rule, EPA announced that it was in the process of developing guidelines for use in analyzing air emissions, water effluents, commercial products, and process waste streams from closed and controlled waste processes for PCBs. This notice announces the availability of the guidelines, which includes (1) a guidance document addressing sample collection and (2) detailed protocols for sample analysis as well as an EPA-sponsored analytical method validation study for review and comment.

DATES: Elsewhere in today's issue of the Federal Register, an informal hearing on the proposed rule is announced for July 26, 1982 in Washington, D.C. Comments on the guidance document, the proposed protocols and the analytical method validation study should be submitted by July 26, 1982. However, reply comments will be accepted for two weeks following the close of the hearing.

ADDRESSES: Comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW.,

Washington, D.C. 20460.

Comments should bear the identifying notation OPTS 62017C. The administrative record, including comments supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, Toll free (800-424-9065), in Washington, D.C. (554-1404), Outside the USA (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: The proposed rule published in the Federal Register of June 8, 1982 (47 FR 24976) excluded PCBs produced in closed and controlled waste manufacturing processes from the TSCA ban on the manufacture, processing, distribution in commerce, and use of PCBs. Closed manufacturing processes were defined as chemical processes in which PCBs are generated but from which no quantifiable PCBs are released to air, water, products, or wastes if capillary gas chromatography (CGC) coupled to electron impact mass spectrometry (EIMS) were used to analyze for PCBs. Similarly, controlled waste manufacturing processes were defined as chemical processes in which PCBs are generated but from which no quantifiable PCBs are released to air, water, or products if CGC/EIMS were used to analyze for PCBs, and any PCB containing wastes are disposed of by EPA-approved methods.

In the proposed rule, EPA described guidelines that it was in the process of developing for conducting chemical analyses of commercial products, air emissions, water effluents, and process waste streams for inadvertently produced PCBs by CGC/EIMS. EPA described the guidelines as addressing seven areas: (1) Sample collection and homogenization of the sample, (2) addition of surrogate compounds to the sample, (3) extraction and cleanup of the sample, (4) concentration or dilution of the sample, (5) analysis of the final extract, (6) reporting the results of the chemical analysis, and (7) developing a quality assurance program (QAP).

Since the publication of the proposed rule, EPA has prepared a guidance document addressing sample collection, developed protocols for sample analysis and has, in addition, sponsored an

analytical method validation study to test the efficacy of the EPA-specified analytical protocol for the analysis of non-Aroclor PCBs (CGC/EIMS). The method validation exercise was undertaken to check the validity of the proposed protocol for the analysis of PCBs in commercial products and process waste streams in particular. The samples analyzed to date in the validation study were provided by Dow Chemical Company and Vulcan Materials Company (through the cooperation of the Chemical Manufacturers Association) and by the Dry Chemical Manufacturers Association.

Data are presented in the preliminary analytical method validation study from the analyses of individual cleanup procedures as well as from the actual CGC/EIMS analyses of commercial products and process waste samples. Although these are preliminary studies conducted in a very short timeframe, the data generated from the studies indicate that the proposed method is applicable and useful for the analysis of PCBs in the matrices studied.

The guidance document provides detailed guidance on sample collection. The proposed protocols address separately, protocols for the analysis of chlorinated biphenyls generated as impurities or byproducts in commercial products, process wastes, air releases, and industrial wastewater. The document provides detailed guidance on extracting, purifying, separating, and detecting PCBs in the four media listed above. In addition, it provides detailed guidance on developing quality assurance plans to insure the integrity of the analytical data produced by the specified protocols.

Both the guidance document and the initial proposed protocols and analytical method validation study are available for review and comment in Rm. E-107 at the EPA address given above or by contacting the Industry Assistance Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

Dated: July 7, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-18845 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS 62017B; 2169-8]

Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Process; Notice of Informal Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: As the result of requests, this notice announces that EPA will hold an informal hearing on its proposed rule to exclude the production of Polychlorinated Biphenyls (PCBs) in closed and controlled waste manufacturing processes from the provisions of section 6(e) of the Toxic Substances Control Act.

DATE: The informal hearing will be held on July 26, 1982, beginning at 9 a.m.

ADDRESS: The informal hearing will be held in: Rm. 3906, Waterside Mall, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Douglas G. Bannerman, Acting Director, Industry Assistance Office (OTS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the *Federal Register* of June 8, 1982 (47 FR 24976), notice was given that an informal hearing on EPA's proposed rule to exclude the production of PCBs in closed and controlled waste manufacturing processes from the provisions of section 6(e) of the Toxic Substances Control Act would be held, if requested, on August 6, 1982. The date of that informal hearing was corrected to July 23, 1982 in the *Federal Register* of June 14, 1982 (47 FR 25555). The date was tentative pending determination whether there would be an informal hearing. Since then, EPA has received requests to hold the informal hearing and the date has now been set to accommodate those requests. The hearing will take place on July 26, 1982.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

Dated: July 7, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-18843 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Strobe Lights on Motorcycles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking

SUMMARY: This notice records the denial of a petition for rulemaking by Dennis Palmer to allow the use of a small strobe light on motorcycles. The purpose of the light is to enhance motorcycle conspicuity. The agency concluded that, as designed, the light would impair the effectiveness of the headlamps and turn signals.

FOR FURTHER INFORMATION CONTACT:

Marx Elliott, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1714)

SUPPLEMENTARY INFORMATION: Dennis Palmer of Fairview, Pennsylvania, petitioned the agency for rulemaking to amend Motor Vehicle Safety Standard No. 108 to allow the use of a small strobe light for the purpose of enhancing motorcycle conspicuity. The lamp would emit 190 candelas, and be positioned 1 to 2 inches below the headlamp, and within 10 to 12 inches of the turn signal lamps. It would flash at a rate of 45 to 55 flashes per minute.

The agency concluded that the effectiveness of the headlamp and turn signals would be impaired by the location and intensity of the strobe lamp. Turn signal effectiveness would also be diminished by the strobe's flash rate which is slightly below the minimum required for the signals. Accordingly, the agency denied the petition. However, because the agency believes the concept of a variable intensity lamp has merit, it has encouraged Mr. Palmer to re-think his device in accordance with NHTSA's comments with the possibility of submitting another petition at a later date.

(Sec. 124, Pub. L. 89-492, 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18739 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Termination of Rulemaking Proceeding

AGENCY: National Highway Traffic Safety Administration (NHTSA) DOT.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The purpose of this notice is to announce the termination of a rulemaking proceeding to amend Safety Standard No. 214, *Side Door Strength*, to upgrade motor vehicle side impact protection and to extend the applicability of the standard to light trucks, vans and multipurpose passenger vehicles. The agency issued an advance notice of proposed rulemaking concerning the possibility of such an amendment on December 6, 1979. Because extensive research still remains to be completed to determine the best approach for upgrading the standard, and because a notice of proposed rulemaking is not contemplated in the near future, the agency has determined that it is proper to terminate the rulemaking proceeding at the current time. The rulemaking will be re-opened after research has progressed to the point that definitive test methods and performance parameters can be developed.

DATES: This termination is effective July 12, 1982.

ADDRESS: Any interested person who would like to submit information or data concerning side impact protection in motor vehicles should forward that information to: National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William Brubaker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: On December 6, 1979, the NHTSA issued an advance notice of proposed rulemaking announcing that the agency was considering the proposal of an amendment to Safety Standard No. 214, *Side Door Strength*, to upgrade motor

vehicle side impact protection and to extend the applicability of the standard to light trucks, vans and multipurpose passenger vehicles (Standard 214 currently only applies to passenger cars) (44 FR 70204). That advance notice also announced a public meeting concerning the proposed rulemaking, which was held on January 31 and February 1, 1980.

Standard No. 214 presently specifies crush-resistance requirements for the side doors of passenger cars under static test conditions. The primary purpose of the contemplated upgrade, as explained in the advance notice, is to establish performance criteria for occupant protection in side impacts under dynamic crash tests. The performance criteria would require a higher level of protection for occupants involved in side impact collisions than presently exists, and under test conditions that more closely approximate real-world crashes.

The agency has conducted considerable research since the issuance of the advance notice. However, this research, as well as the information obtained in response to the advance notice and at the public meeting, has demonstrated that there are still many questions remaining concerning the most appropriate test methodologies and performance criteria and levels. Many complex issues have arisen which will require considerable time to resolve.

Because more than two years have elapsed since issuance of the advance notice, and because a substantial amount of research remains to be completed before a proposal can be issued, the agency has determined that the rulemaking proceeding on an upgraded side impact protection standard should be terminated. The rulemaking will re-opened after research and analysis has progressed to the point that appropriate test methods and performance parameters can be developed. The agency anticipates that this will take at least one year. The NHTSA requests that any person obtaining new information or data concerning side impact protection in future motor vehicles forward that information to the agency.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18736 Filed 7-9-82; 8:45 a.m.]

BILLING CODE 4910-59-M

49 CFR Part 575

[Docket No. 25; Notice 47]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to suspend, on an interim basis, the treadwear grading requirements of the Uniform Tire Quality Grading Standards. This action is being taken as a result of a recently completed agency review indicating the existence of significant variability in treadwear test results and in response to submissions by tire manufacturers. The agency tentatively concludes that suspension of the treadwear rating requirements is necessary primarily to avoid dissemination of potentially misleading tire grading information to consumers, but also to minimize the imposition of unwarranted compliance costs on industry and consumers.

To determine whether testing or test procedures can be undertaken which would reduce test result variability to levels sufficiently low to support a treadwear grading program, the agency has determined to undertake an extensive testing program, discussed below.

DATES: Comments must be received on or before August 26, 1982. A public hearing will be held beginning at 10 a.m. on August 12.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday. The public hearing will be held in Room 2230 of the Nassif Building.

FOR FURTHER INFORMATION CONTACT: George Parker, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1740).

SUPPLEMENTARY INFORMATION: The Uniform Tire Quality Grading (UTQG) Standards (49 CFR 575.104) require that manufacturers and brand name owners of passenger car tires grade their tires in terms of their treadwear, traction, and temperature resistance performance and provide consumers with information regarding those grades. The treadwear grade is required to be based on the treadwear performance of a production tire when tested under controlled conditions on a specified test course.

Under the test procedures, tires being evaluated (candidate tires) and standardized "course monitoring tires" (CMT's) are installed on standard, rear-wheel drive passenger cars which are run in four vehicle convoys first for an 800-mile break-in period and then over a 6,400-mile specified test course laid out on public roads near San Angelo, Texas. Actual treadwear is measured periodically during testing and such measurements are used to compute the expected treadlife of the candidate tire. As a means of controlling for changes in environmental conditions during testing, the treadwear figures for the candidate tires are adjusted by comparison to the treadwear results obtained for the CMT's run in the same convoy.

Throughout the development of the UTQG system, questions had been raised concerning the reliability of the treadwear grading procedure and the ability of such a process to accurately predict tire treadlife from measurements taken in a limited test period. These questions were among the issues considered when various tire manufacturers unsuccessfully challenged the UTQG Standards (*B. F. Goodrich v. Department of Transportation*, 541 F. 2d 1178 (6th Cir. 1976), referred to herein as "*Goodrich I*", and *B. F. Goodrich v. Department of Transportation*, 592 F. 2d 322 (6th Cir. 1979)).

The petitioner tire companies asserted throughout such proceedings that variation in test vehicles is "an important influence on treadwear." The petitioners' brief in *Goodrich I* concluded that the "treadwear test required by the Regulation is fraught with uncontrolled variables of such magnitude that obtaining identical and repeatable results in different tests * * * is impossible." The tire companies cited data in which four sets of course monitoring tires, which should exhibit lower variability than do candidate tires, produced treadwear grades ranging from 166 to 276 when tested according to the UTQG Standards.

Based on then available information, the agency took the position in the litigation that the treadwear test procedures produce sufficiently uniform, reliable, and meaningful results. The agency argued that variables in the testing are controlled and taken into account in the test procedures, principally through the selection of a single test course and the use of course monitoring tires. With regard to variation in test vehicles as discussed in this notice, the agency stated that "while variations in vehicles can have some effect on treadwear, the effect is

minimal when testing is performed according to the carefully designed procedures of the UTQGS." See p. 66, Respondent's brief for *Goodrich I*. The agency further stated that when a vehicle is properly aligned and loaded as specified in the UTQG rule, the effect of suspension system variation on wear rates is insignificant.

Ongoing Agency Reviews

Subsequent to implementation of the regulation, the tire industry continued to provide information and comments to NHTSA. While most industry commenters continued to question the value of the UTQG Standards, sharply opposing views supportive of the program were submitted as well.

These submissions and the undertakings and representations of continued monitoring made to the courts in the above cited cases led the agency to review the possible need for revision to the UTQG Standards in early 1981. In its April 7, 1981 Notice of Intent, the agency announced a plan to consider modification of the UTQG Standards (46 FR 21203). In an accompanying fact sheet, NHTSA indicated that its initial conclusion was to proposed rulemaking to retain the treadwear requirements but to delete the traction and heat resistance requirements and reserve them for future possible rulemaking attention. As discussed below, that conclusion is now held to have been incorrect and different action appears appropriate to serve the public interest.*

Current Status

In large part in response to its Notice of Intent, the agency has received extensive technical comments regarding the validity of the treadwear portion of the UTQG Standards. Although the commenters were sharply divided in their view of the treadwear grading, the comments have led the agency to change the focus of its study of the UTQG Standards.

Comments received last year from Firestone Tire & Rubber Company, for example, again argued that a high degree of variability is inherent in the UTQG treadwear test procedure, but added specific suggestions that such variations were due to the unreliability of the CMT adjustment technique, vehicle and driver differences in testing, variations in road surface and traffic conditions on the test course, weather

and other factors. According to Firestone, treadwear test results could vary up to 30 percent even for CMT's, which are specially purchased for homogeneity. Docket No. 25, Gen. Ref. No. 245.

Similarly, General Tire & Rubber Company submitted comments arguing that variables such as vehicle type and engine horsepower, wheel alignment, weight distribution, driver behavior and roadway conditions contribute to making treadwear test results unreplicable. General commented that differences between CMT and candidate tire tread compounds cause these tires to react differently to environmental and test course conditions, thereby contributing to the unreliability of the CMT as a method of controlling variability. Docket 25, Notice 43, No. 013.

Goodyear Tire & Rubber Company raised questions concerning variations in the performance of course monitoring tires and the adequacy of a 6,400-mile test sequence for treadwear testing. Goodyear concluded that the treadwear grading procedure is unworkable due to uncontrolled sources of variation in test results, including vehicle, driver, and environmental factors. Docket 25, Notice 43, Nos. 004 and 019. Michelin Tire Corporation also questions the repeatability of the test procedures and the validity of the 6,400-mile test sequence. Docket No. 25, Notice 43, No. 017.

Recently, the BF Goodrich Company submitted data and analyses indicating that significant changes in treadwear grades for the same tire may result from temperature and road surface variations on the test course. The Goodrich submission suggests that differences in candidate and CMT tire composition contribute to grading variability. Goodrich concluded that test variability is too great to permit meaningful treadwear grading or compliance testing and suggested that further tests are needed to identify the effect of various factors on test results. Docket No. 25, Gen. Ref. No. 250; see also, Docket No. 25, Gen. Ref. No. 246.

By contrast, Uniroyal Tire Company has consistently supported the present UTQG system. While Uniroyal has stated that it recognizes that the system is not perfect, it believes that variation in treadwear test results can be corrected by retesting tires, to achieve statistical reliability. Based on what it characterized as a "careful study" of the UTQG system, Uniroyal found the test results to be basically sound. In a recent submission, that company suggested certain minor changes in testing which it

* The receipt of this information and the detailed technical arguments, counterarguments and data contained in those comments in the agency's view have obviated the need for the issuance of an advance notice at this time. The agency is continuing to review the relevance and efficiency of the traction and heat resistance requirements.

believes could correct the problems which exist with regard to test variability. Uniroyal also proposed that NHTSA conduct an evaluation program of those changes, first using test convoys of vehicles on which tires are not rotated between vehicles and then using test convoys on which tires are rotated. Docket No. 25, Gen. Ref. No. 249.

Current Agency Action

It has long been recognized that the data and arguments submitted by the opponents of the system, if validated, would raise serious doubts about the ability of the UTQG test procedures adequately to control variability. For example, if the current technique involving the CMT is not adequate to control for variations in road and weather conditions on the test course, the grades of candidate tires tested at one time of year, or even under one set of weather conditions, would not be comparable to grades of tires tested at another time of year or under different conditions. In such case, the past and future grading of particular tire lines would be undermined. As a result, the underlying objective of the UTQG regulation, to provide comparative information for use in tire purchasing decisions, would not merely be frustrated, but directly controverted. The UTQG program would not only fail to inform, but also affirmatively mislead consumers.

As noted above, the agency has addressed a number of questions regarding performance to date of the UTQG Standards, particularly the treadwear provisions. Agency technical personnel have primarily focused on those issues raised by agency experts or by the various commenters which could have outcome-determinative effects on an appropriate functioning UTQG system, i.e., one capable of providing consumers with valid comparative performance data with respect to treadwear.*

As part of this effort, the agency has reviewed the procedures used at each of the various facilities which conduct UTQG treadwear testing, for the agency

and the tire manufacturers, in San Angelo, Texas. The report of this detailed on-site review has now been received and forms the principal basis for this proposal.

Although this review did not consider all of the sources of variability suggested by the manufacturers, the agency has found several significant sources of data variability which it tentatively concludes may undermine the accuracy and reliability of the UTQG treadwear measurement system, and the reliability of the conclusions and representations made by the agency in the litigation mentioned above. These sources of variability relate to the instrumentation and practices used in measurement, in the calibration and use of vehicles, and in the performance of fleet drivers, and to the effect of weather conditions.

Problems of Instrumentation Scales

The scales used in three of the six facilities are impossible to calibrate properly for UTQGS purposes. Such scales are mechanical, and designed to measure weights many times greater than the approximately one thousand pounds of weight involved in the proper loading of cars for treadwear testing. Accuracy is seriously compromised at the low extremes of weight measurement involved in UTQG Standard testing. Errors of as much as ± 20 to 30 pounds would be expected in the vehicle loading under which each tire is tested. To illustrate the effects of this error, using the appropriate ratio of 4:1 between changes in loading and changes in treadwear, this error in a 700 to 800 pound load could produce a corresponding treadwear grade error of between 10 and 17 percent. That translates into a grade difference of ± 20 to 34 points on a tire with a treadwear rating of 200.

Treadwear Depth Probes

Use of a mechanical treadwear depth probe to measure the degree of treadwear at various locations around the circumference of a tire can produce different readings depending on how hard the person doing the measuring presses downward on the probe when measuring. Realistic differences in the actual pressure applied by different technicians in measuring the course monitoring tire and the candidate tire could produce as much as a 10 mil difference, or a 2.7 percent error, in the amount of measured wear. In a tire with a tread depth of 365 mils when new, a large such error would result in a candidate tire with a 200 rating being

rated as much as 6 points above or below its proper value.

Electronic probes are subject to different problems which produce variability. The lack of temperature compensation in most electronic probes can create drifts in both the zero reading and the gain if not corrected during the measurement process. Such corrections are not routinely sought or made. The use of uncalibrated springs in the probe tips produces additional measurement differences. Finally, application of different amounts of force to the electronic probe could alone produce a 3 to 5 mil measurement difference. On tires rated 160 to 200, this can result in treadwear rating errors of ± 2 to 3 points.

Equipment Alignment

The agency has now determined that treadwear is significantly more sensitive to variation in wheel alignment than had previously been assumed. The review of the alignment practices at all San Angelo facilities now forces the agency to conclude tentatively that significant differences exist in fact in the actual alignment of convoy vehicles. These differences stem from not only the frequency of alignment, and the skill of the technicians who do the alignment, but also the allowable tolerances used (i.e., alignment anywhere within the vehicle manufacturers' range of acceptable alignments). The agency notes that driving the test cars over the test course will inevitably cause different and perhaps major changes in alignment among vehicles.

Recent agency testing indicates that the effect of differences in alignment can be far more substantial than had been assumed in the past. The testing, which was intended to determine the effect of toe-in differences within manufacturers' specifications, revealed differences of ± 11 to 14 points for tires with a rating of 200. The results of this testing are set forth in the report of the Agency Review in Docket Number 25.

Problems of Measurement

Information feedback during treadwear depth measurement produces currently unquantifiable measurement errors at some facilities. Allowing access by measurers to the treadwear results from the previous day's testing, and the normal expectation that the amount of treadwear will be similar from day to day, has led some measurers to attempt to "reach for" measurements which essentially duplicate the previous day's results.

In similar fashion, the practices of some testing companies indicate that the

* In undertaking this review, the agency has considered such questions to represent necessary threshold determinations for agency action with respect to the UTQG Standards. Other agency efforts, such as detailed survey or promotional activity directed towards the analysis or promotion of the utility of such a system to consumers, would not be appropriate if the validity and accuracy of the grade results are in fact seriously questionable. The agency has reviewed the helpful data on consumer reliance submitted to the docket by Uniroyal, which has conducted extensive advertising and promotional efforts based on the UTQG Standards, and related market analysis of the results of such efforts.

coefficient of variation (CV) of measurement, i.e., the variability among the separate measurements of depth in the same groove around the circumference of the tire, is greater than previously thought. A relatively low coefficient of variability is desirable, and CV measurement is intended to operate as a check against wear or measurement anomalies. Some facilities, however, have erroneously established a desired absolute level of CV. Some technicians attempt, through repetition of any tests which lead to CV results outside of their "acceptable" range, to hunt for groove depths as uniform as possible around the tire.

Large variations in treadwear measurement could occur as a result of changes in measurement personnel, or changes, due to fatigue, in the amount of force applied to the probe by a single measurer. In such instances, a spread of up to ± 35 points could be produced on a tire with a treadwear rating of 200. The range of this potential error reflects the problem of accurately predicting the x-intercept, i.e., miles to wear out, using the least squares method to extrapolate beyond the end points of the actual data. A slight change in the regression line slope will result in a large change in the intercept location.

Problems of Vehicle Use and Maintenance

Weight Distribution (vehicle loading)

There is a wide variation in the approaches of the testing companies to achieving the proper vertical load on a tire. While some follow the desired practice of placing the weight between the wheels, some place the weight forward of the front wheels, some rearward of the rear wheels, and some even on the vehicle exterior. These latter practices create vehicles with different oversteer or understeer characteristics and different polar moments of inertia. This would produce different rates of wear as these vehicles corner, accelerate or decelerate.

Similar problems arise from the installation of homemade deer guards on the fronts of all test cars except those involved in testing for NHTSA. These guards vary in weight and configuration and thus have differing effects on vehicle steering and ride characteristics. Some attempt is made by the testing companies to compensate for the different weight distribution, but the agency does not know of any accurate way of doing so.

Differences in Suspension Systems

Differences in vehicle loading practices produce currently

unquantifiable effects on treadwear results. Some companies load vehicles to whatever weight is required to meet the test tire's load level. Often gross vehicle weight rating is exceeded, necessitating the use of special springs or shims to reestablish normal ride height. These heavy loads can cause the vehicles to bottom out while the variations in the springs create different roll stiffness and weight transfers.

Problems with Drivers

Several driver-related factors also contribute to an unquantifiable extent to the variability of treadwear results.

Degree of Training and Skill

Differences in driver training and skill and in their familiarity with the hilly southern portion of the test course (the "Juno" hills and curves) produce significant differences in the degree of constancy in vehicle speed. That portion of the course is particularly significant since 60 to 80 percent of the treadwear occurs there. Skilled drivers familiar with the test course are able to maintain their speed during the southern portion of the course, and thus minimize accelerations and decelerations. Unskilled and less familiar drivers appear to coast or brake when approaching rough terrain, a blind curve or the top of a hill. Tires on vehicles driven by the latter type of driver will show greater treadwear due to the more frequent accelerations.

A strong indication of the degree of effect of such driver behavior on treadwear is provided by the voluntary discontinuation by the contractors of the use of cruise controls on the test vehicles. The facilities report that they took this action upon finding that use of cruise control produced treadwear levels much lower than those "expected."

Driver Discipline and the Course Itself

There are significant differences in the responses of some test convoys to unexpected occurrences on the test course such as a vehicle breakdown. Some convoys ensure that consistent mileage is accumulated on the tires of all cars by stopping and calling the dispatcher for instructions in all such events. In other cases, however, the lead driver will drive for help. Consistent mileage could still be obtained by replacing the vehicles involved. However, some convoys destroy the integrity of the test being conducted by simply turning around and heading home.

Problems with Weather Conditions

Although severe weather conditions such as heavy rainstorms have a significant effect on test results, tests are not suspended during those conditions. These conditions may not have a similar effect on the treadwear of different tires if those tires have significantly different tread composition. In this regard, the agency notes that the chemical composition of the CMT has changed between CMT lots as a result of agency requested changes in size (from 15 inches to 14 inches) and manufacturer changes in the product line selected for the CMT production. This change occurred after production of lots 1 and 2, and has been in effect for lots 3 and 4. The possible effect of such changes in composition is uncertain, but now being monitored.

Tentative Agency Conclusions

This review of the San Angelo test protocols appears to confirm the data and arguments of most tire manufacturers that major discrepancies exist in UTQG treadwear test results due to the lack of control of variables such as those described above. There are two types of errors which cause these variations, systematic errors such as improper groove depth measurement and random errors such as driver performance. Particularly where different sources of variation produce directionally consistent errors in a single test (e.g., treadwear depth probe, weight, and driver technique cause variations all on the high side of the treadwear distribution), the sources of variability described above could combine to produce serious grading discrepancies. Further, the sources of variability noted in the San Angelo review are not an exhaustive list of the possible sources of error in UTQG test results—many more exist. Some of these may be more significant than those sources whose effect has already been quantified.

Consideration of the new data, other information and comments discussed above, as well as the agency's review and its own compliance test data, has led the agency to conclude that it could not today make the same representations it was able to make in the UTQG Standard litigation regarding treadwear and variability. Instead, the agency believes that unacceptable levels of variability exist in the present treadwear system and tests conducted under it. The rank order of treadwear values assigned a given set of tires similar in design and size could, and in fact under agency test has, changed

under repetition of test on other tire specimens.

Under such circumstances, the agency believes that consumers might not only not be fully served, but might be affirmatively misled by UTQG test results to date. The UTQG grades could themselves cause consumers to pay more for a tire which will in fact provide only the same or even inferior treadwear performance as another available tire at equivalent or lower price. Even if the agency considers only those sources of variability which were included in its own review and whose effect on treadwear could be quantified, it is readily apparent that the cumulative effect of these sources is potentially substantial.

Further, variability of test results has hindered the agency in its attempt to enforce the treadwear rating requirements. The treadwear test does not appear to be repeatable and the results are not readily verifiable. It is difficult if not impossible for the agency to demonstrate that a treadwear grade assigned by a manufacturer is improper. In fact, one effort by the agency to determine the appropriateness of a particular grade assignment produced such a wide variation of test results that the agency could not conclude with any certainty whether any tires were incapable of achieving the assigned grade.

Finally, the present grading system imposes a substantial burden on the tire industry in determining treadwear grades. NHTSA estimates that the cost to manufacturers of UTQG treadwear testing is roughly \$10 million annually. This cost results in either higher prices for consumers, lower profits for the tire companies, or both.

NHTSA agrees with industry commenters who contend that additional testing is needed to determine whether factors causing test variability can be adequately controlled. The agency has determined to undertake an extensive testing program to identify specific sources of treadwear test variability and assess possible modifications of the test procedure to control these sources.

One major goal of this program is to determine the extent to which the use of course monitoring tires ("CMT's") in fact can reduce vehicle and driver related sources of variability. The CMT procedure is currently designed to reduce environmental sources of variability. The first phase of this portion of the agency's research involves the determination of the relationship between tire loads, inflation pressure and wear rates for the CMT's. Once this relationship is determined, the

second phase of the research would involve rotating CMT's and candidate tires among the vehicles in a test convoy. Rotating the tires will mean that CMT's and candidate tires will be exposed to the various types of vehicle and driver related variability existing within the convoy. The mathematical relationship determined in the first phase of the research would be used to adjust for differences in load ratings for the CMT's and the candidate tires. The goal of the second phase will be to ascertain the extent to which the various sources of variability are reduced by this "averaging" process. The agency will also continue research on the extent to which various individual sources of treadwear variability (e.g., wheel alignment differences) can be reduced by more precise specification of test parameters.

Public comment on this testing program is solicited.

Until such testing is completed, the agency tentatively concludes that continuation of costly testing and grading under a system the results of which are at best questionable and which are in all likelihood misleading to consumers cannot be justified.

The agency believes that the potential for injury to consumers through reliance on misleading information, together with the unjustified testing costs imposed on industry, create a situation in which specific, readily identifiable damage to the public interest would occur in the absence of a suspension of the treadwear grading requirements.

In taking this action, the Agency specifically notes that the interest of consumers is important and relevant to this issue.

Accordingly, NHTSA is providing a 45-day comment period for interested parties to present data, views, and arguments on the appropriateness of this proposed suspension and any related issues. The agency invites comments on the possible sources of treadwear test variability, i.e., environmental, driver, and vehicle factors, which should be evaluated in the agency's testing and how these sources can best be isolated and controlled.

The agency is also providing an opportunity for the oral presentation of data, views, and arguments in this proceeding. This public meeting will begin at 10 a.m. on August 12, 1982, and will be held in Room 2230 of the Nassif Building. If necessary to accommodate a large number of participants, a second day may be scheduled. Interested persons are invited to attend the meeting and to present oral or written comments. Persons making oral comments are encouraged to submit

their comments in written form either at the meeting or by mail to the docket. All written comments are subject to the deadlines and page limitations noted below.

Persons who desire to make an oral statement should contact Mr. George Parker, the individual listed as the "information contact," at the address and phone number stated above so that time limitations, if necessary, and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of each planned oral presentation should also be submitted to Mr. Parker. A schedule of the persons making oral presentations at the meeting will be available on the date of the meeting.

Persons whose presentations include slides, motion pictures, or any other visual aids should plan to submit copies of them for the record at the meeting. Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Mr. Parker not later than the beginning of the meeting.

No opportunity will be afforded for persons to question other participants. However, the presiding officials reserve the right to ask questions of all persons making presentations.

A transcript of the meeting will be made and will be available for examination, along with any written comments submitted, in the NHTSA Docket Section, as soon as possible after the meeting.

In addition, the agency recognizes that there could be economic losses in the conversion of tire molds and the printing of tread labels and point of sale information to effectuate this action on a permanent basis. Therefore, if this proposal is ultimately adopted, the agency is considering permitting tire manufacturers to continue to use existing tire molds which mark treadwear grades on tire sidewalls. Similarly, they might be permitted to continue to include the treadwear grades for those tires in the labels and consumer information pamphlets required by the UTQG Standards. Comment is requested on these issues.

NHTSA has determined that this proceeding does not involve a major rule within the meaning of section 1, paragraph (b), of Executive Order 12291 because it is not likely to have an effect on the economy of \$100 million or more, to result in a major increase in costs or prices, or to have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States firms to meet

foreign competition. However, this action is significant for purposes of Department of Transportation procedures for internal review of regulatory actions and a regulatory evaluation of this action has been prepared. This evaluation has been placed in the rulemaking docket for this notice and can be obtained from the agency's Docket Section at the address stated above.

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking action would have on small entities. The agency certifies that this action would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be required for this action. The agency has concluded that few, if any, manufacturers and brand name owners of passenger car tires are small entities and that, in any event, any effect on such manufacturers or brand name owners would be a small positive one in terms of reduced costs and elimination of possible market distortion. While this proposed action might lead to reductions in employment at the testing companies in San Angelo, those companies are small subsidiaries of larger entities. The effects on those larger entities would not be substantial. The effects of this action on tire prices would not be great enough to significantly affect tire dealers or small entities purchasing tires and any effects on those entities would be positive in terms of elimination of potentially misleading information.

While this proposed action may have some beneficial effect on the environment in terms of reduced fuel consumption in treadwear testing, and reduced air and noise pollution on the test course, NHTSA has concluded that the environmental consequences of this action would be of such limited scope that they clearly would not have a significant effect on the quality of the human environment.

Interested persons are invited to submit comments on the proposed agency action announced above and on any other topics relevant to this notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of

confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidentiality treatment is required is in fact confidential within the meaning of section (b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filled after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Since NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, it is recommended that interested persons continue to examine the docket for new material. Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 575—CONSUMER INFORMATION REGULATIONS

In consideration of the foregoing, it is proposed to amend 49 CFR 575.104 as follows:

§ 575.104 [Amended]

1. Section 575.104(a) would be amended by removing the words "treadwear, traction," and substituting in their place the "traction".

2. Section 575.104(d)(1)(i)(B)(1) would be amended by removing the words "The treadwear grade attributed to the tire shall be either imprinted or indelibly stamped on the label adjacent to the description of the treadwear grade."

3. Section 575.104(d)(1)(i)(B)(2) would be amended by removing the words, "The treadwear grade attributed to the tire shall be either imprinted on indelibly stamped on the label containing the material in Part I of Figure 2, directly to the right of or below the word 'TREADWEAR' ", and removing the word " 'TREADWEAR, ' " in the fourth sentence thereof.

4. Section 575.104(d)(2)(i) would be removed and reserved.

5. Section 575.104(e) would be removed and reserved.

6. Section 575.104(h)(1) would be revised by removing the reference to "paragraphs (e)(2)(iii), (f)(2)(viii) and (g)(6)", and substituting in its place "paragraphs (f)(2) (viii) and (g)(6)".

7. Section 575.104, Figure 1 would be amended by removing the words "TREADWEAR 160" wherever they appear therein.

8. Section 575.104, Figure 2 would be amended by removing the words:

Treadwear

The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 150 would wear one and half (1½) times as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices and differences in road characteristics and climate.

9. Section 575.104, Appendices A and C would be removed and reserved.

10. Section 575.104, Figure 3 is removed and reserved.

(Secs. 103, 112, 119, 201, 203, Pub. L. 96-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50)

Issued on: July 8, 1982.

Raymond A. Peck, Jr.,
Administrator.

[FR Doc. 82-18896 Filed 7-8-82; 4:57 pm]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 47, No. 133

Monday, July 12, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Nellie Juan-College Fiord Wilderness Study Area and Rare II Further Planning Areas; Hearing

Notice is hereby given that public hearings will be held at the following dates, times, and locations for the purpose of receiving comments on the proposal for designation of approximately 1,648,000 acres as wilderness within the Chugach National Forest in the Greater Anchorage

Municipality, Kenai Peninsula Borough and Matanuska-Susitna Borough, State of Alaska. This wilderness proposal is included in a draft forest plan for the Chugach National Forest. Comments relative to other aspects of the draft forest plan will also be accepted at these hearings if time is available.

Hearing Dates and Locations

August 16, 1982—7 p.m.—High School—Cordova, Alaska

August 17, 1982—7 p.m.—High School—Valdez, Alaska

August 18, 1982—7 p.m.—City Council Chamber—Seward, Alaska

August 19, 1982—1 p.m.—Mountain View, 7 p.m.—Branch Library—Anchorage, Alaska

Approximately 1,393,000 acres of the proposed wilderness is located within the Nellie Juan-College Fiord Wilderness Study Area established by section 704 of the Alaska National Interest Lands Conservation Act of 1980. The remaining approximate 255,000 acres are located within areas identified as Further Planning Areas during the second

roadless area review and evaluation (RARE II) completed in 1979.

A draft forest plan and draft environmental impact statement containing a map and information about the proposed wilderness have been prepared and are available for public review and comment. For information contact, the Forest Supervisor, Chugach National Forest, Suite 238, 2221 E. Northern Lights Boulevard, Anchorage, Alaska 99508.

Individuals and organizations may express their views by appearing at one of these hearings or by submitting written comments to the Forest Supervisor for inclusion in the official hearing record. To be included in the official hearing record, written comments must be received not later than September 18, 1982.

Dated: July 2, 1982.

F. Dale Robertson,
Associate Chief.

[FR Doc. 82-18753 Filed 7-9-82; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended July 2, 1982

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show cause order, a tentative order, or in appropriate cases a final order without further proceedings, (see 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
June 30, 1982	40811	Arista International Airlines, Inc., c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Suite 900 South, Washington, D.C. 20036. Application of Arista International Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to provide scheduled foreign air transportation of persons, property, and mail as follows: Between a point or points in the United States and Vienna, Austria. Conforming Applications, motions to modify scope, and Answers may be filed by July 28, 1982.
June 30, 1982	40812	Capitol Air, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authorization to provide "back-up" scheduled foreign air transportation of persons, property and mail between: A. "The terminal point Baltimore, Maryland, on the one hand, and the terminal point London, United Kingdom, on the other hand;" and/or B. "The terminal point Baltimore, Maryland, on the one hand and the terminal point London, United Kingdom, on the other hand, with authority to serve London and any of the transatlantic points listed in Capitol's certificate of public convenience and necessity for Route-191F; Conforming Applications, motions to modify scope, and Answers may be filed by July 28, 1982.
June 30, 1982	40813	Firstair Corp., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Firstair Corp. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in the scheduled interstate air transportation of passengers, property, and mail between and among all points within the United States. Conforming Applications, motions to modify scope, and Answers may be filed by July 28, 1982.

Date filed	Docket No.	Description
July 1, 1982	40816	Transamerica Airlines, Inc., c/o Walter D. Hansen, Burwell, Hansen, Manley & Peters, 1706 New Hampshire Avenue, N.W., Washington, D.C. 20009. Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that its certificate of public convenience and necessity for interstate charter air transportation last issued by Order 79-10-154 be amended by eliminating condition (2) now contained in that certificate and which reads as follows: "The holder is not authorized to engage in air transportation between points within the State of Alaska." Conforming Applications and motions to modify scope, and Answers may be filed by July 29, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-18763 Filed 7-9-82; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 4:00 p.m.; and will end at 8:30 p.m., on August 10, 1982, at the Maine Teachers Association, in the Conference Room, 35 Community Drive, Augusta, Maine 04330. The purpose of this meeting is to discuss future projects for the Committee including: successful affirmative action programs, bilingual education needs, Indian land case settlement, civil rights legislation and women's economic issues.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine 04106, (207) 775-1415 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 1, 1982.
John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 82-18696 Filed 7-9-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Availability of Marine Mammal Annual Report

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of availability of 1981/82 Marine Mammal Annual Report.

SUMMARY: On June 21, 1982, the Secretary of Commerce sent to the Congress the annual report on the administration of the Marine Mammal Protection Act of 1972 as required by Section 103(f) of the Act. This report covers the period April 1, 1981 to March 31, 1982. The Assistant Administrator for Fisheries, National Marine Fisheries Service, informs the public that the report is available and that any interested individual may obtain a copy by requesting it from the Service.

ADDRESS: A copy may be obtained from the Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Editor, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, (202) 634-7529.

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act of 1972 assigns responsibility for marine mammals of the Order Cetacea (whales and dolphins) and the Suborder Pinnipedia (seals and sea lions), except walrus, to the Department of Commerce. Under authority delegated to it, the National Marine Fisheries Service carries out those responsibilities. The annual report reviews the Service's marine mammals related activities.

This report reviews the 1981 amendments to the Act, the permit program for scientific research and public display of marine mammals and the incidental take of these animals in commercial fisheries, the marine mammal stranding networks, international activities, legal actions, and enforcement of the Act. It includes a discussion of the management and research programs for bowhead whales, humpback whales, north Atlantic whales and dolphins, bottlenose dolphins, Dall's porpoise, porpoises

involved in the tuna purse-seine fishery, and seals and sea lions in Hawaii, the Channel Islands National Park, California, the Pribilof Islands, Alaska, and the north Atlantic area. Estimated population numbers of pinnipeds and cetaceans of interest to the United States appear in the appendix.

Dated: July 6, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-18752 Filed 7-9-82; 8:45 am]

BILLING CODE 3510-22-M

[Document No. 2702-118]

Northern Anchovy Fishery

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

ACTION: Notice of preliminary specifications.

SUMMARY: This notice announces the preliminary determination of estimated spawning biomass and optimum yield for the northern anchovy (*Engraulis mordax*) fishery in the fishery conservation zone for the 1982-83 fishing season. The optimum yield has been determined by application of the formula in the fishery management plan for the northern anchovy fishery. A final determination will be announced on or about August 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Alan W. Ford, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; telephone 213-548-2575.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and Southwest Fisheries Center, National Marine Fisheries Service (NMFS), the Regional Director, Southwest Region, NMFS (Regional Director), has made a preliminary determination that the spawning biomass of the central

subpopulation of northern anchovy is estimated to be 2,060,000 short tons. This preliminary determination is based on Administrative Report Number LJ-82-16, Southwest Fisheries Center, NMFS. The report is currently under review. It documents the method used to estimate the 1982 spawning biomass of the central subpopulation of northern anchovies. The biomass estimate is based on an egg production estimate. This method of biomass estimation has been calibrated to the larva census measure used each year since implementation of the fishery management plan for the northern anchovy fishery (FMP) and provides the historical data series for establishing annual harvest quotas.

Applying the formula in the FMP to calculate optimum yield (OY), the Regional Director has made a preliminary determination for the 1982-83 fishing season that: (1) The OY is 247,000 short tons, (2) the domestic annual harvest capacity is 247,000 short tons, and (3) the total allowable level of foreign fishing is zero.

This preliminary determination has been made in consultation with the Pacific Fishery Management Council (Council) as specified in the FMP. A summary of the information on which the estimates are based has been provided to the Council. A final determination of OY and harvest quotas will be announced on or about August 1, 1982.

Dated: July 7, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 82-18740 Filed 7-7-82; 4:13 pm]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

New Orleans Commodity Exchange: Proposed Amendments Relating to the Soybean Futures Contract

AGENCY: Commodity Futures Trading
Commission.

ACTION: Notice of availability of
proposed contract market rule changes.

SUMMARY: The New Orleans Commodity Exchange has submitted a proposal to amend its soybean futures contract. These amendments substantially revise the terms and conditions of the contract. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal

is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before August 11, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Reference should be made to the New Orleans Commodity Exchange, Chapter 13.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-6990.

SUPPLEMENTARY INFORMATION: By letter dated May 7, 1982, the New Orleans Commodity Exchange ("NOCE" or "EXCHANGE") submitted proposed amendments to Chapter 13 of its soybean contract for Commission approval, pursuant to Section 5a(12) of the Commodity Exchange Act, as amended (the "Act"). The NOCE proposal substantially revises the terms and conditions of the contract. The amendments would change the contract specifications from No. 1 yellow soybeans to No. 2 or better; reduce the delivery area from that portion of the Mississippi River between Myrtle Grove, Louisiana and Memphis, Tennessee, to that portion of the river between Myrtle Grove and Baton Rouge, Louisiana; change the delivery instrument from a warehouse receipt to a shipping certificate; change the pricing basis from CIF a regular warehouse to FOB the buyer's vessel; and reduce the number of days without price limits from every day during the delivery month to the last day of the delivery month. The proposed rules are intended to adjust the soybean contract to commercial practices in the export grain market. The proposed amendments would be applied to newly listed contracts immediately after Commission approval. Currently, no contracts are listed for trading, and none will be listed pending Commission approval of the proposed amendments.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (Supp. IV 1980), the Commission has determined that the proposal submitted by the NOCE concerning its soybean futures contract is of major economic significance. Accordingly, the NOCE's proposed Chapter 13 will be available for inspection at the Office of the Secretariat, Commodity Futures

Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the NOCE in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 11, 1982. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on July 2, 1982.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-18719 Filed 7-9-82; 6:45 am]

BILLING CODE 6351-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

Synopsis of Comments on Federal Agency Implementation of CEQ's NEPA Regulations and Public Meeting

AGENCY: Council on Environmental
Quality, Executive Office of the
President.

ACTION: Notice.

SUMMARY: The Council on Environmental Quality announces a public meeting on issues brought to light as a result of a request for public comment on Federal agency implementation of CEQ's NEPA regulations (40 CFR Part 1500 et. seq.). A synopsis of the comments received by the Council is available upon request.

ADDRESS: In order to participate or receive a copy of the synopsis contact: General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

DATES: Requests to participate should be received by August 5, 1982; the meeting will take place at 9:30 a.m. on Thursday, August 12, 1982, First Floor Conference Room, 722 Jackson Place, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Nancy Nord, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006, (202) 395-5754.

SUPPLEMENTAL INFORMATION: Since the creation of the Council on Environmental Quality in 1970 by the National Environmental Policy Act (NEPA), CEQ has been responsible for overseeing federal efforts to comply with NEPA. Shortly after its creation, the Council issued guidelines to the federal agencies for the preparation of environmental impact statements (EIS's) required under NEPA. In 1978, these guidelines were changed to regulations. Under these regulations, federal agencies must adopt implementing procedures after consultation with CEQ (see 40 CFR 1507.3). The Council's regulations and agency procedures issued pursuant thereto were designed to make the NEPA process more useful to decisionmakers and the public, reduce paperwork and delay, and establish procedures for referrals in case of interagency conflicts.

On August 14, 1981, the Council solicited comments from the public on how the federal agencies were implementing the CEQ regulations (46 FR 41131, 1981). The solicitation resulted in 142 comments with comments coming from both the public and private sectors.

The Council has now synthesized the comments and will mail a copy of the synopsis to all persons who responded to the August 14, 1981, solicitation. Any one else wishing to receive a copy of the synopsis can do so by contacting General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006, (202) 395-5754.

The comments received indicate that guidance from the Council, pursuant to 40 CFR 1506.7, is appropriate.

Specifically, the Council is considering issuing guidance on the following issues:

- Proper management of the scoping process.

- Appropriate analysis of alternatives in permitting situations as opposed to situations in which the agency is undertaking activity at its own initiative.

- Agency adoption of analysis done by other Federal and State agencies.

- Proper use of tiering to reduce repetitious analyses in environmental documents.

- The circumstances in which an agency may charge an applicant for EIS preparation.

Guidance in other areas may be developed as determined appropriate by the Council.

So that the Council may benefit from the views of interested members of the

public, the Council will be holding a public meeting on August 12, 1982 at 9:30 a.m. in the CEQ Conference Room, 722 Jackson Place, N.W., Washington, D.C. At this time the Council will hear the views of any interested person who wishes to comment on the issues set out in the previous paragraph. The Council is requesting that oral presentations be limited to seven minutes and an outline of remarks be given to the CEQ General Counsel's office at least seven days before the meeting.

Nancy Nord,

General Counsel.

[FR Doc. 82-18821 Filed 7-9-82; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Institute of Technology Subcommittee of the Air University Board of Visitors; Meeting

June 28, 1982.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting at 1 p.m. on August 11, 1982, in Room 2004 (10 seats available), Building 125, Wright-Patterson Air Force Base, Ohio.

The purpose of the meeting is to give the subcommittee the opportunity to present to the Commandant, Air Force Institute of Technology, a report of findings and recommendations concerning the Institute's educational programs. The findings of the subcommittee will also be reported to the Commander, Air University, at the next regularly scheduled meeting of the Air University Board of Visitors.

For further information on this meeting, contact Captain Peter Macchia, Chief, Academic Development, Directorate of Educational Plans and Operations, Air Force Institute of Technology, (513) 255-5760 or 3791.

Darwin W. Berg,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 82-18729 Filed 7-9-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Performance Review Boards

AGENCY: Department of the Army, DOD.

ACTION: NOTICE.

SUMMARY: Notice is hereby given of the name of additional members of the DARCOM and Consolidated Command

Performance Review Boards for the Department of Army for 1982.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT:

Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice corrects the notice published in 47 CFR 120, dated June 22, 1982, page 26884, to account for additions and deletions to the membership of those boards previously published.

The additional member of the Performance Review Board for the Consolidated Commands is:

(Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, USAREUR.

The additional member of the Performance Review Board for the US Army Material Development and Readiness Command is:

Mr. Leon Kniaz, Deputy Director for Personnel, Training and Force Development, HQ US Army Material Development and Readiness Command.

John O. Roach, II,

Army Liaison Officer With the Federal Register.

[FR Doc. 82-18920 Filed 7-9-82; 9:23 am]

BILLING CODE 3710-08-M

Department of the Navy

Government-owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are in the custody of the Department of the Navy. They are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents and

Trademarks, Washington, D.C. 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161, for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from patent application copies sold to avoid premature disclosure.

FOR FURTHER INFORMATION CONTACT:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone No. 202-696-4005.

List of Patents

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5. Patent 4,215,631: Sealed Pyrotechnic Delay. Filed February 25, 1971, patented August 5, 1980.
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7. Patent 4,221,417: Line Release System. Filed August 19, 1976, patented September 9, 1980.
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101. Patent application 258,128: Deepwater Propellant Embedded Anchor Having Emergency Release Mechanism. Filed April 27, 1981.

102. Patent application 258,134: Gold Based Material for Electrical Contact Materials. Filed April 27, 1981.

103. Patent application 258,157: Gold Based Electrical Contact Materials. Filed April 27, 1981.

104. Patent application 258,345: Recessed Interdigital Integrated Capacitor and Method Therefor. Filed April 28, 1981.

105. Patent application 258,346: Radar Clutter Reduction by Use of Frequency-Diverse, Wideband Pulse-Compression Waveforms. Filed April 28, 1981.

106. Patent application 258,704: Transmission Line Biased Coherent Array of Josephson Oscillators. Filed April 29, 1981.

107. Patent application 258,705: Coherent Array of Josephson Oscillators with External Bias Lead. Filed April 24, 1981.

108. Patent application 258,829: Gold Based Electrical Materials. Filed April 29, 1981.

109. Patent application 258,838: Polymer Packaged Cell in a Sack. Filed April 29, 1981.

110. Patent application 258,988: A Method for Deployment of a Towed Array from a Swath Ship. Filed April 30, 1981.

111. Patent application 259,786: A Method and Apparatus for Precise Measurement of Long-Term Stability of Photodetectors. Filed April 29, 1981.

112. Patent application 260,629: Phase Demodulator. Filed May 5, 1981.

113. Patent application 261,341: Optical Transmitter/Receiver Apparatus

Sharing Common Optics. Filed May 7, 1981.

114. Patent application 262,152: Circuit for Calculating the Position of the Eye. Filed May 11, 1981.

115. Patent application 262,153: Helmet Mounted Eye Tracker Using a Position Sensing Detector. Filed May 11, 1981.

116. Patent application 262,351: Projectile Carrier for Liquid Propellant Gun. Filed May 11, 1981.

117. Patent application 262,362: Adaptive Quantizer for Acoustic Binary Information Transmission. Filed May 11, 1981.

118. Patent application 262,658: Fiber-Optic Radiation Detector and Read-Time Radiation Dosimeter. Filed May 11, 1981.

119. Patent application 263,664: Composite Superconductors. Filed May 14, 1981.

120. Patent application 265,129: Passive Maser. Filed May 19, 1981.

121. Patent application 265,299: Light Actuated Electroexplosive Device. Filed May 20, 1981.

122. Patent application 265,475: Speed Measuring Apparatus. Filed May 20, 1981.

123. Patent application 265,874: Lens System for Panoramic Imagery. Filed June 1, 1981.

124. Patent application 266,299: Hybrid Coupled Microstrip Amplifier. Filed May 22, 1981.

125. Patent application 266,852: Pseudo-Random Noise Generated Target. Filed May 26, 1981.

126. Patent application 266,878: Process for Synthesizing Silylated Polyalkenamers. Filed May 26, 1981.

127. Patent application 267,111: Olefin Metathesis. Filed May 26, 1981.

128. Patent application 267,937: Aswix Remote Speaker and Handset Set. Filed May 28, 1981.

129. Patent application 268,203: Widerange Photomultiplier Circuit. Filed May 29, 1981.

130. Patent application 268,601: Compass Checker. Filed May 29, 1981.

131. Patent application 269,125: Digital M of N Correlation Device Having Increased Bit Rate. Filed June 1, 1981.

132. Patent application 269,455: Analog to Digital Converter. Filed June 2, 1981.

133. Patent application 270,035: A Solid-State Magnetometer. Filed July 9, 1981.

134. Patent applications 270,061: Acoustic Envelope Having Minimal Vibrating and Flow Induced Noises. Filed June 3, 1981.

135. Patent application 270,081: Low Frequency Nonresonant Acoustic Projector. Filed October 5, 1981.
136. Patent application 272,624: Airspeed Display Scale with Integral Trend Indication. Filed June 11, 1981.
137. Patent application 273,785: Nighttime/Daytime Diffuse Attenuation Coefficient Device for Seawater. Filed June 15, 1981.
138. Patent application 273,825: Anchor Holding Capacity Augmentation System. Filed June 15, 1981.
139. Patent application 274,857: A Three-Axis Current Meter. Filed June 18, 1981.
140. Patent application 274,958: Nephelometer. Filed June 18, 1981.
141. Patent application 275,474: Linearizing Circuit for a Voltage Controlled Oscillator. Filed June 19, 1981.
142. Patent application 275,564: Serial to Parallel Data Conversion Interface Circuit. Filed June 22, 1981.
143. Patent application 276,099: Collapsible Salvage Drum and Method. Filed June 22, 1981.
144. Patent application 276,277: Data Buffer Circuit. Filed June 22, 1981.
145. Patent application 276,416: Lift Sling Emplacement Device. Filed June 22, 1981.
146. Patent application 276,593: Multiplexed Computer-Controlled Protective System. Filed June 23, 1981.
147. Patent application 277,298: A/D Dynamic Range Enhancing Technique. Filed June 25, 1981.
148. Patent application 277,310: Volumetric Positive Displacement Mixer. Filed June 22, 1981.
149. Patent application 277,368: High Pressure Mechanical Mixer for Epoxy Compounds. Filed June 22, 1981.
150. Patent application 277,376: Passive Optical, Rangefinder/Sextant Having Search Capability. Filed June 25, 1981.
151. Patent application 278,026: Electric Delay Detonator. Filed June 29, 1981.
152. Patent application 278,294: Method of Determining the Material Composition of a Dielectrically Coated Radar Target/Obstacle. Filed June 26, 1981.
153. Patent application 278,297: Percussion Primer for Cartridge Actuated Devices. Filed June 24, 1981.
154. Patent application 278,300: Long Line Hydrophone. Filed June 24, 1981.
155. Patent application 279,644: Ultrasonic Loading of Extrudable Plastic Bonded Explosives. Filed July 2, 1981.
156. Patent application 279,645: Synthesis of Alkenols. Filed July 2, 1981.
157. Patent application 280,107: Optical Gyroscope with Time Dependent Wavelength. Filed July 2, 1981.
158. Patent application 280,166: A Reusable Cable Termination. Filed July 2, 1981.
159. Patent application 280,608: Deck Clearance System for Gun Control. Filed June 30, 1981.
160. Patent application 280,767: Laser Formed Video Tube Calibration Markers. Filed July 6, 1981.
161. Patent application 281,817: Optical Decoder. Filed July 9, 1981.
162. Patent application 282,474: Synchronously Filtered Synchro Demodulator. Filed July 13, 1981.
163. Patent application 282,783: Quadrant Avalanche Photodiode. Filed July 13, 1981.
164. Patent application 283,418: A Controller for a Locked Carrier Distributed Multiplexed Telemetry System. Filed July 15, 1981.
165. Patent application 283,708: Tetraazide Polyesters and Methods of Preparation. Filed June 16, 1981.
166. Patent application 283,709: Improvement in the Breakdown of Solid Propellants and Explosives, Recovery of Nitramines. Filed July 16, 1981.
167. Patent application 285,661: Inductive Intense Beam Source. Filed July 21, 1981.
168. Patent application 286,690: MPD Intense Beam Pulsar. Filed July 21, 1981.
169. Patent application 286,099: External Cavity Diode Laser Sensor. Filed July 22, 1981.
170. Patent application 287,005: An Overcurrent Protection Circuit System. Filed July 27, 1981.
171. Patent application 287,959: Optimum Flow Noise Cancelling Hydrophone Module. Filed July 28, 1981.
172. Patent application 288,229: Millimeter Wave Printed Circuit Mixer. Filed July 29, 1981.
173. Patent application 288, 598: Water Displacing Paint. Filed July 30, 1981.
174. Patent application 289,445: Internal Clamp. Filed August 3, 1981.
175. Patent application 290,757: Interference Suppressor for Radar MTL. Filed August 7, 1981.
176. Patent application 290,760: Channelized Feed-Forward System. Filed August 7, 1981.
177. Patent application 291,000: A Test for a Directional Command Active Sonobuoy System (DICASS). Filed August 7, 1981.
178. Patent application 292,777: Millimeter Wave Dielectric Waveguide Rotary Joint. Filed August 14, 1981.
179. Patent application 293,559: Negative Rotation Cinch Strap. Filed August 17, 1981.
180. Patent application 293,589: A Sensitive Fiber Optic Sensor. Filed August 28, 1981.
181. Patent application 294,667: A Trawl Resistant Sensor Mount. Filed August 20, 1981.
182. Patent application 295,353: Improved Electronic Packaging Technique. Filed August 24, 1981.
183. Patent application 295,398: Heated Breathing Bag Sheath. Filed August 24, 1981.
184. Patent application 295,989: Extended Fiber Optic Sensor Using Birefringent Fibers. Filed August 25, 1981.
185. Patent application 297,490: Coupled Multilayer Antenna. Filed August 28, 1981.
186. Patent application 297,605: Method for Suppressing Thermally Induced Signals in Fiber Optic Interferometer Sensors. Filed August 31, 1981.
187. Patent application 297,655: Improved Smoke Screen Generators. Filed August 31, 1981.
188. Patent application 298,053: A Shallow Water Environmental/Oceanographic Measurement System. Filed August 31, 1981.
189. Patent application 298,700: Cylindrical Object Recovery Device. Filed September 2, 1981.
190. Patent application 298,712: Release Mechanism for a Cylindrical Object Recovery Device. Filed September 2, 1981.
191. Patent application 299,748: Lift Line Tension Limiter. Filed September 8, 1981.
192. Patent application 299,750: Gold Based Electrical Contact Materials. Filed September 8, 1981.
193. Patent application 300,867: Coarse-Fine Digital Pattern Combiner for High Accuracy Angular Measurement. Filed September 10, 1981.
194. Patent application 301,088: Digital Sidelobe Canceller with Real Weights. Filed September 11, 1981.
195. Patent application 301,488: Driver for High Power Sonar Systems. Filed September 14, 1981.
196. Patent application 301,704: Multicolor Focal Plane Array and Method of Preparation. Filed September 14, 1981.
197. Patent application 301,909: Monopole Inductively Loaded Antenna Tuning System. Filed September 14, 1981.
198. Patent application 303,448: Digital Multi-Tapped Delay Line with Automatic Time-Domain Programming. Filed September 18, 1981.

199. Patent application 303,450: A Machining Process for Metal Mirror Surfaces. Filed September 18, 1981.

200. Patent application 305,075: Pattern Generating Circuit. Filed September 24, 1981.

201. Patent application 305,231: Slotline Reverse-Phase Hybrid Ring Coupler. Filed September 24, 1981.

202. Patent application 306,111: Pit Depth Gauge. Filed September 28, 1981.

203. Patent application 307,403: Single-Sideband Acoustic Telemetry. Filed October 1, 1981.

204. Patent application 307,557: Subwavelength Monopole Underwater Sound Radiation. Filed October 1, 1981.

205. Patent application 308,740: Radiation Detector and Method of Opaquing the Mica Window. Filed October 2, 1981.

206. Patent application 309,649: Freeze Crystallization Desalting/Concentration System Utilizing Fluidized Bed Heat Exchanger. Filed October 8, 1981.

207. Patent application 309,742: Fluidizer Bed Heat Exchanger/Freezer. Filed October 8, 1981.

208. Patent application 311,219: Microprocessor Controlled Fiber Optic Cable Winding Machine. Filed October 14, 1981.

209. Patent application 311,709: Improved Ion-Implanted GaAs FET. Filed October 15, 1981.

210. Patent application 311,715: Cartridge Butterfly Valve. Filed October 15, 1981.

211. Patent application 314,161: An Augmented Combustion Chamber Using Vorbix Principle with Core Stream Swirl. Filed October 23, 1981.

212. Patent application 314,285: A Swirl Assembly for Vorbix Augmentor. Filed October 23, 1981.

213. Patent application 314,289: Dual Input Gyroscope. Filed October 23, 1981.

214. Patent application 314,299: Double Coupled Dual Input Rate Sensor. Filed October 23, 1981.

215. Patent application 314,325: Hard Magnetic Alloys of a Transition Metal and Lanthanide. Filed October 23, 1981.

216. Patent application 314,326: Soft Magnetic Alloys and Preparation Thereof. Filed October 23, 1981.

217. Patent application 314,327: Magnetostrictive Devices. Filed October 23, 1981.

218. Patent application 314,592: Transient Protection Device Current Interrupter. Filed October 26, 1981.

219. Patent application 314,806: Fluid Ejected and Retracted Tube Clearance Tester. Filed October 26, 1981.

220. Patent application 315,121: Compound Semiconductor Device Performance & Reproducibility Improvement. Filed October 26, 1981.

221. Patent application 315,124: Room Temperature Accumulation Mode Charge Transfer Device. Filed October 26, 1981.

222. Patent application 317,357: Synchronous/Asynchronous Independent Single Sideband Acoustic Telemetry. Filed November 2, 1981.

223. Patent application 317,662: Wavelength Selective Fused Single-Mode Fiber Couplers. Filed November 2, 1981.

224. Patent application 319,159: Improved Ramjet Fuel. Filed November 9, 1981.

225. Patent application 322,808: Hermetic High Pressure Fiber Optic Bulkhead Penetrator. Filed November 19, 1981.

226. Patent application 325,454: Generalized Polyphase Code Pulse Compressor. Filed November 27, 1981.

227. Patent application 329,848: Externally Specified Index Peripheral Simulation System. Filed December 11, 1981.

228. Patent application 330,281: Heterojunction Source-Drain Insulated Gate Field-Effect. Filed December 14, 1981.

229. Patent application 330,283: Inversion-Mode Insulated Gate Ga_{0.47}In_{0.53} As Field-Effect Transistors. Filed December 14, 1981.

230. Patent application 330,756: Head Position and Orientation Sensor. Filed December 14, 1981.

231. Patent application 333,152: Generalized Coupler Realization for Use in Fiber Optic Systems. Filed December 21, 1981.

232. Patent application 334,848: Preparation of Aluminum-Lithium and Aluminum-Magnesium Alloys by Rapid Crystallization Under High Specific Pressures. Filed December 28, 1981.

233. Patent application 335,903: Undersea, High Pressure Bulkhead Penetrator for Use with Fiber Optic Cables. Filed December 30, 1981.

234. Patent application 336,132: Refractory Oxide-Refractory InP Schottky Barrier. Filed December 31, 1981.

235. Patent application 337,658: Means for Focusing and Adjusting Video Camera System. Filed January 7, 1982.

236. Patent application 337,659: Multi-Color Tunable Semiconductor Device. Filed January 7, 1982.

237. Patent application 338,696: Anti-Armor Weapons Trainer. Filed January 11, 1982.

238. Patent application 340,397: Switching Mixer. Filed January 18, 1982.

239. Patent application 341,357: Millimeter Wave Suspended Substrate Multiplexer. Filed January 21, 1982.

240. Patent application 344,236: Phantom Computer Gating System. Filed January 29, 1982.

241. Patent application 344,450: Magnetic Ship's Hog Line Holder. Filed February 2, 1982.

242. Patent application 345,107: Magnetically-Unbiased Microwave Coupling Device. Filed February 2, 1982.

Dated: July 7, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy,
Alternate Federal Register Liaison Officer.

[FR Doc. 82-18698 Filed 7-9-82; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Commission

[Docket No. ERA-FC-82-004; FC Case Number 55242-3063-01-12]

Order Granting Publishers Paper Co.; Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

Correction

In FR Doc. 82-17975, at page 28735 in the issue of Thursday, July 1, 1982, correct the date under the preamble item "DATES" now reading August 1, 1982 to read August 30, 1982.

BILLING CODE 1505-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale: Contract Number S-CA-327, to the Geological Survey of Canada, 0.005 grams of uranium enriched to 99.9% in U-235, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 27, 1982.

For the Department of Energy.

Dated: July 6, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-18761 Filed 7-9-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Hungary

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement".

The subsequent arrangement involves approval for sale of the following materials, pursuant to general licenses issued by the U.S. Nuclear Regulatory Commission:

Contract Number S-IA-119, to the Institute of Isotopes of the Hungarian Academy of Sciences, 0.005 grams of natural uranium and 0.005 grams of thorium, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 27, 1982.

For the Department of Energy.

Dated: July 6, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-18762 Filed 7-9-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decision and Orders; Week of June 14 Through June 18, 1982

During the week of June 14 through June 18, 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 the submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Ginsburg, Feldman, Weil and Bress, 6/14/82, HFA-0057

The law firm of Ginsburg, Feldman, Weil and Bress filed an Appeal from a partial denial by the Dallas regional office 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 some documents and portions of documents originally withheld under Exemption 4 of the FOIA should be released to the public. Important issues that were considered in the Decision and Order were (i) whether the withheld information was available to the public from another source and (ii) whether the information was privileged or confidential.

Requests for Exceptions

Kern Oil & Refining Company, 6/14/82, HEE-0026

Kern Oil & Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67(i)(3) in which the firm requested that it be issued any entitlements attributable to Kern County Refining Inc. In considering the request, the DOE found that as a result of an Assumption and Indemnity Agreement entered into by the two firms exception relief was unnecessary in order for Kern Oil & Refining to be assigned Kern County's entitlements. Accordingly, the request was dismissed.

UCO Oil Company, 6/14/82, DPI-0014

UCO Oil Company (UCO) filed an Application for Exception from the provisions of 10 CFR 213.35(c) (the Mandatory Oil Import Program) in which the firm sought a refund of the naphtha import fees that it incurred during the period May 1, 1978 through April 30, 1979. In considering the request, the DOE rejected UCO's argument that it had experienced a financial hardship as a result of the provisions of the Oil Import Program. Accordingly, the exception request was denied.

Interlocutory Order

Office of Special Counsel For Compliance, 6/14/82, HRZ-0007

The Office of Special Counsel for Compliance (OSC) sought an order adopting certain factual findings made in a Proposed Remedial Order (PRO) issued to the Gulf Oil Corporation. The DOE entered an order finding Gulf to have admitted specified factual findings in the PRO which the firm failed to controvert in its Statement of Factual Objections.

Refund Applications

Tenneco Oil Company/J. O. Cook, Inc., 6/17/82, RF7-19

J. O. Cook, Inc. (Cook) filed an Application for Refund pursuant to a Decision and Order issued on February 18, 1982 in *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). In its Application, Cook sought a portion of a fund obtained by the DOE through a consent order entered into by the agency and the Tenneco Oil Company on January 18, 1981. In considering the request the DOE found that Cook was not eligible for a refund because it had not suffered an injury from Tenneco's

alleged regulatory violations. Accordingly, Cook's Application for Refund was denied.

Tenneco Oil Company/Thomas Fastiggi et al., 6/18/82, RF7-6 et al.

On February 18, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures with respect to a \$5,000,000 fund obtained by the DOE through a consent order with the Tenneco Oil Company. See *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). The February 18, 1982 Decision stated that the DOE would accept applications for refund filed by purchasers of Tenneco crude oil or refined petroleum products who bought these products during the period covered by the consent order, March 3, 1973 through December 31, 1980. On June 18, 1982, the Office of Hearings and Appeals issued an order concerning 23 of the applications for refund filed in response to the February 18 Decision. These applications all requested refunds based on an average purchase volume of 50,000 gallons per month per product, or less. In considering these applications, the DOE determined that 17 of those applications had met the standards set forth in the February 18 Decision and in DOE regulations applicable to special refund proceedings, 10 CFR Part 205, Subpart V. Accordingly, those 17 applications were granted. However, six of the applications, which requested refunds for amounts less than \$15.00, were denied because the administrative costs of proceeding such applications were found to outweigh the modest restitutionary effect of such small refunds.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Crystal Petroleum Co., DRO-0081, BRD-0023
Harrison Gas & Oil, BRO-0336
Gerald Holton, HFA-0060
Jay Petroleum, Inc., HRO-0031

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 Street and Pennsylvania Avenue, 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.

July 2, 1982.

[FR Doc. 82-18760 Filed 7-9-82; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Defense Programs; New Production Reactor; Concept and Site Selection Advisory Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

NAME: New Production Reactor (NPR) Concept and Site Selection Advisory Panel (CSSAP).

DATE AND TIME:

Tuesday, July 27, 1982—9:00 am to 5:00 pm

Wednesday, July 28, 1982—9:00 am to 5:00 pm

Thursday, July 29, 1982—9:00 am to 5:00 pm

Friday, July 30, 1982—9:00 am to 2:00 pm

PLACE:

Los Alamos National Laboratory, Los Alamos, New Mexico
July 27—Technical Area 3, Building SM-43, Room D-418
July 28-30—Technical Area 18, Building 30, Room 123

CONTACT:

Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, Forrestal Building—Room 4D-024, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 252-8990

PURPOSE OF THE BOARD: To provide the Department of Energy (DOE) with advice regarding the selection of a reactor concept and site for DOE's proposed NPR.

Tentative Agenda

- Briefings and discussion of:
- Advisory Panel Charter, criteria, and groundrules.
 - Summary of previous NPR Technical Working Group Activities.
 - Summary of NPR activities since the Technical Working Group
 - Reactor Concept presentations.
 - Panel deliberations.

Public Participation

Because the meeting of the NPR CSSAP will involve the discussion of Restricted Data, as defined in the Atomic Energy Act of 1954, the meeting will be closed in the interest of National security. The deliberations of the NPR CSSAP are such that no portion of the meeting will be unrelated to Restricted Data.

Transcripts

Will be maintained in Technical Area 18, Building 30, Room 122. They will be classified and thus will not be available to the public.

Issued at Washington, DC., July 8, 1982.

Howard H. Raiken,

Deputy Advisory Committee, Management Officer.

[FR Doc. 82-18927 Filed 7-9-82; 10:31 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-2146-3]

North Carolina Pretreatment Program Approval

Correction

In FR Doc. 82-16789 appearing on page 26908 in the issue of Tuesday, June 22, 1982, make the following correction:

On page 26909, the table contained errors for New York and North Carolina. For the convenience of the user, the table is republished in its entirety below.

The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama.....	10/19/79	10/19/79	10/19/79
California.....	5/14/73	5/5/78	
Colorado.....	3/27/75		
Connecticut.....	9/26/73		6/3/81
Delaware.....	4/1/74		
Georgia.....	6/28/74	12/8/80	3/12/81
Hawaii.....	11/28/74	6/1/79	
Illinois.....	10/23/77	9/20/79	
Indiana.....	1/1/75	12/9/78	
Iowa.....	8/10/78	8/10/78	6/3/81
Kansas.....	6/28/74		
Maryland.....	9/5/74		
Michigan.....	10/17/73	12/9/78	
Minnesota.....	6/30/74	12/9/78	7/16/79
Mississippi.....	5/1/74		5/13/82
Missouri.....	10/30/74	6/26/79	6/3/81
Montana.....	6/10/74	6/23/81	
Nebraska.....	6/12/74	11/2/79	
Nevada.....	9/19/75	8/31/78	
New Jersey.....	4/13/82	4/13/82	4/13/82
New York.....	10/28/75	6/13/80	
North Carolina.....	10/19/75		6/14/82
North Dakota.....	6/13/75		
Ohio.....	3/11/74		
Oregon.....	9/26/73	3/2/79	3/12/81
Pennsylvania.....	6/30/78	6/30/78	
South Carolina.....	6/10/75	9/26/80	4/9/82
Tennessee.....	12/28/77		
Vermont.....	3/11/74		3/16/82
Virgin Islands.....	6/30/74		
Virginia.....	3/31/75	2/9/82	
Washington.....	11/14/73		
West Virginia.....	5/10/82	5/10/82	5/10/82
Wisconsin.....	2/4/74	11/26/79	12/24/80
Wyoming.....	1/30/75	5/18/81	

BILLING CODE: 6560-50-M

[OPTS 140013; TSH-PRC 2166-6]

American Management Systems, Inc.; Access to Data by Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with the American Management Systems, Inc. (AMS), of Arlington, Virginia, to design and operate a PMN Tracking System and a Document Tracking System (DTS) for the Office of Toxic Substances. Some of the material AMS will have access to will contain confidential business information.

DATE: Access to confidential business information will occur no sooner than July 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460. Toll-free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: EPA has contracted with the American Management Systems, Inc. (AMS) of Arlington, Virginia, to design and operate a Document Tracking System (DTS) and a PMN Tracking System for the Office of Toxic Substances (OTS). (Contract No. 68-01-5146) The purpose of the tracking systems is to monitor and facilitate the movement between appropriate OTS Offices of PMNs and other documents submitted to EPA under the Toxic Substances Control Act.

Pursuant to 40 CFR 2.306(j), EPA has determined that access to Confidential Business Information (CBI) by AMS is necessary for the satisfactory completion of this contract. Access to CBI is particularly important to AMS to enable the contractor to design the parameters of the Tracking Systems.

However, at no time will AMS be permitted to remove any CBI from EPA premises. Contractor employees will have access to CBI only while working on site at EPA.

In accordance with the EPA security manual "Contractor Requirements for the Control and Security of TSCA CBI," AMS is legally required to safeguard CBI from any unauthorized disclosure. AMS employees will sign nondisclosure agreements and will be briefed on appropriate security procedures which must be followed before they will be allowed access to any CBI.

Dated: June 25, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-18715 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51421; TSH-FRL 2167-6]

Certain Chemicals; Premanufacture Notices**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eighteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 82-463, September 23, 1982.

PMN 82-464, 82-465, and 82-466, September 26, 1982.

PMN 82-468 and 82-469, September 27, 1982.

PMN 82-467, 82-470, 82-471, 82-472, 82-473, 82-474, 82-475, 82-476, 82-477, and 82-478, September 28, 1982.

PMN 82-479 and 82-480, September 29, 1982.

Written comments by:

PMN 82-463, August 24, 1982.

PMN 82-464, 82-465, and 82-466, August 27, 1982.

PMN 82-468 and 82-469, August 28, 1982.

PMN 82-467, 82-470, 82-471, 82-472, 82-473, 82-474, 82-475, 82-476, 82-477, and 82-478, August 29, 1982.

PMN 82-479 and 82-480, August 30, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51421]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the public reading room E-107.

PMN 82-463*Manufacturer.* Confidential.*Chemical.* (G) Unsaturated polyester resin.*Use/Production.* (G) Contained use. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Manufacture, processing and use: dermal and inhalation, a total of 6 workers, up to 24 hrs/da, up to 250 da/yr.*Environmental Release/Disposal.* Less than 10 kg/yr released to air 24 hrs/da, 250 da/yr. Disposal by incineration.**PMN 82-464***Manufacturer.* Confidential.*Chemical.* (G) 2-hydroxy-3-naphthoic acid N-aryl amide.*Use/Production.* (G) Coating application. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Manufacture, use and disposal: dermal and inhalation, a total of 5 workers, up to 2 hrs/da, up to 12 da/yr.*Environmental Release/Disposal.* Less than 10 kg/yr released to air 2 hrs/da, 12 da/yr. Disposal by incineration, approved landfill, hazardous waste disposal.**PMN 82-465***Manufacturer.* E. I. du Pont de Nemours and Company, Inc.*Chemical.* (G) Quaternary ammonium chloride.*Use/Production.* (S) Catalyst for use within the company. Prod. range: Confidential.*Toxicity Data.* Acute oral: 1,500 mg/kg; Skin irritation: Severe; Eye irritation: Moderate; Ames Test: Non-mutagenic; Skin sensitization: Positive.*Exposure.* Manufacture: dermal, 12 workers, 2 hrs/da, 20 da/yr.*Environmental Release/Disposal.* Release to water. Disposal by publicly owned treatment works (POTW) and biological treatment system.**PMN 82-466***Manufacturer.* Confidential.*Chemical.* (S) Polymer of vinyl toluene, styrene, 2 ethyl hexyl acrylate.*Use/Production.* (S) Industrial paint manufacture. Prod. range: 0-65,000 kg/yr.*Toxicity Data.* No data submitted.*Exposure.* Accidental dermal.*Environmental Release/Disposal.* Less than 10 kg/yr released to water and land 6 hrs/da, 12 da/yr.**PMN 82-467***Manufacturer.* Confidential.*Chemical.* (G) Aromatic aliphatic branched polyester resin.*Use/Production.* (G) Open use. Prod. range: 8,074-60,554 kg/yr.*Toxicity Data.* No data submitted.*Exposure.* Confidential.*Environmental Release/Disposal.* Confidential. Disposal by incineration.**PMN 82-468***Manufacturer.* Uniroyal, Inc.*Chemical.* (G) Isocyanate terminated polyether polyurethane prepolymer.*Use/Production.* (S) Molded goods applications. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Manufacture and processing: inhalation.*Environmental Release/Disposal.* No release. Disposal by landfill.**PMN 82-469***Importer.* American Hoechst Corporation.*Chemical.* (S) Reaction product from benzyl-1-hydroxydiphenyl ethoxylate and glycolic acid, sodium salt.*Use/Import.* Confidential. Import range: 2,000-3,000 kg/yr.*Toxicity Data.* No data submitted.*Exposure.* Processing: dermal, 50 workers, less than 1 hr/da, 30 da/yr.*Environmental Release/Disposal.* Negligible.**PMN 82-470***Manufacturer.* Ashland Chemical Company.*Chemical.* (G) Terephthalic acid modified unsaturated polyester resin.*Use/Production.* (S) General purpose molding resin. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Confidential.*Environmental Release/Disposal.* Disposal by incineration and land fill.**PMN 82-471***Manufacturer.* Ashland Chemical Company.*Chemical.* (G) Terephthalic acid modified unsaturated polyester resin.*Use/Production.* (S) General purpose molding resin. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Confidential.*Environmental Release/Disposal.* Disposal by incineration and landfill.**PMN 82-472***Manufacturer.* Ashland Chemical Company.*Chemical.* (G) Terephthalic acid modified unsaturated polyester resin.*Use/Production.* (S) General purpose molding resin. Prod. range: Confidential.*Toxicity Data.* No data submitted.*Exposure.* Confidential.*Environmental Release/Disposal.* Disposal by incineration and landfill.

PMN 82-473

Manufacturer. Ashland Chemical Company.

Chemical. (G) Terephthalic acid modified unsaturated polyester resin.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Disposal by incineration and landfill.

PMN 82-474

Manufacturer. Ashland Chemical Company.

Chemical. (G) Terephthalic acid modified unsaturated polyester resin.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Disposal by incineration and landfill.

PMN 82-475

Manufacturer. Ashland Chemical Company.

Chemical. (G) Terephthalic acid modified unsaturated polyester resin.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Disposal by incineration and landfill.

PMN 82-476

Manufacturer. Ashland Chemical Company.

Chemical. (G) Terephthalic acid modified unsaturated polyester resin.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Disposal by incineration and landfill.

PMN 82-477

Manufacturer. Ashland Chemical Company.

Chemical. Terephthalic acid modified unsaturated polyester resin.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Disposal by incineration and landfill.

PMN 82-478

Importer. Shinko American, Inc.

Chemical. (G) Calcium salt of a substituted amino acid.

Use/Import. (G) Open use. Import range: Confidential.

Toxicity Data. Oral ingestion: Male—8,500 mg/kg, Female—6,250 mg/kg.

Exposure. Processing and disposal: dermal, a total of 6 workers, up to 1 hr/da, up to 365 da/yr.

Environmental Release/Disposal.

Disposal by landfill.

PMN 82-479

Manufacturer. Confidential.

Chemical. (G)

Heteropolycyclic(dihydroxyheteropolycyclic)

Use/Production. (S) Site-limited industrial intermediate. Prod. range:

3,000–15,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 144 workers, up to 24 hrs/da, up to 322 da/yr.

Environmental Release/Disposal.

Disposal by POTW, approved landfill, or for treatment or recovery.

PMN 82-480

Manufacturer. Confidential.

Chemical. (G) Polyol polyacrylate.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 gm/kg;

Acute dermal: >2 gm/kg; Skin irritation:

Moderate irritant; Eye irritation: Slight

irritant; Mouse lymphoma: Positive;

Ames Test: Negative; Sister Chromatid:

Negative.

Exposure. Potential dermal exposure.

Environmental Release/Disposal. No

release.

Dated: July 2, 1982.

Woodson W. Bercaw,

Acting Director, Management Support

Division.

[FR Doc. 82-18714 Filed 7-9-82; 8:45 am]

BILLING CODE 5560-50-M

[OPTS-59094; TSH-FRI 2167-5]**Certain Chemicals; Premanufacture Exemption Applications**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four

applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: July 27, 1982.

ADDRESS: Written comments, identified by the document control number [OPTS-59094] and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the public reading room E-107.

TME 82-30

Close of Review Period. August 12, 1982.

Manufacturer. Allied Corporation.

Chemical. (G) Substituted diene urethane.

Use/Production. (G) Specialty label. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal.

Release information confidential.

Disposal by incineration and approved landfill.

TME 82-31

Close of Review Period. August 12, 1982.

Manufacturer. U.C.T., Inc.

Chemical. (G) Alkylphenol, formaldehyde, alkanolamine, alkylene oxides reaction product.

Use/Production. (S) In manufacture of rigid urethane foam. prod. range: 45 days—441 kg.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: dermal, 2 workers, up to 8 hrs/da, intermittently.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

TME 82-32

Close of Review Period. August 13, 1983.

Importer. Shinko American, Inc.
Chemical. (G) Calcium salt of a substituted amino acid.

Use/Import. (G) Open use. Import range: 3 mos—minimum 500 kg, maximum 750 kg.

Toxicity Data. Acute oral: Male—8,500 mg/kg, female—6,250 mg/kg.

Exposure. Potential dermal exposure during use may occur more than once per week to chemical industry employees. Use may also involve restricted consumer exposure to the substance as part of an article.

Environmental Release/Disposal. Less than 50 kg to environment (landfill) during test market period.

TME 82-33

Close of Review Period. August 14, 1982.

Importer. Confidential.

Chemical. (S) Polymer of hexane, 1,6-diisocyanato-homopolymer with 2-butane, oxime.

Use/Import. (S) Crosslinker for industrial coatings. Import range: 6 mos—2,273 kg.

Toxicity Data. No data submitted.

Exposure. A total of 50 workers may have dermal, inhalation and eye exposure as a result of test marketing.

Environmental Release/Disposal. Negligible.

Dated: July 2, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-18718 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 140012 and TSH-FRL 2166-5]

Computer Services Corporation, InterAmerica Research Associates, Inc.; Access to Data by Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with the Computer Services Corporation (CSC) of Falls Church, Virginia, and subcontracted with InterAmerica Research Associates, Inc. of Rosslyn, Virginia, to organize and operate a Confidential Business Information (CBI) Information Center for the Office of Toxic Substances. Some of the material which CSC and InterAmerica will have access to will contain confidential business information.

DATE: Access to confidential business information will occur no sooner than July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: EPA has contracted with the Computer Services Corporation (CSC) of Falls Church, Virginia, and subcontracted with InterAmerica Research Associates, Inc. of Rosslyn, Virginia, to organize and operate an Information Center for Confidential Business Information (CBI) submitted to EPA under various provisions of the Toxic Substances Control Act (TSCA). (Contract No. 68-01-6360) The purpose of this CBI Information Center (CIC) is to efficiently organize and distribute within EPA the large quantity of CBI material received to date and expected to be received in the future so as to facilitate its effective and timely use. The Office of Toxic Substances (OTS) needs the assistance of CSC and InterAmerica because it does not have sufficient staffing and expertise for the kind and amount of work which must be performed to design and operate the CIC.

CSC and InterAmerica will manage and update EPA's TSCA CBI files and data bases, perform information searches and retrievals on those data bases, and index and microfiche CBI files. Pursuant to 40 CFR 2.306(j), EPA has determined that disclosure of CBI to CSC and InterAmerica is necessary for the satisfactory completion of this contract.

At no time will CSC or InterAmerica be permitted to remove any CBI from EPA premises. Contractor and subcontractor employees will have access to CBI only while working on site at EPA.

In accordance with the EPA security manual "Contractor Requirements for the Control and Security of TSCA CBI," CSC and InterAmerica are legally required to safeguard CBI from any unauthorized disclosure. CSC and InterAmerica employees will sign nondisclosure agreements and will be briefed on appropriate security procedures which must be followed before they will be allowed access to any CBI.

Dated: June 24, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-18718 Filed 7-9-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**[FEMA-663-DR]****Kansas; Major Disaster and Related Determinations**

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA-663-DR), dated June 28, 1982, and related determinations.

DATED: June 28, 1982.

FOR FURTHER INFORMATION CONTACT:

Sewall, H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 28, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from severe storms and flooding beginning on June 8, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area except for technical assistance which will be funded at 100 percent.

Pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Patrick J. Breheny of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster:

For Public Assistance only:

Jackson County

For Individual Assistance only:

Washington Township in Jackson County
 Rossville Township in Shawnee County
 (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-18770 Filed 7-9-82; 8:45 am]

BILLING CODE 6716-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 133]

Arthur Louis Rankin, d.b.a. A. L. Rankin; Order of Revocation

On June 14, 1982, Arthur Louis Rankin, d/b/a/ A. L. Rankin, 722 Wilson Bldg., Corpus Christi, TX 78491 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 133.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that independent Ocean Freight Forwarder License No. 133 issued to Arthur Louis Rankin, d/b/a/ A. L. Rankin, be revoked effective June 14, 1982 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 133 issued to Arthur Louis Rankin, d/b/a/ A. L. Rankin be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Arthur Louis Rankin, d/b/a/ A. L. Rankin,

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-18693 Filed 7-9-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

K. S. Anderson & Co., Inc., 7720 Shelly Drive, New Orleans, LA 70128,
 Officer: Kay S. Anderson, Sole Stockholder

Dated: July 7, 1982.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18695 Filed 7-9-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1552]

J. D. Express Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of J. D. Express Co., Inc., P.O. Box 5123, 215 East Kinney Street, Newark, NY 07105 was cancelled effective June 11, 1982.

By letter dated May 14, 1982, J. D. Express Co., Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1552 would be automatically revoked unless a valid surety bond was filed with the Commission.

J. D. Express Co., Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1552 be and is hereby revoked effective June 11, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1552 issued to J. D. Express Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon J. D. Express Co., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-18692 Filed 7-9-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2205]

McKinney International Forwarders, Inc.; Order of Revocation

On June 29, 1982, McKinney International Forwarders, Inc., 24 Drayton Street, Suite 203, Savannah, GA 31412 surrendered its Independent Ocean Freight Forwarder License No. 2205 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2205 issued to McKinney International Forwarders, Inc. be revoked effective June 29, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon McKinney International Forwarders, Inc.

Albert J. Klingel,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-18694 Filed 7-9-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2000]

Stanley Edward Wells, d.b.a. Pacific Customs Brokers; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule

510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Stanley Edward Wells, d.b.a. Pacific Customs Brokers, 110 West Ocean Blvd., Long Beach, CA 90803 was cancelled effective June 16, 1982.

By letter dated June 3, 1982, Stanley Edward Wells, d.b.a. Pacific Customs Brokers was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2000 would be automatically revoked unless a valid surety bond was filed with the Commission.

Stanley Edward Wells, d.b.a. Pacific Customs Brokers has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2000 be and is hereby revoked effective June 16, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2000 issued to Stanley Edward Wells, d.b.a. Pacific Customs Brokers be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the *Federal Register* and served upon Stanley Edward Wells, d.b.a. Pacific Customs Brokers.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-18691 Filed 7-9-82; 8:45 am]

BILLING CODE 6730-01-M

Regulation T, 12 CFR 220, and the offering of certain specified services for its securities customers. This group of nonbanking activities has not yet been determined by the Board to be "closely related" to banking within the meaning of section 4(c)(8) of the Act and has not been added to the list of permissible activities in section 225.4(a) of the Board's Regulation Y, 12 CFR 225.4(a).

By notice published in the *Federal Register* on April 14, 1982, the Board invited interested persons to express their views on whether: (1) The proposed activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) the proposed activities are permissible under the Glass-Steagall Act (i.e., 12 U.S.C. 24, 78, 377 and 378(a)), which is designed to separate commercial from investment banking, and, (3) consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Parties requesting a hearing were directed to state why a written presentation would not suffice in lieu of a hearing, to identify specifically any disputed question of fact and to summarize the evidence that would be presented at a hearing.

By memorandum dated May 28, 1982, the Securities Industry Association ("SIA") opposed the application. SIA contends that the proposed (or substantially similar) activities have never been conducted by banks or bank holding companies to the extent proposed by Applicant and therefore may not be considered "closely related" to banking within the meaning of section 4(c)(8) of the Act. Additionally, SIA claims that the proposed activities are precluded by sections 16 and 20 of the GSA, since banks are prohibited from conducting such activities by those provisions of the GSA. Finally, SIA disputes the public benefits alleged by Applicant to accompany its proposal and claims several possible adverse effects (e.g., anticompetitive effects in the product lines of discount brokerage, conflicts of interest, possible failure of Applicant to provide its trust and other customers the best brokerage services at the lowest cost, voluntary tying, unfair competition due to Schwab's affiliation with a bank and its alleged low cost of funds, public confusion and preemption of legislative process).

In connection with these contentions, SIA has requested that the Board hold a

public hearing to explore the questions posed by the Board in its *Federal Register* notice, to investigate the factual premises of Applicant's proposal and to examine the possible adverse effects claimed by SIA. SIA also states that the record should contain information on the scope of Schwab's proposed operations, including: (1) The extent to which Schwab will take principal positions; (2) whether Schwab employees will receive bonuses; (3) Applicant's plans to promote and market Schwab's services; (4) resemblances between the proposed activities (including the Charles Schwab One Account) and deposit banking; (5) the alleged adverse anticompetitive effects associated with the proposal; and (6) Applicant's plans to minimize the possibility of voluntary tying. By letter dated June 21, 1982, Applicant opposed SIA's request for a hearing and stated that no disputed material facts have been raised in connection with its proposal.

While the Board believes that questions raised in the submissions of the parties and public comments might appropriately be resolved through additional written submission or an informal presentation, a procedure that has been utilized and found effective in other cases, the Board has decided to order a formal hearing conducted under the procedures and time schedule outlined in this Order as agreed to by the Applicant and SIA. The hearing will provide an appropriate and expeditious method to develop a full record for Board consideration of any disputed material fact involved in this proposal.

Accordingly, *it is hereby ordered* that a public and formal administrative hearing be held to resolve any disputed issues of material fact raised by SIA in its protest. In this connection, the hearing should address the scope of Applicant's proposed operation of Schwab and the alleged adverse competitive effects raised by SIA in its protest.

The hearing shall be conducted, except as modified below, in accordance with Subpart A of the Board's Rules of Practice for Hearings, 12 CFR Part 263, and will commence at 10:00 a.m., September 13, 1982, at the offices of the Board in Washington, D.C., before an administrative law judge. In the interest of concluding such hearing as expeditiously as possible, the hearing shall be conducted in accordance with the following schedule, which has been agreed to by both Applicant and SIA and which shall not be departed from in any material respect without the Board's prior consent:

July 19, 1982—Production of Information response to the requests of the parties
August 18, 1982—Submission of Direct Testimony

September 13–17, 1982—Hearing

October 1, 1982—Submission of Briefs and Proposed Findings of Fact

October 12, 1982—Submission of Reply Briefs

November 12, 1982—Filing of Recommended Decision

November 24, 1982—Filing of Exceptions

Additionally, the parties have agreed to submit requests for the production of documents and other information from the opposing party to the Board for a determination as to the general relevance and as to the reasonable scope of specific requests and to abide by the ruling of the Board's General Counsel on these matters as well as on any objections to the production of specific information by a party.

By order of the Board of Governors, effective July 6, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-18699 Filed 7-9-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Epidemiologic Study of Workers Exposed to Beryllium; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public, limited only by space available.

Date: July 20, 1982

Time: 10:00 a.m. to 4:00 p.m.

Place: Room 9510, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202

Purpose: To discuss the protocol for the epidemiologic study of workers exposed to beryllium. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from:

Ms. Andrea H. Okun, Division of Surveillance, Hazard Evaluations, and Field Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-2145.

Dated: July 6, 1982.

Jeffrey P. Koplan,

Acting Director, Centers for Disease Control.

[FR Doc. 82-18733 Filed 7-9-82; 8:45 am]

BILLING CODE 4160-19-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Lewistown District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Lewistown District Grazing Advisory Board, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Grazing Advisory Board will meet August 5 and August 6, 1982. The agenda will be:

August 5

1:00 p.m. Introduction and Organization
1:45 p.m. Range Improvement Projects—1983

3:45 p.m. Allotment Categorization

4:30 p.m. Grazing Fee Schedule

5:00 p.m. Recess

August 6

8:00 a.m. Ervin Ridge Allotment Discussion

10:00 a.m. Final Range Improvement Policy

12:00 p.m. Adjournment

Opportunity for public comment will be provided throughout the meeting.

DATES: August 5, 1982, 1:00 p.m. to 5:00 p.m.; August 6, 1982, 8:00 a.m. to 12:00 noon.

ADDRESS: The Yogo Inn, Main St., Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Grazing Advisory Board is authorized under section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753). The Board advises the District Manager concerning the Rangeland Management Program.

Dated: July 1, 1982.

Glenn W. Freeman,

District Manager.

[FR Doc. 82-18730 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

[Survey Group 669]

New Mexico Principal Meridian

July 2, 1982.

Plat of survey of the following described lands accepted May 11, 1982, will be officially filed in the Colorado

State Office, Bureau of Land Management, Denver, Colorado, effective August 20, 1982.

New Mexico

Principal Meridian

T. 34 N., R. 13 W., North of the Ute Line.

The plat representing the dependent resurvey of a portion of the north boundary of the Southern Ute Indian Reservation, a portion of the north boundary of the Ute Mountain Indian Reservation, the east and west boundaries and subdivisional lines and the subdivision of certain sections,

This survey was executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Harold Martin,

Chief, Division of Operations.

[FR Doc. 82-18731 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Eastern Powder River Basin Management Framework Plan Coal Amendment—Recluse Review Area

June 25, 1982.

The Casper, Wyoming District Office of the Bureau of Land Management has reviewed and made a final decision regarding the amendment of portions of the 1977 Eastern Powder River Basin Management Framework Plan (MFP).

The reasons for the review and amendment are to make certain the MFP reflects, as completely as possible, current statutory requirements and policies, and to continue carrying out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977. Planning procedures, and other aspects of the Federal Coal Management Program, are described in Title 43, Code of Federal Regulations, Part 3400.

The Recluse Review Area, which is part of the Powder River Coal Production Region, is located in Campbell County, Wyoming. High and moderate development potential coal in the Review Area is generally located in:

Portions of T. 58 N., Rs. 71, 72, 73, 74, 75, and 76 W., south of the Montana state boundary.

T. 57 N., Rs. 71, 72, 73, 74, 75, and 76 W.

T. 56 N., Rs. 71, 72, 73, 74, 75, and 76 W.

T. 55 N., Rs. 71, 72, 73, 74, 75, and 76 W.

T. 54 N., Rs. 74, 75, and 76 W.

T. 53 N., Rs. 74, 75, and 76 W.

T. 52 N., Rs. 74, 75, and 76 W.

T. 51 N., Rs. 74, 75, and 76 W.

The MFP amendment also includes an area of low development potential coal for possible leasing and in-situ development. That area is generally located in:

T. 44 N., Rs. 70, 71, and 72 W.
T. 44 N., Rs. 70, 71, and 72 W.

Public participation opportunities were provided in the following ways: (1) Public notice of the review was issued in March, 1981; (2) a proposed decision brochure was issued on April 16, 1982 and 30 days were allowed for public review and comment; (3) a public meeting and hearing was conducted in Gillette, Wyoming on May 12, 1982 to present the proposed decisions and receive oral comments. Public comments were considered in preparation of the final amendment.

The Recluse Review Area contains approximately 473,000 acres and 57 billion tons of coal. Non-federal and committed federal coal lands containing approximately 51,000 acres and 6 billion tons of coal were excluded from the planning process.

Coal unsuitability criteria were applied to approximately 422,000 acres and 51 billion tons of coal. Approximately 18,000 acres containing 1.5 billion tons of coal were found to be unsuitable for further leasing consideration. Approximately 404,000 acres containing 49.5 billion tons of coal were found acceptable or acceptable pending study for further leasing consideration or exchange.

Planning constraints in the 1977 MFP were applied to all coal lands that were available for further consideration. These constraints were: (1) To defer coal leasing in producing oil and gas fields until the economic recovery of oil and gas is complete or where it can be shown that surface coal mining will not interfere with the economic recovery of oil and gas (73,000 acres and 9.5 billion tons of coal); and, (2) excluding leasing of coal lands that provide a buffer for the LX Bar historic site (25 acres and .005 billion tons of coal). Approximately 329,000 acres containing 40 billion tons of coal are available for further leasing consideration.

A 30-day protest period begins from the date of this notice. During that time, any person who participated in the planning process and has an interest which is or may be adversely affected by the decision may protest the approval of the amendment. Once approved, areas found acceptable or acceptable pending study can be further considered for exchange or leasing through lease exchanges or modifications, or through the competitive coal leasing program. A

second coal lease sale is scheduled for 1984 in the Powder River Basin of Wyoming and Montana.

For further information contact Don Whyde at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601, phone (307) 261-5594. Documents relevant to the planning process are also available at the above address.

Leslie A. Olver,
Assistant District Manager.

[FR Doc. 82-18788 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Tuesday, August 10, 1982. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Review of Proposed Allotment Management Plans, (2) Rangeland Betterment Project Proposals, (3) Rangeland Betterment Project Funding Policy, (4) General Advisory Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by August 6, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: June 29, 1982.

Morgan S. Jensen,
District Manager.

[FR Doc. 82-18747 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Centennial Mountains Wilderness Inventory

July 2, 1982.

Notice is hereby given of Public Review period for the Centennial Mountains Instant Study Area Intensive Wilderness Inventory.

The Montana State Office of the Bureau of Land Management (BLM) announces the completion of the intensive wilderness inventory for the Centennial Mountains Instant Study Area. The area is located in the Butte, Montana, BLM District, the Beaverhead National Forest, Montana, and the Targhee National Forest, Idaho. A portion of the BLM acreage in Montana (21,44.39 acres) has been administered as a designated primitive area.

The intensive inventory follows guidelines provided in the Bureau's Wilderness Inventory Handbook, dated September 1978, and is the first step in the wilderness review process for such designated areas.

The Centennial Mountains study area consists of 21,774.39 acres within the designated BLM primitive area, 8,256 acres of contiguous BLM administered lands and 50,050 acres of contiguous Forest Service administered lands. All lands within the existing primitive areas, 4,260 acres of contiguous BLM administered lands and 46,852 acres of contiguous Forest Service lands were found to have wilderness characteristics and are hereby designated a proposed wilderness study area. Total acreage in the study area is 72,886 acres. The remaining 3,996 acres BLM administered acreage and 3,198 acres of Forest Service acreage are proposed to be dropped from further wilderness consideration.

A thirty-day public comment period from July 19, 1982, through August 17, 1982, to review the intensive inventory findings and recommendations and gather public issues and concerns is hereby initiated.

Public open houses will be held on August 3 at the Forest Service Office from 3 p.m. to 8:30 p.m. in St. Anthony, Idaho, on August 4 at the BLM office from 1 to 5 and 7 to 10 p.m. in Dillon, Montana, and August 5 at the Holiday Inn from 1 to 5 and 7 to 10 p.m. in Bozeman, Montana.

Inventory documents may be obtained by writing:

Bureau of Land Management, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59702-3388 or Targhee National Forest, St. Anthony, Idaho 83445.

Public comments should be submitted to the same addresses by August 17, 1982.

Bill D. Noble,
Acting State Director.

[FR Doc. 82-18732 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Friday, August 13, 1982, at 9 a.m., at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

The purpose of the meeting will be to seek recommendations on livestock conversions, base property requirements where livestock leases are involved and review of the FY 83 Preliminary Annual Work Plan, specifically the 8100 Rangeland Betterment Funds.

SUPPLEMENTARY INFORMATION: The public is invited to attend and make written or oral statements which should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P. O. Box 2B, Shoshone, Idaho 83352, telephone (208) 886-2206. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Charles J. Haszler,

District Manager.

July 1, 1982.

[FR Doc. 82-18746 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Duchesne River Area Canal Rehabilitation Strawberry Aqueduct Collection System; Central Utah Project; Intent To Prepare a Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a supplement to Bonneville Unit Final Environmental Statement INT FES 83-42 filed August 2, 1973. The final environmental statement covered the Strawberry Aqueduct and Collection System portion of the Bonneville Unit. The supplement will address the Duchesne River Area Canal Rehabilitation, a part of the Strawberry

Aqueduct and Collection System, and is expected to be available for public review by the spring of 1983.

In addition to addressing the impacts of construction and operation of the project, this process will insure compliance with Executive Orders relating to Floodplain Management (11988) and Protection of Wetlands (11990).

The purpose of the canal rehabilitation is to facilitate successful farming operations in the Duchesne River area, Duchesne County, Utah, by providing an onfarm delivery supply of irrigation water of 3.4 acre-feet per productive acre. This rate is based upon the determination under the Bonneville Unit that the diversion requirement of all canals along the Duchesne River will be 4.0 acre-feet per acre at the canal heading. To achieve the onfarm water requirement of 3.4 acre-feet per acre, each canal must have an overall conveyance efficiency of at least 85 percent.

Investigations are being conducted to determine which canals should be improved and what alternative methods of rehabilitation may be available. A public meeting to present information, identify key environmental issues, and receive other input was held in April 1982. Other public meetings, including a scoping meeting or other public participation activities, may be held during the interim depending upon interest and issues identified.

Anyone interested in this project and/or supplement should direct inquiries to Mr. Jay Franson, Bureau of Reclamation, 160 North 200 West, Provo, Utah 84601, telephone (801/374-8610).

Dated: July 7, 1982.

Eugene Hinds,

Assistant Commissioner.

[FR Doc. 82-18764 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

General Management Plan/Development Concept Plan and Environmental Assessment; Lake Clark National Park and Preserve—Alaska

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The general management plan/development concept plan and environmental assessment for Lake Clark National Park and Preserve, Alaska, are available for public and other agency reviews. Public open houses will be held in mid-August in

Alaska to discuss the future management strategies for the park and preserve and to accept comments on the plan and its alternatives. The time and place of these open houses will be released through the regional news media. Written comments will be accepted by the Alaska Regional Director of the National Park Service until September 1, 1982. Following an evaluation of the issues raised by public and other agency review, decisions will be made on all the elements which will constitute the final plan. In addition, either a finding of no significant impact or a notice of intent to prepare an environmental impact statement on the final plan will be issued.

AVAILABILITY: Copies of the document are being mailed to individuals, organizations, and agencies that have expressed interest in the future management of the park and preserve. A small supply of documents is being retained by the Alaska Regional Office of the National Park Service to fill additional requests. When this supply is exhausted, a charge will be made to cover the cost of photocopying. Copies of the document can be inspected at the following places:

Parks and Forests Information Center,
540 W. Fifth Avenue, Anchorage, AK
Headquarters, Lake Clark National Park
and Preserve, 701 C Street,
Anchorage, AK
Field Headquarters, Lake Clark National
Park and Preserve, Port Alsworth, AK
Elmer E. Rasmuson Library, University
of Alaska, Fairbanks, AK
Alaska State Library, Juneau, AK
Denver Public Library, Denver, CO
Department of the Interior Central
Library, Washington, D.C.
U.S. Geological Survey Library, 1526
Cole Blvd., Golden, CO
Seattle Public Library, Seattle, WA
Interior Resources Library, 701 C Street,
Anchorage, AK

ADDRESSES: Address requests for documents and all comments on the plan and its assessment to the Regional Director, Alaska Region, U.S. National Park Service, 540 W. Fifth Avenue, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Terry Carlstrom, Chief, Division of Planning and Design, U.S. National Park Service, 540 W. Fifth Avenue, Anchorage, Alaska 99501, telephone (907) 271-4637 or Paul Haertel, Superintendent, Lake Clark National Park and Preserve, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-3751.

SUPPLEMENTARY INFORMATION: The park and preserve were established

December 2, 1980, by the Alaska National Interest Lands Conservation Act (16 U.S.C. 1301 et seq.). In the summer of 1981, the National Park Service began an informal scoping process to draw out planning and environmental issues of concern from the public, organizations, and state and federal agencies. The issues raised were combined with legislative mandates, National Park Service policies, park and preserve objectives, resource information, and environmental considerations to form three progressive strategies for the conservation and management of the park and preserve over the next five to ten years.

The first strategy would perpetuate existing trends and conditions by generating no new developments or actions beyond those of a custodial or emergency nature. It would not directly cause any environmental change; however, in the absence of long-term programs for comprehensive management of resources and visitor use, adverse trends might develop and result in environmental degradation.

The second strategy forms the proposed general management plan/development concept plan. It outlines the minimum actions necessary for basic operations: research and monitoring to gain knowledge about the natural and cultural environments, protective management of resources, support of dispersed outdoor recreational activities, and programs to insure visitors' safety and to promote their understanding of the resources they enjoy. The proposed plan includes proposals for the management of three wild rivers, a wilderness suitability review, and a development concept for the field headquarters at Port Alsworth. Less than ten acres of land will be required for permanent and temporary structures to provide for the necessary onsite presence of National Park Service personnel.

The third strategy would respond to a rapid increase in visitation with three developed areas within the park and preserve to provide visitor services and to support resource protection activities. The expanded development would require less than 100 acres of park and preserve land.

None of the strategies would cause a significant change in the park and preserve's majority ecosystems. The increase in visitation anticipated under the expanded development alternative would create the need for additional

protective regulations and enforcement personnel in the near future.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 82-18756 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-70-M

Kalaupapa National Historical Park Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Kalaupapa National Historical Park Advisory Commission will be held at 9:00 a.m. on Thursday, August 12, 1982, at Paschoal Community Hall, Kalaupapa, Molokai, Hawaii.

The Advisory Commission was established by Pub. L. 95-565 to provide advice with respect to park development, operations, public visitation, and employee training.

Members of the Commission are as follows:

Rev. David K. Kaupu, Chairman
Mr. Clifford K. Anderson
Mr. Robert L. Barrel
Mrs. Kuuli Bell
Mr. James Brede
Mr. Shoichi Hamai
Mr. Paul Harada
Mr. Isaac Keao
Mr. Richard Marks
Mr. Ralston Nagata
Mr. Bernard Punikaia

This meeting will be devoted to issues related to proposed language of cooperative agreements between the National Park Service and the State.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Mr. Bryan Harry, Pacific Area Director, National Park Service, 300 Ala Moana Boulevard, Box 50165, Honolulu, Hawaii 96850; telephone (808) 546-7584.

Minutes of the meeting will be available for public inspection by October 11, 1982, in the Office of the Pacific Area Director, National Park Service, 300 Ala Moana Boulevard, Room 6305, Honolulu, Hawaii 96850.

Dated: June 28, 1982.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 82-18758 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: Upper Delaware Citizens Advisory Council, National Park Service; Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: July 23, 1982, 7 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT:

John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717/729-7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1 1/4 miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: July 2, 1982.

Sandra C. Otskivi,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-18757 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-71-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: July 7, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

- (1) Agricultural Services Association, Inc.
- (2) P.O. Box 472, Bells, TN 38006
- (3) A.S.A. Office—Transportation High St., Bells, TN 38006
- (4) J. P. McCormick, A.S.A. Transportation, P.O. Box 472, Bells, TN 38006
- (1) Cache Valley Dairy Association
- (2) P.O. Box 155, Smithfield, UT 84335
- (3) 6351 North 2150 West, Amalgam, UT 84335
- (4) Lyle Tuddenham, P.O. Box 155, Smithfield, UT 84335
- (1) Farm Bureau Services, Inc.
- (2) 7373 West Saginaw Highway, Lansing, Michigan 48917
- (3) 7373 West Saginaw Highway, Lansing, MI 48917
- (4) Maurice Tase, 7373 West Saginaw Hwy., Lansing, MI 48917
- (1) Farmers Exchange Cooperative
- (2) 11 Market St., Lake Park, Iowa 51347
- (3) 11 Market St., Lake Park, IA 51347
- (4) Harold E. Nelsen, Lake Park, IA 51347
- (1) Green Valley Transport Systems, Inc.
- (2) 482 #CW Arrow Highway, San Dimas, CA 91773
- (3) Calle 1 NO 703 PUE 7-8 Agua Prieta, Mexico

- (4) Sharon Sharp, 482 #CW Arrow Hwy., San Dimas, CA 91773
- (1) Sun Land Sales, Inc.
- (2) 2051 Geneva St. #43, Oceanside, CA 92054
- (3) 2051 Geneva St. #43, Oceanside, CA 92054
- (4) Richard B. Jones, 2051 Geneva St. #43, Oceanside, CA 92054

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-18708 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions

stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79863. By decision of June 24, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ARKANSAS FREIGHTWAYS, INC. of Certificate No. MC-121805 (Sub-Nos. 12, 13, 14, 15X, 16 and 17) issued to ARKANSAS EXPRESS, INC. authorizing the transportation of *general commodities*, (usual exceptions) over regular and irregular routes between points in AR, OK, KS, NE, MO, KY, TN, TX, LA, MS. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210.

Note(s).—(1) TA has been filed. (2) Transferee is a non-carrier.

MC-F-79874. By decision of June 28, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to S.T.C. Trucking Co., Inc., of Corriganville, Md., of Certificate No. MC-154569 and Subs 1 and 3 issued to Leydig Trucking, Inc., of Corriganville, MD, authorizing *coal and coal products*, between points in MD, PA, and NV; *salt*, between points in Allegany County, MD, on the one hand, and, on the other, points in PA, WV, and VA; and *brick, tile, and concrete products*, between points in Allegany and Garrett Counties, MD, on the one hand, and, on the other, points in OH, VA, and PA. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. TA lease is not sought. Transferee is not a carrier.

MC-FC-79875. By decision of June 23, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to CARSON TRUCK LINES, INC. of Certificate No. MC-142835 and sub-numbers thereunder issued to CARSON MOTOR LINES, INC. authorizing the transportation of (1) *general commodities* (usual statutory exceptions) for the United States Government between points in the United States, (2) *drugs and toilet preparations*, from Lynchburg, VA, to points in the United States (except AK and HI), (3) *food and related products*, between specified cities and counties in PA, OH, MI, MA, DC, GA, NY, FL, NJ, VA, WV, TX, and NC, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NH, NY,

NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI, and (4) *furniture*, between points in Guilford County, NC, on the one hand, and, on the other, points in FL. Representative: A Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215.

Notes.—(1) Transferee is a non carrier. (2) This does not purport to be a complete description of the authority and territory involved.

MC-FC-79887. By decision of June 24, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to H & H BULK TRANSPORT, INC., of Indianapolis, IN, of Certificate Nos. MC 124083 (Sub-Nos. 62 and 63X), issued to SKINNER MOTOR EXPRESS, INC., also of Indianapolis, IN, which authorize the transportation of (1) *metal products*, between points in Winnebago County, WI, on the one hand, and, on the other, points in IN; and (2) *commodities in bulk*, (a) between points in IL, IN, MI, WI, OH, PA, IA, MO, KY, and TN, (b) between points in Posey County, IN, on the one hand, and, on the other, points in AR, IL, IN, KY, MO, OH, and TN, (c) between points in Jay County, IN, on the one hand, and, on the other, points in KY, MI, MO, NY, OH, PA, WV, and WI, (d) between points in Daviess County, KY, on the one hand, and, on the other, points in AR, IL, IN, KY, MI, MO, OH, TN, VA, and WV, and (e) between points in Bureau, McLean and Cook Counties, IL, and Polk County, IA, on the one hand, and, on the other, points in IL, IA, IN, MI, OH, WI, MO, KS, NE, SD, ND, and MN. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., Indianapolis, IN 46204.

Note.—TA has been filed. Transferee is not a carrier, but is affiliated with transferor.

Agatha Mergenovich,
Secretary.

[FR Doc. 82-18710 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the 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 it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall

not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 1, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,
Secretary.

MC-F-14870, filed June 1, 1982. SOUTHERN FREIGHTWAYS, INC., (Southern), P.O. Box 158, Eustis, FL 32726—PURCHASE—GOLDEN TRIANGLE TRANSPORTATION, INC., (Golden), P.O. Box 2043, Columbus, MS 39701. Representative: K. Edward Wolcott, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. Southern seeks authority to purchase the interstate operating rights of Golden. Gene Baugh, who controls Southern through stock ownership and management, seeks authority to acquire control of said rights through the transaction. The operating rights to be purchased are contained in Golden's Permits in MC-147148 (Sub 2F) authorizing the transportation of general commodities (except household goods and Classes A and B explosives) between points in the US under contract with Kerr-McGhee Chemical Corporation, and MC-147148 (Sub 3) authorizing general commodities (except Classes A and B explosives) between points in the US under contract with Ribelin Sales, Inc. Southern is a motor common carrier pursuant to Certificates issued in MC-144140 and Sub Numbers thereunder. Condition: Gene Gaugh, has signed the application on behalf of Southern; however, as a condition to our approval, he must join in the application, in his own right, as party in control of Southern.

Note.—Southern has filed an application for temporary authority.

[FR Doc. 82-18709 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 277]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 6, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in *Ex Parte* No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority*.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,
Secretary.

MC 217 (Sub-28)X, originally published May 7, 1982, republished this issue to include several inadvertent omissions. Applicant: POINT TRANSFER, INC., P.O. Box 1441 Station C, Canton, OH 44708. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Lead and Subs 3, 4, 5, 6, 11 and 21, as previously noticed, and, in addition broaden (1) glassware to "Clay, concrete, glass or stone products" and (2) canned goods to "food and related products", lead.

MC 19878 (Sub-2)X, filed June 14, 1982. Applicant: STEINWAY VAN & STORAGE CORP., 42-45 12th Street, Long Island city, NY 11101. Representative: Kenneth M. Piken, Esq., 95-25 Queens Blvd., Rego Park, NJ 11374.

Lead and Sub 1, broaden household goods to "household goods, furniture and fixtures".

MC 32122 (Sub-9)X, filed June 18, 1982. Applicant: PAZEN TRANSFER LINE, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. Lead and Sub 7: (1) broaden (a) musical instruments to "instruments and photographic goods", malt beverages, and empty malt beverage containers, wallpaper, stoves and refrigerators to "food and related products, pulp, paper and related products, metal products, and machinery", household goods to household goods, furniture and fixtures", and packing-house products to "food and related products", lead; and (b) building and roofing materials, asphalt or composition siding, and metal fasteners, nails, cement and caulking compounds to "building materials", flour, sugar, and cookies to "food and related products", and such corrugated or fibreboard containers and plastic shipping trays as are used in bakeries to "pulp, paper and related products, and rubber and plastic products", Sub 7; (2) change city-wide to county-wide authority: Oshkosh and Menasha, WI (Winnebago County), Rockford, IL (Winnebago County), and Chicago, IL (Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN), lead; and Ripon, WI (Fond du Lac County), Marseilles, IL (La Salle County), South Bend, IN (St. Joseph County), MT. Olive, IL (Macoupin County), Chicago, IL (Cook, DuPage, Kane, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN), and Blue Island, Morris and St. Charles, IL (Cook, Grundy, and Kane Counties), Sub 7; (3) remove the pick-up only restriction and the restriction against service to points in IN within the Chicago, IL commercial zone, Sub 7; and (4) change one-way to radial authority in both certificates.

MC 148849 (Sub-7)X, filed June 24, 1982. Applicant: EQUITABLE BAG CO., INC., 45-50 Van Dam St., Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Subs 2F, 3F, and 5F permits: (1) remove bulk restriction from its authority to transport such commodities as are sold or dealt in by department stores and/or paper and paper products, Subs 2F and 3F; and (2) broaden to "between points in the U.S. (except AK and HI)," under continuing contract (s) with named shippers, all Subs.

[FR Doc. 82-18711 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-183

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 99749 (Sub-1-4TA), filed June 28, 1982. Applicant: BOURNE'S TRANS., INC., 1029 Pearl Street, Brockton, MA 02401. Representative: John F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. *General commodities (except Classes A and B explosives)*, between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in AR, KY, OH, PA, TN, and Gordon and Fulton Counties, GA. Supporting shipper(s):

There are eighteen statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston.

MC 145108 (Sub-1-22TA), filed June 28, 1982. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same as applicant). *General commodities (except Class A and B explosives)* between points in the U.S. (except AK and HI) under continuing contract(s) with Signode Corporation of Glenview, IL. Supporting shipper: Signode Corp., 3610 W. Lake, Glenview, IL 60025.

MC 162756 (Sub-1-1TA), filed July 1, 1982. Applicant: CARROLS DEVELOPMENT CORPORATION, 968 James Street, Syracuse, NY 13203. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Contract carrier: Irregular routes: Food and related products* (1) from King of Prussia, PA to Washington, D.C., Baltimore, MD, Syracuse, NY, and their Commercial Zones, Oxford, MA, Bellmar, NJ, and Jericho, NY, and (2) from Bedford and Harrisonburg, VA to Oxford and Worcester, MA, Blue Anchor and Vineland, NJ and Jericho, NY, under continuing contract(s) with Golden West Foods, Inc., (Subsidiary McCormick & Co., Inc.), Bedford, VA, and American Foodservice Corporation, King of Prussia, PA. Supporting shipper(s): Golden West Foods, Inc. (Subsidiary McCormick & Co., Inc.), Bedford, VA 24523; American Foodservice Corporation, 400 Drew Ct., King of Prussia, PA 19406.

MC 147812 (Sub-1-1TA), filed June 29, 1982. Applicant: ANTHONY W. DAUTO, d.b.a. DAUTO'S EXPRESS, 3526 Northwest Boulevard, Vineland, NJ 08360. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. *General commodities (except Classes A and B explosives, commodities in bulk, and household goods)*, between Alexandria, VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, and VA. Supporting shipper(s): Part IV Associates, Inc., 580 Germantown Pike, Plymouth Meeting, PA 19462; National Piggyback Services, Inc., 6440 Hillcroft, Suite 412, Houston, TX 77081.

MC 151783 (Sub-1-3TA), filed June 28, 1982. Applicant: S. GOSKI & SONS, INC., 318 Massachusetts Street, Westfield, NJ 07090. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier: Irregular routes: Paper and plastic articles* between points in CT, DE, MD, NY, NJ and PA, under

continuing contract(s) with James River Corporation of VA and its subsidiaries, Richmond, VA. Supporting shipper: James River Corporation of VA and its subsidiaries, P.O. Box 2218, Richmond, VA 23217.

MC 142784 (Sub-1-1TA), filed June 25, 1982. Applicant: RICHARD H. GRAVES, Box 193, East Conway Road, Center Conway, NH 03813. Representative: Richard H. Graves (same as applicant). *Contract carrier: Irregular routes: (1) Building Materials, boxes, skids, crates and pallets* from Silver Lake and Center Ossipee, NH, to points in ME, RI, CT, VT, NY and SC, under continuing contract(s) with John F. Chick & Son, Inc., of Silver Lake, NH; and (2) *Lumber and wood products* between points in and east of the Mississippi River including ports of entry on the International Boundary Line between the U.S. and the Province of Quebec, CD, under continuing contract(s) with Bear Paw Timber Corp., of Fryeburg, ME. Supporting shipper: John F. Chick & Son, Inc., Route 113, Silver Lake, NH 03815; Bear Paw Timber Co., P.O. Box 20, Fryeburg, ME 04038.

MC 156046 (Sub-1-2TA), filed June 24, 1982. Applicant: HABIT MOTOR LINES, INC., 154 Broad Street (Suite 6), Nashua, NH 03063. Representative: Frank M. Cushman, 5 Carbery Avenue, Sharon, MA 02067. *Contract carrier: Irregular routes: General commodities (except Classes A and B explosives, hazardous waste, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between all points in the U.S. (except AK and HI) under continuing contract(s) with AAA Cargo Brokers, Inc., Sharon, MA. Supporting shipper: AAA Cargo Brokers, Inc., 36 South Main Street, Sharon, MA 02067.

MC 162688 (Sub-1-1TA), filed June 28, 1982. Applicant: WHITE ROCK DISTILLERIES, INC. d.b.a. LAWRENCE & COMPANY, 88 Commercial Street, Lewiston, ME 04240. Representative: Raymond R. Coulombe (same as applicant). *Contract carrier: Irregular routes: Water* from ME to NC, IL, PA, MD, NY, OH, NJ, NH, MA, VT, CT, and RI, under continuing contract(s) with Poland Spring Corp., Poland Spring, ME. Supporting shipper: Poland Spring Corp., P.O. Box 499, Poland Spring, ME 04274.

MC 121463 (Sub-1-1TA), filed June 28, 1982. Applicant: LEGGETT EXPRESS, INC., 95 Leggett Street, East Hartford, CT 06108. Representative: John E. Fay, 663 Maple Avenue, Hartford, CT 06114. *General commodities (with the usual exceptions)* between points and places in CT on the one hand, and, on the other, points and places in MA, ME, NH,

NJ, NY, RI, and VT. Applicant intends to interline. Supporting shipper: C & M Warehouse, Inc., 95 Leggett Street, East Hartford, CT 06108.

MC 162478 (Sub-1-1TA), filed June 28, 1982. Applicant: MERMAID TRANSPORTATION COMPANY, 9 Woodland Road, South Portland, ME 04106. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. *Contract carrier: Irregular routes: Passengers and their baggage in the same vehicle with passengers*, between the Portland International Jetport, Portland, ME, on the one hand, and, on the other, Logan International Airport, Boston, MA, under continuing contract(s) with the Mermaid Club of Portland, ME. Supporting shipper: The Mermaid Club, 2 Canal Plaza, Portland, ME.

MC 151193 (Sub-1-33TA), filed June 28, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier: Irregular routes: Toilet preparations, hair-care products, shampoos, conditioners, bath and body powers, health and beauty aids, and equipment, materials and supplies*, between points in FL, GA, NJ, and NY, under continuing contract(s) with Contract Packaging Corporation, Totowa, NJ. Supporting shipper: Contract Packaging Corporation, 10 West End Road, Totowa, NJ 07512.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 162714 (Sub-3-1TA), filed June 28, 1982. Applicant: FERGUSON HARBOR SERVICE, INC., P.O. Box 8153, Nashville, TN 37207. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. *Hazardous and toxic wastes*, between Clermont and Hamilton Counties, OH, on the one hand, and, on the other, points in KY, TN, GA, MS, AR, and AL. Supporting shipper(s): CECOS/CER Company, 4879 Spring Grove Ave., Cincinnati, OH 45232.

MC 160454 (Sub-3-2TA), filed June 28, 1982. Applicant: OWEN PRODUCE, INC., Locust Grove Road, Elizabethtown, KY 42701. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Automobile lifts, ramps, and suspensions* from the facilities of Weaver Corporation at Paris, KY to points in CA. Supporting shipper: Weaver Corporation, Ford's Mill Road, Paris, KY 40361.

MC 128372 (Sub-3-1TA), filed June 29, 1982. Applicant: PHILPOT CONTRACTING COMPANY, INC., P.O. Box 44004, Atlanta, GA 30336. Representative: Raymond F. Philpot (same as above). *Scrap metal telephone parts and equipment and cable, reels and supplies*, between points in GA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Southern Bell Telephone & Telegraph Company, 25P65 Southern Bell Center, Atlanta, GA 30375.

MC 149011 (Sub-3-3TA), filed June 28, 1982. Applicant: RDR, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *CONTRACT*; irregular: *appliances and paper products* from Anniston, AL and Cartersville, GA to Cleveland and Chattanooga, TN under continuing contract(s) with (1) Magic Chef and (2) H-Box Corporation. Supporting shippers: Magic Chef, 740 King Edward Avenue, Cleveland, TN 37311 and H-Box Corporation, Box 951, Cartersville, GA 30120.

MC 162263 (Sub-3-1TA), filed June 25, 1982. Applicant: SPARTAN TOURS, INC., P.O. Box 2462, Spartanburg, South Carolina 29304. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, North Carolina 28202. *Contract*: Irregular: *Passengers and their baggage, in special and charter operations*, from Spartanburg County, SC, to Knoxville, TN and return. Supporting shipper: Spartan Travel Incorporated, P.O. Box 3232 1484 Greenville Highway, Spartanburg, S.C. 29304.

MC 162419 (Sub-3-1TA), filed June 28, 1982. Applicant: JACK YANCEY, RFD 1, Rhine, GA 31077. Representative: Paul Felty, P.O. Box 2216, Warner Robins, GA 31099. *Passengers and their baggage in special and charter operations* between points in GA on the one hand, and on the other hand, points in FL, TN, SC, NC, VA, WV, DE, CT, DC, MD, NY, TX, NM, LA, KY, NJ, PA, AL, MS, IN, MI, IL, MA, OK, MO, and OH. There are 11 support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

Mc 140484 (Sub-3-30TA), filed July 1, 1982. Applicant: LESTER COGGINS TRUCKING, INC., Post Office Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Foodstuffs and related products* from Liberal, KS, to points in the states of AL, FL, GA, IL, IN, KY, MI, NY, NC, OH, PA, SC, TN, and WV. Supporting shipper: National Beef Packing Company, P.O. Box 1358, Liberal, KS 67901.

Mc 148872 (Sub-3-2TA), filed July 2, 1982. Applicant: H. O. H. COMPANY, INC., P.O. Box 637, Rossville, GA 30741. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. *General commodities (except used household goods, class A & B explosives, and commodities in bulk)* between all points in the U.S. under continuing contract(s) with North Georgia Shippers Association, Inc. Supporting shipper: North Georgia Shippers Association, P.O. Box 3427, Dalton, GA 30721.

Mc 162790 (Sub-3-1TA), filed July 2, 1982. Applicant: HAROLD W. KELLEY d.b.a. HAROLD W. KELLEY TRUCKING, Rt. 6, Box 647, Cleveland, TN 37311. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Beverage vending and cooling machines* from the facilities of Cavalier Corporation at Chattanooga, TN to points in TX, OK, CO, NM, and AR. Supporting shipper: Cavalier Corporation, 1100 E. 11th Street, Chattanooga, TN 37403.

Mc 162789 (Sub-3-1TA), filed July 2, 1982. Applicant: MAJESTIC TOURS AND CHARTER, INCORPORATED, 547 Janice Avenue, Daytona Beach, FL 32014. Representative: Ervin Ross, Jr., 430 Jabaly Street Daytona Beach, FL 32014. *Passengers and their baggage in charter and special operations* beginning and ending in Volusia, Flagler, Orange, St. Johns and Duval Counties, FL and extending to points in Chatham County, GA; Knox County, TN; Tuscaloosa County, AL; and Washington, DC. Supporting shippers: Bethune-Cookman College, 640 Second Avenue, Daytona Beach, FL. Stewart Memorial United Methodist Church, 300 North Campbell Street, Daytona Beach, FL. Community Church of God In Christ, 359 Jefferson Street, Daytona Beach, FL. Bethune-Cookman College Gospel Choir, 640 Second Avenue, Daytona Beach, FL.

Mc 155061 (Sub-3-1TA), filed July 2, 1982. Applicant: MARYVILLE-ALCOA TRANSPORTATION SYSTEM, INC., P.O. Box 378, Alcoa, Tennessee 37701. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Such commodities as are dealt in or used by retail tire and automotive parts stores* between points in TN on the one hand, and, on the other, points in AL, GA, KY, NJ, NC, OH, PA and VA. Supporting shipper: Auto Parts Store, Inc., of 402-12 East Market St., Kingsport, TN, 37660.

MC 157204, (Sub-3-3TA), filed July 2, 1982. Applicant: SUR-WAY TRANSPORT, INC., 1506 Radium Springs Road, Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL

32202. *Contract*, irregular: *General Commodities (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk and hazardous commodities)* between points in the U.S. (except AK and HI) under a continuing contract with Calabrian International Corporation of New York, NY. Supporting Shipper: Calabrian International Corporation, 26 Broadway, New York, NY 10004.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 105159, (Sub-4-19), filed June 28, 1982. Applicant: KUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. *Food and related products*, from the facilities of Sanna, Inc. at Eau Claire, Menomonie, Vesper and Wisconsin Rapids, WI, to points in the U.S. in and east of ND, SD, NE, CO, OK, AR, and LA. Supporting Shipper: Sanna, Inc., P.O. Box 8046, Madison WI 53708.

MC 120184, (Sub-4-6TA), filed June 30, 1982. Applicant: PEP LINES TRUCKING CO., 32600 Dequindre Rd., Warren, MI 48092. Representative: Thomas B. Hill, 1010 Jorie Blvd., Oak Brook, IL 60521. *Contract*, Irregular routes, transporting: *Aluminum Ingots, metal castings, aluminum automotive pistons, and scrap metal*, between points in IN, MI and OH, under continuing contract(s) with Bohn Metals Division of Gulf & Western Manufacturing Company. Supporting Shipper: Bohn Metals Division Gulf & Western Manufacturing Company, 26261 Evergreen Rd., Southfield, MI 48076.

MC 123640, (Sub-4-3 TA), filed July 1, 1982. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, IN 46803. Representative: Irving Klein, Esq., Suite 7, 1205 Franklin Ave., Garden City, NY 11530. *Contract*, Irregular: *Foam rubber* between points in the U.S. (except AK and HI) under continuing contract with Lifetime Foam Products, Inc. Supporting Shipper: Lifetime Foam Products, Inc., 3001 Cullerton Drive, Franklin Park, IL 60131.

MC 129016 (Sub-4-1TA), filed June 28, 1982. Applicant: M & E CORP., 6719 Hibiscus Dr., Muncie, IN 47302. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: *Sweeteners, in bulk and in bags*, between Cincinnati, OH, Dayton, OH, and St. Louis, MO, on the one hand, and points in IL, IN, KY, MI, MO, OH, and WV, on the other. Restricted to a contract or continuing contracts with

Process Sugar Sales, Division of Process Supply Co., Inc., Muncie, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Process Sugar Sales, Division of Process Supply Co., Inc., 1800 East Washington Street, P.O. Box 1271, Muncie, IN 47305.

MC 148966 (Sub-4-10TA), filed June 28, 1982. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312. *Food and related products*, From Janesville, WI, Rochester, MN, Dundee and Williamson, NY, Kennett Square, PA and Mountain Home, NC to all points in the U.S. Supporting shipper(s): Seneca Foods Corporation, P.O. Box 71, Prosser, WA 99350.

MC 149419 (Sub-4-2), filed June 30, 1982. Applicant: OSTERBUR TRUCKING, INC., P.O. Box 26, Royal, IL 61871. Representatives: Edward D. McNamara, Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Contract irregular: Paving asphalt and asphalt cement* between Whiting, IN, on the one hand, and points in the IL counties of Edgar, Clark, Vermilion, Champaign, and Douglas, on the other hand. Supporting shipper: Danville Asphalt Company, Inc., and University Asphalt Company, Inc., P.O. Box 848, Urbana, IL 61801.

MC 149586 (Sub-4-1), filed June 25, 1982. Applicant: GAZDA MOVING COMPANY INC., 7580 Commerce Lane, NE, Minneapolis, MN 55432. Representative: Robert P. Sack, P.O. Box 21-307, Eagan, MN 55121. *Contract irregular: Furniture and fixtures*, between Minneapolis, MN and Conway, AR on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract with Sico, Inc., of Minneapolis, MN. Supporting shipper: Sico, Inc., 7525 Cahill Rd., Minneapolis, MN 55440.

MC 150157 (Sub-4-6TA), filed June 30, 1982. Applicant: REGENCY MOTOR FREIGHT, INC., 26600 Van Born Road, Dearborn Heights, MI 48125. Representative: Martin J. Leavitt, Sullivan & Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Contract irregular: Products of Wolverine Aluminum Corporation* between Lincoln Park and Jackson, MI and Waverly, OH, on the one hand, and on the other, Hartford, Bridgeport and New Britain, CT; Newport, DE; Atlanta, GA; Davenport, IA; Wichita and Kansas City, KS; Springfield, Worcester, Braintree, Leominster and Woburn, MA; Omaha and Lincoln, NE; Manchester, NH; Syracuse, Rochester and New York, NY; Fargo, ND; Tulsa, OK; Scranton and Lebanon, PA, Warwick and Cranston,

RI; Knoxville, TN; Beaumont and Dallas, TX; and Salt Lake City, UT. Supporting shipper: Wolverine Aluminum Corporation, 1850 Howard St., Lincoln Park, MI.

MC 150631 (Sub-4-3TA), filed June 29, 1982. Applicant: HENRY W. FREDENBERG, LTD., Route 1, 2360 Uphoff Road, Cottage Grove, WI 53527. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract; irregular: (a) food and related products and (b) wood and wood products* between points in the U.S. (except AK and HI). Restriction: restricted to transportation performed under continuing contract(s) with Oconomowoc Canning Co. and Midwest Lumber Associates. Supporting shippers: Oconomowoc Canning Co., 626 East Wisconsin Avenue, Oconomowoc, Wisconsin 53066; Midwest Lumber Associates, 1150 West Main Street, Box 187, Sun Prairie, WI 53590.

MC 152257 (Sub-4-3TA), filed June 25, 1982. Applicant: LORDCO TRUCKING, INC., 535-F Tollgate Road, Elgin, IL 60120. Representative: Paul J. Maton, 27 East Monroe Street, Suite 1000, Chicago, IL 60603, (312) 332-0905. *Contract; irregular: rolled or sheeted cellulose; unprinted rolled plastic; plastic or cellulose bags; overhead doors and materials, equipment and supplies used in the manufacture, distribution and sale of overhead doors* between Kane and Cook Counties, IL, on the one hand, and, on the other, the counties of Milwaukee, Racine, Walworth, Rock, Green, Vernon, Crawford, Sauk, and LaCrosse, WI under continuing contract(s) with Northwest Door Corporation of Elgin, of Elgin, IL and Printpack, Inc. of Elgin, IL. An underlying ETA seeks 120 days authority. Supporting shippers: Northwest Door Corporation of Elgin, 1331 Davis Road, Elgin, IL 60120 and Print-Pack, Inc., 1400 Abbott Drive, Elgin, IL 60120.

MC 153590 (Sub-4-1TA), filed July 1, 1982. Applicant: BELCOURT OIL COMPANY, INC., P.O. Box 750, Belcourt, N.D. 58316. Representative: C. Jack Pearce, Law Offices of Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. *Contract irregular: Building materials*, between points in OR, WA, ID and MT, on the one hand; and, on the other hand, points in ND, SD, MN and NE, under continuing contract(s) with Idaho Pacific Lumber Company, Inc. Supporting shipper: Idaho Pacific Lumber Company Inc., P.O. Box 4815, Boise, ID 83704.

MC 159733 (Sub-4-2), filed June 28, 1982. Applicant: S&L TRUCKING, INC.,

P.O. Box 322, Harvard, IL 60033. Representative: William F. Mix, 21 A Muzzey St., Lexington, MA 02173. *Contract irregular: Electronic components and plastic molding compounds, granules or pellets, in packages, and materials, equipment and supplies used in the sale, manufacture and distribution*, (except Class A & B explosives) between points in IL on the one hand, and on the other, points in CA and WA. Restricted to traffic moving under continuing contract with Signetics, a Subsidiary of U.S. Philips Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Signetics, a Subsidiary of U.S. Philips Corp., 811 East Arques Avenue, Sunnyvale, CA 94086.

MC 159968 (Sub-4-2), filed June 24, 1982. Applicant: BORCULO GARAGE, INC., d.b.a. GRASSMID TRANSPORT, 6410 96th Ave., Zeeland, MI 49464. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Contract irregular: Food and related products* between the facilities of Henry House, Inc., in Holland, MI and points in IL, MO, GA, AL, SC under continuing contracts with Henry House, Inc. of Holland, MI. Supporting shipper: Henry House, Inc., 284 Roost Road, Holland, MI 49423.

MC 162380 (Sub-4-1TA), filed June 25, 1982. Applicant: CMM TRANSPORTATION, INC., Abbott Park, North Chicago, IL 60064. Representative: Edward G. Bazelon, 29 South La Salle Street, Chicago, IL 60603. *Contract, Irregular: Foodstuffs*, between Jacksonville, IL and Rocky Mount, NC, under continuing contract(s) with Anderson Clayton Foods, a Division of Anderson, Clayton & Company. Supporting shipper: Anderson Clayton Foods, a Division of Anderson, Clayton & Company, P.O. Box 226165, Dallas, TX 75266.

MC 162652 (Sub-4-1TA), filed June 25, 1982. Applicant: CHRIS HANSON AND EVAN HANSON, d.b.a. HANSON PROPERTIES, P.O. Box 167, Hammond, WI 54015. Representative: Norman A. Cooper, 145 W. Wisconsin Ave. Neenah, WI 54956. *Contract Carrier Irregular Routes: Plastic film in rolls and sheets, and equipment, materials and supplies used in the manufacture, sale and distribution* between Hammond, WI on the one hand, and, on the other, Circleville, OH; Hopewell, VA; West Chester, PA; Greenville, SC; Decatur, AL; Chicago, IL; Los Angeles, CA; Dallas, TX; Glenbrook, CT; and San Francisco, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Douglas

Hanson Company, P.O. Box 167,
Hammond, WI 54015.

MC 162694 (Sub-4-1TA), filed June 28, 1982. Applicant: TOM A. WIMMER, d.b.a. T-W TRANSPORT, 1010 N. Mill, P.O. Box 37, Fairmont, IN 46298. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. *Contract, Irregular: Such merchandise as is dealt in or used by wholesale, retail and chain grocery and food business houses, and equipment, materials and supplies used in the manufacture of said products, between points in TN, KY, OH, IN, IL, VA and TX, under continuing contract(s) with The Kroger Co., of Cincinnati, OH. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Underlying ETA seeks 120 days authority.*

MC 162696 (Sub-4-1TA), filed June 28, 1982. Applicant: GENE MILLER, 1919 Ashland Ave., Sheboygan, WI 53081. Representative: Richard D. Armstrong, 925 Hyland Dr., Stroughton, WI 53589. *Contract, Irregular: 1) Foodstuffs and related articles between Sheboygan, WI and points in IL, MD, MN and VA under continuing contract(s) with Lugen Brothers Sausage, Inc.; 2) Building materials between Cedarburg and Sheboygan, WI and points in IN, KS, MI, MN, MO and OH under continuing contract(s) with Alpine Insulation Company, Inc. Supporting shipper: Lugen Bros. Sausage Inc., P.O. Box 606, Sheboygan, WI 53081; Alpine Insulation, Inc., 1170 Wanwatos Rd., Cedarburg, WI 53012.*

MC 162730 (Sub-4-1TA), filed June 30, 1982. Applicant: CASEY CARTAGE, INC., 4631 S. Racine Ave., Chicago, IL 60609. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Contract, Irregular: General commodities (except class A & B explosives, household goods, and commodities in bulk) between Chicago, IL and points in its commercial zone, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, and WI under contract with Hub City Detroit Terminals, Inc. Supporting shipper: Hub City Detroit Terminals, Inc., 1695 Woodward, Bloomfield, MI 48084.*

MC 162731 (Sub-4-1TA), filed June 30, 1982. Applicant: SUN-DOWN OF HUTCHINSON, INC., 117 First Ave. Northeast, Hutchinson, MN 55350. Representative: Thomson, Sperry & Jensen, Ltd., 329 East Highway 12, Litchfield, MN 55355. *Powder cement and fly ash, between McLeod, Kandiyohi, Meeker, Douglas, Stearns, Pope, Olmstead, Wright and Hennepin Counties, MN on the one hand, and on*

the other, points in Columbia and Douglas Counties, WI and Cerro Gordo County, IA. Supporting shippers: 9.

MC 162770 (Sub-4-1TA), filed July 1, 1982. Applicant: TENNYBROOK TRANSPORTATION, INC., 1150 Junction Ave., Schererville, IN 46375. Representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221. *Contract, irregular, hydrochloric acid and pickle liquor between points in IL and MI and that portion of IN within the Chicago, IL Commercial Zone on the one hand, and, on the other points in IN, IL, and MI under continuing contract(s) with By Products Management of Indiana, Inc., Schererville, IN 46375 and Dow Chemical U.S.A., Rolling Meadows, IL 60008.*

MC 162771 (Sub-4-1TA), filed July 1, 1982. Applicant: DYER TRANSPORT, INC., P.O. Box 33, Remington, IN 47977. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209-4786. *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, hazardous wastes and commodities in bulk), between points in the U.S. (except AK and HI) restricted to service for the accounts of Customer Machine Shop, LaFayette, IN; Kel-Mar, Inc., McKenzie, TN; Master Metals, Inc., Cleveland, OH; Poly-Cycle Industries, Jacksonville, TX; Jim Segrest and Associates, Inc., Birmingham, AL. Supporting shippers: Custom Machine Shop, 715 North 31st Street, LaFayette, IN 47904; Kel-Mar, Inc., 246 West Witt Avenue, McKenzie, TN 38201; Master Metals, Inc., 2850 West Third Street, Cleveland, OH 44113; Poly-Cycle Industries, P.O. Box 205, Jacksonville, TX 75766; Jim Segrest and Associates, Inc., P.O. Box 449, Dolomite, AL 35061.*

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 114028 (Sub-5-7TA), filed June 29, 1982. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603. *Contract, irregular: Distilled Spirits and Wines between points in the U.S. (except AK and HI) under continuing contract(s) with Federated Distributors, Inc., and its subsidiaries. Supporting shipper: Federated Distributors, Inc., 4130 South Morgan Street, Chicago, IL 60609.*

MC 145797 (Sub-5-6TA), filed June 29, 1982. Applicant: NANCY

TRANSPORTATION, INC., 111 Hilltown Village Center, Chesterfield, 63017. Representatives: Daniel J. Sweeney, Steven J. Kalish, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20006. *Drugs, medicines and toilet preparations and materials, equipment and supplies used in the manufacture, distribution and sale of drugs, medicines and toilet preparations between the facilities of the Vicks Health Care Division of Richardson-Vicks and all points in the U.S. Supporting shipper: Vicks Health Care Division, Philadelphia, Pa.*

MC 146553 (Sub-5-25TA), filed June 28, 1982. Applicant: ADRIAN CARRIERS, INC., 8938 N. Zenith, Davenport, IA 52804. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Malt beverages, from St. Louis, MO and Columbus, OH to the facilities of Dale Lee Distributing Co. at Marion, IA. Supporting shipper: Dale Lee Distributing Co., 850 Old Marion Road, Marion, IA 52302.*

MC 148789 (Sub-5-1TA), filed June 28, 1982. Applicant: HURRICANE TRUCKING, INC., 550 Aleen St., Houston, TX 77029. Representative: H. W. Stephens (same as above). *General commodities in ocean containers between points in TX, LA, OK, CO, NM, and AR. Supporting shipper(s): Shelton W. Greer Co., Inc., Houston, TX; Sunbelt Warehouse, Houston, TX.*

MC 153138 (Sub-5-6TA), filed June 29, 1982. Applicant: LARRY DONE EASLEY, dba. EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Copper tubing from Wynne, AR to points in CA, OR, CO, AZ, NM, NV and WA. Supporting shipper(s): Cambridge-Lee Industries, Inc., 16418 Berwyn Road, Cerritos, CA 90701; P. E. O'Hair & Company, 945 Bryant Street, San Francisco, CA 94103.*

MC 155903 (Sub-5-2TA), filed June 29, 1982. Applicant: DAHLIA PLANTATION, INC., Route 2, Box 18, Tallulah, LA 71282. Representative: Gene Laird (same as applicant). *Lumber and such commodities as are dealt in or used by manufacturers or distributors of lumber, between points in Tensas Parish and Tangipahoa Parish, LA and Claiborne County, MS on the one hand, and, points in the US on the other. Supporting shipper: W. E. Parks Lumber Co., Inc., Newellton, LA.*

MC 156499 (Sub-5-8TA), filed June 28, 1982. Applicant: CIRCLE C TRUCKING, INC., P.O. Box 865 Grand Island, NE, 68802. Representative: Robert D. Eklund, 175 W. Apple Avenue, Muskegon, MI

49443-0786. Contract irregular: *General commodities (except Classes A and B explosives and hazardous waste materials)* between all points in the U.S. Restricted to traffic under continuing contract with James River Corporation and its subsidiaries. Supporting shipper: James River Corp., Richmond, VA.

MC 161894 (Sub-5-1TA), filed June 28, 1982. Applicant: P. T. R. TRUCK LINES, INC., RR No. 4, Box 720, Davenport, IA 52804. Representative: James M. Hood, 302 Union Arcade Building, Davenport, IA 52801. Contract: Irregular. Transporting *malt beverages and related advertising materials* between Davenport, IA, and Rock Island, IL and St. Louis, MO, under continuing contracts with A. D. Huesing Corporation of Rock Island, IL and Jack's Distributing of Davenport, IA.

MC 162677 (Sub-5-1TA), filed June 28, 1982. Applicant: GREGG GOODENOW, P.O. Box 221, Ida Grove, IA 51445. Representative: Ronald R. Adams or Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular; *Reinforcing steel bar, cast foundry products, bar stock, angles, channels, beams, steel sheets, steel plate, fabricated metal products, and equipment, materials, and supplies used in the manufacture and distribution of the foregoing commodities*, between Sioux City, IA and South Sioux City, NE, on the one hand, and, on the other, points in the U.S., (except AK and HI) under continuing contract(s) with Sioux City Foundry Co., of Sioux City, IA. Supporting shipper: Sioux City Foundry Co., P.O. Box 3067, Sioux City, IA 51102.

MC 162679 (Sub-5-1TA), filed June 29, 1982. Applicant: RICHARD KEMPES, d.b.a. Kempkes Farms, Walton, NE 68561. Representative: Lavern R. Holdeman, 1610 S. 70th St., Suite 200, Lincoln, NE 68506. *Fertilizer and irrigation equipment used in farming*, between points in SD, NE, KS, OK, TX, LA, NM, MT, and CO, restricted to the account of James A. Mabray, d.b.a. Central Ag Supply, Arlington, TX. Supporting shipper: Central Ag Supply, 5400 Oak Brook Rd., Arlington, TX 76016.

MC 67234 (Sub-5-26TA), filed July 1, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General commodities (except Classes A and B explosives)* between points and places in the U.S. (including AK and HI), under continuing contract(s) with General Mills, Inc. Supporting shippers: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 151158 (Sub-5-10TA), filed July 2, 1982. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representatives: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. (1) *Food and related products* from points in ID and Dallas County, TX to points in LA, MS, OK, and TN; and (2) *metal products* between the facilities of Alamo Hanger at San Antonio, TX on the one hand, and, on the other, points in AR, GA, LA, NJ, NY, MS, PA, OK, TN, and VT. Supporting Shippers: Institutional Food Brokers, Inc., Little Rock, AR 72214; Lone Star Food Service Products, Dallas, TX 75265; Alamo Hanger Supply, San Antonio, TX 78217.

MC 156693 (Sub-5-3TA), filed July 1, 1982. Applicant: LYNN D. PLETCHER AND PAULETTE PLETCHER, d.b.a. PLETCHER TRUCKING, 450 Coombs Drive, Aurelia, IA 51005. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. Contract irregular *lumber and wood products*, between points in AR, ID, MN, MO, MT, and WA, and points in IA. Supporting shipper: Central Forest Products, Inc., P.O. Box 69, Blairsburg, IA 50034.

MC 158343 (Sub-5-2TA), filed July 1, 1982. Applicant: CHRIS CAMPBELL TRUCKING INC., 1702 15th St., Woodward, OK 73801. Representative: Jim Patton, 3925 N.W. 10th St., Oklahoma City, OK 73147. *Oilfield Equipment, Materials and Supplies* between OK, KS, TX and LA. Supporting shipper(s): Homco, Woodward, OK; N.L. Baroid, Woodward, OK; Flemco Mud Co., Inc., Gage, OK; Dowell Fluid Service, Woodward, OK.

MC 162378 (Sub-5-1TA), filed June 30, 1982. Applicant: J'S PIGGY BACK SERVICE, J. W. Lindsey, d.b.a. P.O. Box 2235, Fort Worth, TX 76101. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *General commodities in Plan 11½ piggy back ramp to ramp services, in railroad owned trailers, (except classes A and B explosives, household goods and commodities in bulk in tank vehicles)*, between rail ramping facilities located in Tarrant and Dallas Counties, TX, on the one hand, and, on the other, points in Tarrant, Dallas, Ellis, Erath, Hood, Jack, Johnson, Palo Pinto, Parker and Wise Counties, TX. Restricted to traffic having a prior or subsequent movement by rail. Supporting shippers: 5.

MC 162525 (Sub-5-1TA), filed July 1, 1982. Applicant: 3C, INC., P.O. Box 18425, Oklahoma City, OK 73154. Representative: Jim Patton, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield equipment, materials and supplies*, between points in OK on the

one hand, and on the other, points in TX. Supporting shipper(s): There are 10 supporting shippers.

MC 162767 (Sub-5-1TA), filed July 2, 1982. Applicant: CENTRAL ILLINOIS EXPRESS, INC., 2509 Westpark Way Circle, Eulless, TX 76039. Representative: Paul E. Peldyak, 120 W. Madison Street, Chicago, IL 60602. Contract, irregular; *General commodities (except commodities in bulk, Classes A and B explosives and household goods)* between points in Rantoul, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract with Caradco Corp., Rantoul, IL.

MC 162787 (Sub-5-1TA), filed July 2, 1982. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. (1) *Silica sand*, from points in La Salle County, IL, and Le Sueur County, MN, to points in IL, IA, NE and WI; and (2) *Sand and Sand Products*, from Oregon and East St. Louis, IL, Muscatine, IA, Eau Claire, Portage and Taylor, WI, to points in IL, IN, IA, MI, MN, MO, NE and WI. Supporting shippers: Bos Sand Co., 20500 So. La Grange Rd., Frankfort, IL 60423; Martin Marietta Aggregates Industrial Sand Division, Two Crossroads of Commerce, Rolling Meadows, IL 60008; and Unimin Corp., 50 Locust Avenue, New Canaan, CT 06840.

MC 162788 (Sub-5-1TA), filed July 2, 1982. Applicant: OWEN G. HEIMANN AND FREDERICK W. HEIMANN, d.b.a. L & K SERVICES, Route 3, Box 357, Waco, TX 76708. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. *General commodities (except Classes A and B explosives, commodities in bulk, and household goods)* between points in McLennan and Bell Counties, TX, on the one hand, and, on the other, points in TX. Restricted: To Traffic having a prior or subsequent movement by rail. Supporting shippers: M-K-T Railroad Company, Dallas, TX; Greater South Traffic, San Antonio, TX.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 121044 (Sub-6-1TA), filed June 23, 1982. Applicant: ACTION EXPRESS, INC., P.O.B. 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *General Commodities (except classes A and B explosives, commodities in bulk and used household goods)*, between points in UT, on the one hand, and, on the

other, Boise and Twin Falls, ID for 270 days. The applicant intends to tack and interline authority. Supporting shippers: There are twenty-three (23) supporting shippers whose statements can be reviewed at the regional office.

MC 42487 (Sub-6-69TA), filed June 28, 1982. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. B. 3062, Portland, OR 97208. *Contract Carrier*, irregular routes: *Logs, Pellets or Fuel, forest slash, wood or agricultural waste residues, compressed, with or without wax*, from Austin, TX to points in AL, AR, GA, IL, IN, KY, MO, MS, NC, OH, SC, TN, WV and WI, for 270 days. Supporting shipper(s): Pine Mountain Corporation, 2800 Peralta Street, Oakland, CA 94608.

MC 134484 (Sub-6-5TA) filed June 28, 1982. Applicant: EDWARDS BROS., INC., P.O.B. 1884, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *Beer and malt beverages and related advertising materials*, from points in Fairfield, CA to Jackson, WY including points in the commercial zones thereof, restricted to traffic moving under continuing contract(s) with Dunlap Distributing, for 270 days. Supporting shipper: Dunlap Distributing, P.O.B. A, Jackson, WY 8301.

MC 143289 (Sub-6-1TA), filed June 29, 1982. Applicant: FEDERATED TRANSPORT SYSTEMS, INC., 800 South McGarry St., Los Angeles, CA 90021. Representative: Frank M. Cushman, 5 Carberry Avenue, Sharon, MA 02067. *Contract Carrier*: Irregular routes: *general commodities (except Classes A and B explosives, hazardous waste, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between all points in the U.S. including AK and HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: AAA Cargo Brokers, Inc., 36 South Main Street, Sharon, MA 02067.

MC 162700 (Sub-6-1TA), filed June 28, 1982. Applicant: MYRON A. CAMPBELL, d.b.a. M.A.C. ENTERPRISES, 1036 W. Santa Barbara Ave., Los Angeles, CA 90037. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. (1) *Aircraft*, partially assembled, in containers, from the Los Angeles/Long Beach Harbors, CA to San Angelo, TX; and, (2) *used trucks, truck tractors and trailers*, in towaway or driveaway service and *parts therefor*, and *machinery*, from points in the U.S. to Huntington Park,

CA and from Huntington Park, CA to points in NY and TX, for 270 days. Supporting shippers: Mitsubishi International Corporation, 555 S. Flower St., Los Angeles, CA 90071; and National Truck Parts & Service, 6069 Maywood Ave., Huntington Park, CA 90255.

MC 162597 (Sub-6-1TA), filed June 28, 1982. Applicant: MASTER CONTRACT MOVERS, 1554 Trimble Rd., San Jose, CA 95101. Representative: Andrew J. Skaff, 256 Montgomery St., Fifth Fl., San Francisco, CA 94104. *Contract Carrier*, Irregular Routes: *Such commodities as are dealt in by manufacturers, distributors and retailers of telephone and telecommunications equipment* between points in the U.S. under continuing contract or contracts with ROLM Corporation for 270 days. Supporting shipper: Rolm Corporation, 4900 Old Ironsides, Santa Clara, CA 95050.

MC 147553 (Sub-6-5TA), filed June 24, 1982. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O.B. 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers; P.O.B. 1576; Boise, ID 83701. *Contract Carrier*, Irregular routes: *foodstuffs*, from the facilities of the Amalgamated Sugar Co. located in CO, ID, OR and UT, to points in the U.S. (except AK and HI) for the account of The Amalgamated Sugar Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Amalgamated Sugar Co., P.O.B. 1520, Ogden, UT 84402.

MC 162578 (Sub-6-1TA), filed June 29, 1982. Applicant: SEA-RAIL CARTAGE, INC., P.O.B. 17480, Portland, OR 97217. Representative: Michael D. Crew, 1618 S.W. First Ave., Suite 20, Portland, OR 97201. *Iron and steel articles, building materials, and commodities which because of size or weight require the use of special equipment*, between points in OR and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are six (6) supporting shippers. Their statements may be examined at the Regional Office listed above.

MC 148237 (Sub-6-2TA), filed June 30, 1982. Applicant's name: JESS A. MAY, d.b.a. MAY TRUCKING CO., 540 Sonoma Ave., Livermore, CA. 94550. Representative: Richard E. Macey, 2111 West March Lane, Suite A, Room three, Stockton, CA 95207. *Contract Carrier*, Irregular routes, *general commodities (except hazardous Wastes, 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 Komatsu America Corp., for 270 days. Supporting shipper: Komatsu America Corp.,

Western Regional Office, 31145 San Antonio, Hayward, CA 94544.

MC 162773 (Sub-6-1TA), filed July 1, 1982. Applicant: SALIDA TRANSFER COMPANY, P.O.B. 447, Salida, CO 81201. Representative: David E. Driggers of 1600 Lincoln Center, 1660 Lincoln St., Denver, Co 80264. *Sulfuric acid*, in bulk, between points in San Juan County, NM, on the one hand, and, on the other, points in Chaffee County, CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CoZinCo, P.O.B. 1005, Salida, CO 81201.

MC 123265 (Sub-6-7TA), filed July 1, 1982. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 101 SW Main St., Rm 1600, Portland, OR 97204. *Contract carrier*, over irregular routes, *paper and paper products*, between points in CA, ID, OR and WA for 270 days, under continuing contract(s) with Potlatch Corporation, P.O.B. 1016, Lewiston, ID 83501. Supporting shipper: Potlatch Corporation, P.O.B. 1016, Lewiston, ID 83501.

MC 151878 (Sub-6-3 TA), Filed July 1, 1982. Applicant: THREE WAY CORPORATION 1120 Karlstad Dr., Sunnyvale, CA 94086. Applicant's Representative: Charles H. White, Jr. 1019-19th St., N.W., Suite 800 Washington, D.C. 20036 *Contract Carrier*: Irregular Routes: *General Commodities (except Classes A and B explosives, hazardous waste materials, and commodities in bulk)* between points in the U.S. under continuing contract with Memorex Corporation for 270 days. Supporting shipper: Memorex Corporation, San Thomas at Central Expressway, Santa Clara, CA 95052.

MC 155389 (Sub-6-2TA), filed July 1, 1982. Applicant: WITS TRANSPORT, INC. P.O. Box 3805, Seattle, WA 98121. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *General Commodities (except Classes A & B explosives, household goods and commodities in bulk)*, between points in CA, on the one hand, and on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the regional office listed.

WC 1351 (Sub-1TA), filed June 1, 1982. Applicant: SUNSHINE CHARTERS, INC., P.O.B. 134, Wallual, WA 99363. Representative: Lester L. Kelly (same as applicant). By order served July 2, 1982, Regional Motor Carrier Board 6 granted Sunshine Charters, Inc., Wallual, WA 180 days temporary authority to engage in the business of transportation by

water vessel, in interstate commerce: Common Carrier, Passengers in special and charter operations between points in ID, OR & WA on the Columbia and Snake Rivers. Supporting shippers: Pacific Northwest Countryside Tours, 1020-108th N.E., Bellevue, WA 98004; Alladin's Desert River Inn, 705 Willamette, Umatilla, OR 97882; Clover Island Motor Inn, 435 Clover Island, Kennewick, WA 99336; and White Lightning Tours, Inc., 419 N. Yelm St., Kennewick, WA 99336. Any interested party may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested party may file and serve a reply thereto. Petitions and replies should be sent to Regional Motor Carrier Board 6, Interstate Commerce Commission, 211 Main St. #501, San Francisco, CA 94105.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18712 Filed 7-9-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-110]

Certain Methods for Extruding Plastic Tubing; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337-TA-110, Certain Methods for Extruding Plastic Tubing.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of certain extruded plastic tubing and reclosable plastic bags that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW.,

Room 161, Washington, D.C. 20436, telephone 202-523-0161.

COMMISSION HEARING: The Commission will hold a public hearing on July 15, 1982, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

Oral Arguments

Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Relief, Bonding, and the Public Interest

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral

presentations on relief, bonding, and the public interest will be heard in this order: complainant, respondents, Government agencies, the Commission investigative attorney, public-interest groups, and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents' being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

Time Limit for Oral Argument and Oral Presentation

Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding, and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the

forementioned time limits upon receipt of a timely request to do so.

Written Submissions

In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violations (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written submissions on the question of violation must be filed not later than the close of business on July 8, 1982; written submissions on the questions of remedy, bonding, and the public interest must be filed not later than the close of business on July 12, 1982. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of Appearance

Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by July 12, 1982.

Additional Information

The original and 14 true copies of all briefs on violation must be filed with the Office of the Secretary not later than July 8, 1982; the original copy and 14 true copies of all briefs on remedy, bonding, and the public interest must be filed with the Office of the Secretary not later than July 12, 1982. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the *Federal Register* of November 12, 1981, 46 FR 55797.

FOR FURTHER INFORMATION CONTACT:
Eliza R. Patterson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

By order of the Commission.

Issued: July 7, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-18918 Filed 7-9-82; 9:23 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-3]

Faunce Drug Store; Revocation of Registration and Denial of Application

On February 8, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause to Faunce Drug Store, 3473 Frankford Avenue, Philadelphia, Pennsylvania 19134 (Respondent), seeking to revoke DEA Certificate of Registration AF 9165374, issued to Respondent pursuant to 21 U.S.C. 823. The statutory predicate for the Order was the conviction on October 30, 1981, in the United States District Court for the Eastern District of Pennsylvania, of Raymond Barnett, the owner and managing pharmacist of Respondent, of one count of distribution of Desoxyn in violation of 21 U.S.C. 841(a)(2), and two counts of omitting material information from a report required to be kept by the Controlled Substances Act in violation of 21 U.S.C. 843(a)(4), felonies relating to controlled substances.

The matter was placed on the docket of Administrative Law Judge, Francis L. Young. The Acting Administrator publishes this Final Order pursuant to 21 CFR 1316.67.

Following a motion by Respondent, Judge Young found that Barnett was convicted of a felony relating to a controlled substance. Judge Young found that a conviction is final even though the trial court suspends execution of sentence and stated the issue is whether Barnett has been "convicted"; the finality of such a conviction is irrelevant. The Acting Administrator adopts the well reasoned conclusion of the Administrative Law Judge. In an earlier proceeding under this statute, *In Re Leonard S. Cohen, et al.*, Docket No. 72-5, 38 FR 9522 (1973), the Director of the Bureau of Narcotics and Dangerous Drugs, DEA's predecessor agency, said: "Also it would appear that under an administrative hearing it is not necessary that sentence be imposed or

that judgment on a verdict be rendered to satisfy the requirement of a 'conviction'." The Acting Administrator finds that the finality of a conviction is irrelevant in determining whether a registrant has been convicted of a felony relating to controlled substances under 21 U.S.C. 824(a)(2). A registrant is convicted of a controlled substance related felony if there is a judgment of guilt, plea of guilty or nolo contendere, or some other indication that he has been found guilty of a controlled substance related felony. See *Berman v. United States*, 302 U.S. 211, 58 S. Ct. 164 (1937) and *Korematsu v. United States*, 319 U.S. 432, 63 S. Ct. 1124 (1943). See also *United States v. Rosenstengel*, 323 F. Supp. 499 (E.D. Mo. 1971), where the court looked at the purpose of Congress in enacting 18 U.S.C. 1202(d) (relating to possession of firearms by convicted felons) and concluded "there is no doubt in our mind that the word 'convicted' was used in the statute in its broadest sense. To narrowly equate the term 'convicted' with the final judgment of conviction thereafter entered would clearly frustrate the congressional purpose * * *". The court held that once guilt has been established either by plea or by verdict and nothing remains to be done except pass sentence, the defendant has been convicted within the intent of Congress. The Acting Administrator adopts the cogent reasoning of Judge Young and the *Rosenstengel* court in construing 21 U.S.C. 824(a)(2). It is clear that Congress intended the term "conviction" to have the broadest meaning in 21 U.S.C. 823 and 824. The Acting Administrator finds that Raymond Barnett was convicted of a controlled substance related felony.

The Acting Administrator rejects Respondent's argument that DEA should not entertain the action against Faunce Drug Store since it was Barnett and not Faunce Drug Store that was convicted of a controlled substance related felony. This Administration has consistently held that the conviction of a natural person whose relation to a registered pharmacy gives him such control over its affairs as its owner and managing pharmacist provided ample grounds for revocation of the pharmacy's DEA registration. See *In Re Lynnfield Drug Inc.*, Docket No. 76-6, 42 FR 8435 (1977), *In Re Woodfield Drugs Inc. et al.*, Docket No. 80-20, 46 FR 35397 (1981).

Following disposition of Respondent's motion, the Administrative Law Judge ordered Respondent and the Government to simultaneously file prehearing statements, with which the Government timely complied. Respondent has not complied with the

Order. Judge Young concluded that Respondent had waived its right to a hearing by failing to file a prehearing statement and terminated the proceedings before him and pursuant to 21 CFR 1316.65 transmitted the record to the Acting Administrator. Judge Young found that Respondent has impliedly waived its right to a hearing and withdrew its request for a hearing by failing to file a prehearing statement as requested. Judge Young pointed out that his call for prehearing statements is clearly authorized by 21 CFR 1316.52(c) and 1316.58(a) and noted that his Order for prehearing statements admonished Respondent that failure to timely file a prehearing statement as directed may be considered a waiver of hearing and an implied revocation of a request for a hearing. The Administrative Law Judge went on to state that the applicable statutes and regulations require only that an agency grant Respondent an opportunity for a hearing. *National Independent Coal Operators v. Kleppe*, 423 U.S. 388 (1976); *Costle v. Pacific Legal Foundation*, 100 S. Ct. 1095 (1980); *United States v. Consolidated Mines and Smelting Co. Ltd.*, 455 F.2d 432 (9th Cir. 1971).

The Acting Administrator fully concurs in the conclusions of the Administrative Law Judge. The law does not require this agency to go through the useless and wasteful exercise of convening a hearing for the presentation of both sides of the controversy when one side has failed to show that it has a case to be heard, particularly after it has been specifically ordered to make such a showing. Respondent has failed to abide by an Order of the Administrative Law Judge. Clearly, the orderly procedures of justice are disrupted when one side of the proceeding decides to ignore an order of the Presiding Official. This Administrator cannot permit the parties that appear before it to choose which orders to obey and which orders to disregard. The actions of the Administrative Law Judge were well taken and appropriate under the facts in this matter.

The Acting Administrator finds that Respondent has waived its right to a hearing and pursuant to 21 CFR 1301.54(d) cancels the hearing in this matter and enters his final order upon the record as it appears. The Acting Administrator finds that on September 8, 1981, Raymond Barnett was charged in a 159 count indictment. Counts 1 through 155 charge that between February 1, 1980, and September 26, 1980, Barnett knowingly and intentionally distributed approximately 4,650 Desoxyn, a Schedule II controlled

substance. The remaining counts of the indictment charge Barnett with failure to retain records required to be kept under the Controlled Substances Act in violation of 21 U.S.C. 843(a)(4). Barnett pled guilty of one count of distribution of Desoxyn and two counts of omitting material information. The Acting Administrator finds that Raymond Barnett trading as Faunce Drug Store dispensed literally tens of thousands of dosage units of Quaalude, Parest, Preludin, Ritalin, Desoxyn, Percocet, Lotusate, Talwin and Brominal illegally. An in-depth investigation of Respondent by DEA compliance investigators revealed tremendous shortages of controlled substances. At least 399 Schedule II prescriptions for 14,430 dosage units that were filled by Barnett were determined to be forgeries. DEA compliance investigators obtained statements from 14 Philadelphia area physicians whose names appeared on these prescriptions that none of these prescriptions were issued by any of the physicians. An informant who frequently filled forged prescriptions at Respondent cooperated with the United States in the criminal investigation. The informant was able to easily obtain controlled substances by submitting a forged prescription to Barnett. Contrary to Respondent's assertions the Acting Administrator finds that Barnett was under no compulsion when he sold the informant the controlled substances.

The Acting Administrator has studied the record in this case and finds ample evidence for the revocation of Respondent's DEA Certificate of Registration and the denial of any subsequent application for reregistration with DEA; there is nothing in the record to mitigate this decision. Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that the DEA registration of Faunce Drug Store be and hereby is revoked and the subsequent application for a DEA certificate of Registration be denied, effective August 11, 1982.

Dated: July 6, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-18686 Filed 7-9-82; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-9]

Anthony Di Flumeri, M.D.; Modification of Registration; Final Order

On March 8, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) directed to Anthony Di Flumeri, M.D., c/o Alpha Medical Emergency Services, Bay Harbor Plaza, Bricktown, New Jersey (Respondent) an Order to Show Cause proposing to deny the application for a DEA Certificate of Registration executed by Respondent on October 6, 1981. The statutory predicate was Respondent's conviction in the New Jersey Superior Court, Ocean County, Law Division—Criminal of four counts of obtaining a controlled dangerous substance (Demerol) by fraud in violation of New Jersey Statutes 24:21-22a(3), a controlled substance related felony.

Respondent, through counsel, requested a hearing on the issues raised by the Order and the matter was placed on the docket of Administrative Law Judge Francis L. Young. In lieu of a hearing on the issues raised by the Order, Respondent and DEA entered into an agreement. The Administrative Law Judge approved the agreement and terminated administrative proceedings.

The Acting Administrator has considered the agreement entered into by the parties and pursuant to 21 CFR 1316.67 publishes this Final Order. The Acting Administrator finds that Respondent pled guilty on October 19, 1979, to four counts of obtaining a controlled dangerous substance (Demerol) by fraud in violation of New Jersey Statutes 24:21-22a(3). The Acting Administrator further finds that the parties agreed that Respondent will submit to DEA quarterly reports for a three-year period which will include legible copies of all prescriptions for controlled substances in Schedules III through V written by Respondent and a summary report of all Schedules II through V controlled substances which he administered, dispensed and prescribed. During the same three-year period, Respondent will submit monthly reports to DEA that will include legible copies of all prescriptions for Schedule II controlled substances which he wrote. These monthly reports will include the name and address of any person who receives such a prescription and the controlled substance and amount involved.

The Acting Administrator further finds that the parties have stipulated that Respondent will only administer, dispense or prescribe controlled substances in connection with his position as a physician employed by

Alpha Medical Emergency Services at Bay Harbor Plaza, Bricktown, New Jersey, and his position as an emergency room physician employed by Community Memorial Hospital, Highway 37, Toms River, New Jersey and that Respondent will notify DEA of a change of employer or affiliation. Respondent understands that the agreement is probationary in nature and that any violation of the terms of the agreement will result in summary suspension of his controlled substance privileges by the Acting Administrator.

The Acting Administrator finds that the agreement is an appropriate resolution to the issues raised in the Order to Show Cause, and incorporates the agreement into the final disposition of this case. Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 823 and 824 and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator grants the application of Anthony Di Flumeri, M.D., for registration under 21 U.S.C. 823 and 824 subject to the restrictions imposed by the agreement between Respondent and the Government, effective immediately.

Dated: July 2, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-18689 Filed 7-9-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 8, 1982, SmithKline Chemicals, Division of SmithKline Corporation, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
4-Methoxyamphetamine (7411).....	I.
Amphetamine (1100).....	II.
Phenylacetone (8501).....	II.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21

CFR 1301.54 and in the form 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, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 11, 1982.

Dated: July 2, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-18690 Filed 7-9-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated December 28, 1981, and published in the Federal Register on January 5, 1982; (47 FR 363), Syncates Associates, Inc., 9307-M Harwin, Houston, Texas 77036, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pentobarbital (2270), a basic class of controlled substance listed in Schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: July 2, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-18688 Filed 7-9-82; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under

the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: Equal Access to Justice, 10 CFR Part 2.

3. The form number if applicable: None.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Parties to NRC adversary adjudications.

6. An estimate of the number of responses: 6 responses.

7. An estimate of the total number of hours needed to complete the requirement or request: 150 hours.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: not applicable.

9. Abstract: Equal Access to Justice Act (Pub. L. 96-48) requires NRC to obtain information from prevailing parties in NRC adversary adjudications.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Gwendolyn W. Pla, (202) 395-6880.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 6th day of July 1982.

For the Nuclear Regulatory Commission,
Patricia G. Norry,

Acting Director, Office of Administration.

[FR Doc. 82-18750 Filed 7-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina.

The amendment was authorized by telephone on June 9, 1982, and was confirmed by letter on June 10, 1982. The amendment exempts McGuire from the requirements of Technical Specification 3.5.2.c. for 72 hours to allow sufficient time to repair the seismic support system associated with the residual heat exchangers. This amendment was

issued on an expedited basis to permit McGuire to remain at power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated June 9, 1982, (2) Amendment No. 14 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page change, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 14 and the Commission's related Safety Evaluation may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of July 1982.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 82-18749 Filed 7-9-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 40-8064]

Exxon Minerals Co.; Negative Declaration Regarding Renewal of the Source Material License SUA-1064 for Operation of the Highland R. & D. In Situ Facility in Converse County, Wyo.

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a renewal of the Source Material License SUA-1064 for Exxon's Highland R. & D. In Situ Facility, located 20 miles northwest of Douglas, Wyoming. The license has been under timely renewal and Exxon is presently conducting

groundwater restoration with incidental uranium recovery. The renewed license will authorize continuation of the restoration phase culminating in final reclamation of the R. & D. in situ facility.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the licensing action. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not necessary for there will be no significant environmental impact attributable to the renewal of this license. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Silver Spring, Maryland, this 30th day of June, 1982.

For the Nuclear Regulatory Commission,
Ross A. Scarano,
Chief, Uranium Recovery Licensing Branch,
Division of Waste Management.

[FR Doc. 82-18751 Filed 7-9-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power Co.; Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Unit 1 located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the conditions of the operating license to permit repair of steam generators by replacement of major components including the tube bundles in accordance with the licensee's application for amendment dated May 27, 1982.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 11, 1982, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to

intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce Churchill, Esq. Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20035, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions for leave for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 27, 1982, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Joseph Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241.

There is currently pending before an Atomic Safety and Licensing Board a prior application for amendments to the licenses for Point Beach 1 and 2 to authorize steam generator repair by sleeving (46 FR 40359, August 7, 1981).

The present application for authorization for repair by tube bundle replacement involves consideration of a separate and distinct license amendment action by the NRC.

Dated at Bethesda, Maryland this 6th day of July 1982.

For the Nuclear Regulatory Commission.
Robert A. Clark,
*Chief, Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 82-18748 Filed 7-9-82; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0158]

Golder, Thoma Capital Company; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Golder, Thoma Capital Company (Golder, Thoma), 210 South LaSalle Street, Suite 630, Chicago, Illinois 60603, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.1004(b) of the Regulations governing small business investment companies (13 CFR 107.1004(b) (1982)) for an exemption from the provisions of the Regulation.

The exemption, if granted, will permit Golder, Thoma to provide financing in the amount of \$500,000 to ATM Network Management Corporation (ATM), 2901 Finley Road, Downers Grove, Illinois 60515. The Golder, Thoma Fund (GTF), principal limited partner of Golder, Thoma, holds 500 shares of ATM nonconvertible preferred stock and warrants permitting it to acquire shares of common stock of ATM. ATM is required to redeem all such preferred stock on June 25, 1983, for \$500,000.

ATM proposes to sell, for an aggregate of \$2,050,000, subordinated debentures and warrants to purchase common stock to five small business investment companies, including the Licensee. The funds obtained by ATM through the sale of subordinated debentures and warrants will be used to expand its automated banking computer services, to buy additional equipment and for working capital and will not be used or set aside to redeem the preferred stock held by GTF.

In anticipation of this investment, Golder, Thoma has lent \$100,000 to ATM on a demand basis to be used for working capital, which loans will be applied to the purchase price of Golder, Thoma's investment in the subordinated debentures and warrants.

Pursuant to Paragraph (b) (f) and (g) of the definition of "Associate of a Licensee" in § 107.3 of the SBA Regulations, ATM may be deemed an

Associate of Golder, Thoma because GTF owns more than 10 percent of Golder, Thoma's partnership capital, and GTF's representative served on ATM's Board of Directors within the last six months and because the preferred stock owned by GTF may be a 10 percent or more equity interest in ATM. As such, the transaction will require an exemption from the provisions of § 107.1004(b)(1) of the Regulations.

Notice is hereby given that any interested person may, on or before July 27, 1982, submit written comments on the proposed transaction to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 6, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-18742 Filed 7-9-82; 8:45 am]
BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 9:00 a.m. until 5:00 p.m., Friday, July 30, 1982, at the Small Business Administration, 2nd Floor Conference Room, 1441 L Street, NW., Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mrs. Bettye Bolden, Office of the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Room 317, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6851, in writing or by telephone no later than July 23, 1982.

Dated: July 6, 1982.

Jean M. Nowak,
Acting Director, Office Advisory Councils.

[FR Doc. 82-18741 Filed 7-9-82; 8:45 am]
BILLING CODE 8025-01-M

[Proposed License No. 04/04-5216]

Valley Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Valley Capital Corporation (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, directors, and stockholders of the Applicant are as follows:

John F. Germ, 912 Shore Drive, Soddy, Tennessee 37379, Chairman of the Board
 Steven L. Lilly, 409 Cameron Circle, Chattanooga, Tennessee 37403, President
 William P. Aiken, Jr., 425 West Brow Road, Lookout Mountain, Tennessee 37350, Secretary
 Charles M. Bryant, 400 Kilmer Street, Chattanooga, Tennessee 37404, Director
 Charles P. Henderson, 1616 South Rugby Place, Chattanooga, Tennessee 37412, Director
 William S. Hunt III, 5394 Sky Valley Drive, Hixson, Tennessee 37343, Director
 Theodore L. Lamb, 46 Rock Crest Road, Signal Mountain, Tennessee 37377, Director
 Randolph C. Martin, Sr., 5125 Mimosa Circle, Chattanooga, Tennessee 37416, Director
 Harry W. McKeldin, 51321 Lantana Lane, Chattanooga, Tennessee 37416, Director
 Peter J. Ripp, 409 Cameron Circle, Apt. 1815, Chattanooga, Tennessee 37416, Director
 Reuben Strickland, 819 Greenwood Road, Chattanooga, Tennessee 37411, Director
 Robert J. Sudderth, 107 Glenview Street, Lookout Mountain, Tennessee 37350, Director
 Walter F. Williams, 2432 Haven Cove Lane, Chattanooga, Tennessee 37421, Director
 Lyndhurst Foundation, Inc., 700 Krystal Building, Chattanooga, Tennessee 37402, 40.3 percent Stockholder
 American National Bank and Trust Company, P.O. Box 1638, 736 Market Street, Chattanooga, Tennessee 37401, 10.1 percent Stockholder
 Provident Life and Accident Insurance Company, Fountain Square, Chattanooga, Tennessee 37402, 10.0 percent Stockholder
 16 other Stockholders, each owning less than 10 percent of the common stock, 39.6 percent

The Applicant, a Tennessee corporation with its principal place of business at the 8th Floor Krystal Building, 100 W. Martin Luther King Boulevard, Chattanooga, Tennessee 37402, will begin operations with \$500,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock.

The Applicant will conduct its

activities primarily in the Tennessee Valley and adjoining region.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before July 27, 1982, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chattanooga, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 6, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-18743 Filed 7-9-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Future Navigation Systems Planning Conference**

A Future Navigation Systems Planning Conference is to be held at the Federal

Aviation Administration Headquarters, Washington, D.C., 800 Independence Avenue, SW., in the third floor Auditorium, on August 3, 1982, from 9:00 a.m. to 5:00 p.m., and on August 4, 1982, from 9:00 a.m. to 3:00 p.m.

The purpose of the Conference is to present to the users and suppliers of navigation systems the results to date of FAA sponsored studies and technical evaluations of navigation systems which are to satisfy air navigation requirements in the post-1995 time period. These studies and evaluations relate to the selection of a future mix of navigation systems as required by the Federal Radionavigation Plan. An opportunity will be provided for the navigation community to participate in a discussion of both the study results and the planned activities in this field.

On Tuesday, August 3, the scheduled agenda includes: opening remarks by the Administrator; a Conference overview; technical presentations and discussions of navigation systems, including VOR, DME, Loran-C, GPS, and Omega/VLF; a presentation of operational and safety considerations; and a discussion of economic issues in navigation system planning. The agenda for Wednesday, August 4, includes opening remarks by a member of the Department of Transportation Radionavigation Working Group, a presentation of institutional issues, an expert panel discussion on future navigation system planning issues, the presentation of statements by selected organizations representing the users of the future navigation systems, an open discussion, and closing remarks.

This meeting is open to all interested individuals and organizations without prior notification by attendees. The Federal Aviation Administration contact for the Conference is Mr. Keith McDonald, AEM-200, telephone (202) 426-8796.

Issued in Washington, D.C., on July 2, 1982.

A. Albrecht,
Associate Administrator for Engineering and Development.

[FR Doc. 82-18704 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration**Environmental Impact Statement; Chatham County, GA**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this

notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chatham County, Georgia.

FOR FURTHER INFORMATION CONTACT:

David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, N.E., Atlanta, Georgia 30309, telephone (404) 881-4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696-4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal identified as PESP-25(5), Chatham County. The project is proposed as the replacement of the existing Eugene Talmadge Memorial Bridge across the Savannah River in the City of Savannah, Chatham County, Georgia. The purpose of the project is to provide improved vertical and horizontal clearance for shipping along the navigation channel of the Savannah River. The route on the bridge is U.S. 17 Alternate which enters South Carolina beyond the limits of this project.

1. Alternative A-1 begins on the south at the intersection of Interstate 16 and Boundary Street in Savannah. The first half mile of this alternative is an at-grade widening of existing two-lane Boundary Street to five lanes. The bridge then begins and bridges over another half mile of the City of Savannah before crossing the Savannah River and ending on Hutchinson Island. This alternative is downstream of and closely parallels the existing bridge. From the island, an existing two-lane bridge will be utilized to continue the route across Back River and into the State of South Carolina. The length of the new bridge and approaches is approximately two miles and the maximum height of the roadway over the river of mean high tide is 185 feet. The design provides for four travel lanes divided by a concrete barrier.

2. Alternative A-2 is identical to Alternative A-1 except that a steeper grade is applied to the bridge and it touches down about 700 feet closer to the river in Savannah, thereby providing better local access, but at the expense of higher operating costs to the road user.

3. Alternative B begins in Savannah at a point about 1.5 miles upstream of the existing bridge crossing, at the intersection of Lynes Parkway and W. Lathrop Avenue. After widening W.

Lathrop Avenue to five lanes for about 1,000 feet, the new bridge begins and extends out over an industrial district of Savannah and across the Savannah River to Hutchinson Island which it traverses laterally until tying back into the existing bridge and ending at the same point on the north as the "A" alternatives. The total length of the bridge and approaches is about 2.6 miles. The bridge characteristics are similar to those of the "A" alternatives.

4. Another bridge across the Savannah River about six miles upstream from the Talmadge Bridge brings U.S. 17/S.R. 25 into Georgia from South Carolina. This bridge serves as a partial impediment to river traffic and upstream port development. The structure, named the James P. Houlihan Bridge, is being considered for optional removal under all "build" alternatives, since the new bridge and the nearby I-95 bridges could handle that traffic demand.

5. The No-Build Alternative is under consideration and would leave both existing bridges in place and continue normal maintenance.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A formal scoping meeting will be held in mid-1982 to receive input from interested State and Federal agencies. Written notice will be given of the time and place of the scoping meeting. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

David H. Densmore,
Development Engineer, Atlanta, Georgia.

[FR Doc. 82-18592 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-17; Notice 2]

General Motors Corp.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 20, 1981, and an opportunity afforded for comment (46 FR 42399).

Paragraph S5.2.3 of Standard No. 101-80 requires, by reference to Table 2, that the speedometer display be identified with the words "MPH" and "Km/h." In more than 30,000 1981 model Cadillac Seville, General Motors used the word "SPEED" in its informational readout display, a technical noncompliance with Standard 101-80. The company argued that the noncomplying word clearly indicates the function of the display, and that the behavior of the display is obvious also, reading, "O" when the vehicle is stationary and increasing as the vehicle velocity increases. The digital instrument cluster incorporates a two-position switch marked Metric/english which displays speeds in kilometers per hour or miles per hour depending on its setting. For these reasons the petitioner argued that the noncompliance is inconsequential as it relates to safety.

No comments were received on the petition.

The agency considers that the word "SPEED" is a sufficiently clear indication of the function of the speedometer, and that whether the readout is in kilometers or miles per hour would be readily ascertainable by reference to the position of the Metric/english switch. Neither the manufacturer nor NHTSA has received any complaints that the lack of identification creates a safety hazard or that the display is confusing.

Accordingly, petitioner has met its burden that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18646 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-15; Notice 2]

Kawasaki Motors Corp., U.S.A.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Kawasaki Motors Corp., U.S.A. of Santa Ana, California to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on February 5, 1981, and an opportunity afforded for comment (46 FR 11086).

Effective September 1, 1980, each motorcycle has been required by Standard No. 115 to be assigned a vehicle identification number (VIN) that includes a "check digit" used to verify the accuracy of the transcription of the VIN (S3, S4.1, S5). Kawasaki manufactured approximately 3,100 motorcycles in the transition period August 18-September 17, 1980, with an incorrectly calculated check digit. These were models KZ440A2 and KZ440D2. The company stated that the location of the VIN stamping is difficult to reach and therefore it is not practicable to repair the noncompliance. Further, restamping is not an operation that can be successfully performed in a dealership. As of the date of the petition 60 units had been retailed and 2,500 were in dealer inventory. Only 500 are in Kawasaki's stock, and to uncrate them, correct, re-assemble and recrate the vehicles would be "extremely disruptive" and "very costly".

In support of its petition, Kawasaki argued that the incorrect check digit poses no risk to traffic safety, nor does it reduce the potential effectiveness of any future recall campaign involving the vehicles, as the vehicles can be correctly identified by the VIN regardless of the check digit. In the event that State registration becomes a problem, the company said it will explain the problem and identify the vehicles affected. It has promised to provide the National Auto Theft Bureau with a letter listing all affected VIN's including the

incorrect check digit. A copy of the letter will be inserted in Docket IP80-15.

Three comments were received in response to the notice, all of which supported Kawasaki's petition.

The agency agrees that the incorrect check digit by itself poses no risk to motor vehicle safety. Information in the VIN is sufficient to accomplish an effective recall campaign should one be required. Kawasaki's willingness to provide the National Auto Theft Bureau and, if needed, States of registration, with information clarifying the error is noted with approval. Petitioner has met its burden of persuasion and it is hereby determined that the noncompliance herein described is inconsequential as it relates to motor vehicle safety. Accordingly, its petition is granted.

The engineer and attorney principally responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18647 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

Automotive Fuel Economy Program; Report to Congress

July 2, 1982.

The attached document "Automotive Fuel Economy Program, Sixth Annual Report to Congress," has been prepared pursuant to section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), which requires in pertinent part that "each year, beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the *Federal Register* a review of average fuel economy standards under this part."

Raymond A. Beck, Jr.,

Administrator.

Automotive Fuel Economy Program; Sixth Annual Report to the Congress, January 1982

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Section I: Introduction

A. Purpose of the Report

This Sixth Annual Report to the Congress (1982) summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during fiscal year (FY) 1981 toward the implementation of applicable sections of Title V: "Improving Automotive Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) as amended (the Act). Section 502(a)(2) of the Act requires submission of a report and publication in the *Federal Register* (FR) by January 15 of each year. Also included in this report is a section summarizing the use of advanced automotive technology by the industry, required by Section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95-238); and a section on the accomplishments of NHTSA in carrying out the Automobile Fuel Efficiency Act of 1980.

It is particularly important to note that this is the first time in the history of this Annual Report to the Congress that the use of advanced technology by the industry has been able to be quantified. For this reason, a substantial, detailed treatment of this topic is presented in Section III.

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new automobiles (including passenger cars and light trucks) in the U.S. market. On June 22, 1976, the authority to administer the program was delegated by the Secretary to the Administrator of NHTSA (41 FR 25015).

NHTSA's fuel economy responsibilities include: (1) Establishing average fuel economy standards for manufacturers of passenger automobiles and light trucks as necessary; (2) promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards; (3) considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing under 10,000 vehicles annually) and establishing alternative standards for them; (4) reporting to Congress annually on the progress of the fuel economy program; (5) enforcing the fuel economy standards and regulations; and (6) responding to petitions concerning

domestic production by foreign manufacturers and other matters.

To date, passenger car fuel economy standards have been established by the Congress for model years (MY) 1978 through 1980 and for 1985 and thereafter and by the Department of Transportation for the 1981 through 1984 MYs. Standards for light trucks have been established by the Department of Transportation for MYs 1979 through 1985.

Section II: Fuel Economy Improvement by Automotive Manufacturers

During FY 1981, domestic passenger automobile and light truck manufacturers continued to increase the average fuel economy of their fleets. The fuel economy achievements of both domestic and foreign manufacturers have been updated since their publication in the Fifth Annual Report to the Congress, and are summarized in Tables II-1 and II-2. Figure II-1 shows the progress made, and the anticipated future fuel economy improvements, by domestic manufacturers. Current plans of the major manufacturers for the early to-mid 1980's indicate that they will easily meet or exceed the existing fuel economy standards through MY 1985 for both passenger cars and light trucks.

The primary reason for this trend is the increased demand in the marketplace for fuel-efficient vehicles. In the face of rising real fuel prices and occasionally uncertain supply and the realization by consumers that artificially cheap fuel is a thing of the past, consumers have been demanding fuel efficient vehicles. The result has been a substantial change in new vehicles from Detroit in response to this pronounced shift in consumer demand. Most recently, gasoline prices have remained rather stable chiefly due to a large supply of gasoline available in the market relative to gasoline demand. Most observers view this development as a mere aberration in the market with no basic changes in the long-term trend of rising real gasoline prices. It is therefore likely that these short-term stable gasoline prices will not induce a reversal of long-term forces at work in the motor vehicle market.

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR

[In miles per gallon]

Manufacturer	Model Year—CAFE			
	1978	1979	1980	1981
Domestic:				
AMC	18.6	19.9	21.5	22.5
Avanti ¹	16.1	14.5	15.8	18.2
Checker ¹	17.7	16.7	18.5	18.3
Chrysler	18.4	20.4	21.3	26.4
Excaltibur ¹	11.5	11.5		17.9
Ford	18.4	19.1	22.0	23.3
GM	19.0	19.1	21.8	23.2
Sales weighted average	18.7	19.3	21.8	23.6
Imported:				
Alfa Romeo	21.4	20.7	22.3	22.5
Aston-Martin ¹		11.5	12.1	12.2
BMW	19.7	20.1	25.9	26.6
Chrysler	30.6	30.1	30.7	31.9
Datsun	26.8	26.7	31.5	30.9
Fiat	21.7	25.9	27.4	27.5
Ford	37.3	32.2	29.9	34.8
Honda	33.7	29.8	30.0	31.0
Isuzu				34.9
Jaguar Rover Triumph (JRT) ²	21.1	21.0	20.8	18.4
Lamborghini ¹		11.5		
Lotus	18.6	18.8	20.0	

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR—Continued

[In miles per gallon]

Manufacturer	Model Year—CAFE			
	1978	1979	1980	1981
Maserati ¹	12.5	12.5	9.5	
Mazda	35.5	25.6	26.3	31.0
Mercedes-Benz	19.2	20.5	23.9	25.1
Peugeot	24.8	23.8	27.2	28.2
Renault	30.4	30.3	33.3	29.4
Rolls-Royce ¹	10.8	10.8	11.1	10.7
Saab	22.7	21.7	23.3	23.4
Subaru	29.4	28.9	27.8	30.4
Toyota	26.8	24.4	27.4	31.0
TVR	20.7	20.7		
Volvo	21.2	20.7	21.6	22.3
VW	27.2	28.5	30.8	33.5
Sales weighted average	27.3	26.1	28.6	30.5
Total fleet average	19.9	20.3	23.4	25.2
Fuel economy standards	18.0	19.0	20.0	22.0

¹Low volume manufacturer, projected by NHTSA.

²The shortfall of the combined average fuel economy of JRT for model year 1981 is currently being handled under the carry forward/carry back provisions of the Automobile Fuel Economy Efficiency Act of 1980.

TABLE II-2.—Light Truck Fuel Economy Performance by Manufacturer and Model Year

[In miles per gallon]

Manufacturer	Model year							
	2-wheel drive			4-wheel drive			Limited ² product line	
	1979	1980	1981	1979	1980	1981	1979	1980
Domestic:								
AM	20.0	NA		16.5	16.9	19.1	NA	NA
Chrysler	18.5	17.0	18.2	NA	14.1	15.2	NA	NA
Ford	17.9	17.7	18.3	NA	14.2	15.6	NA	NA
GM	17.7	17.5	18.9	NA	14.9	16.7	NA	NA
IH	NA	NA		NA	NA		NA	17.4
Sales weighted average	17.9	17.5	18.6	16.5	15.2	17.1	NA	17.4
Imported:								
Chrysler Import	NA	24.8	24.5	NA	NA	NA	NA	NA
Datsun	23.1	25.3	30.4	NA	22.7	23.6	NA	NA
Ford Import	NA	25.7	26.2	NA	NA	NA	NA	NA
GM Import	NA	27.5	29.3	NA	24.7	26.3	NA	NA
Isuzu	NA	NA	33.1	NA	NA	27.9	NA	NA
Mazda	30.2	30.2	30.9	NA	NA	NA	NA	NA
Suzuki	NA	NA	NA	25.6	25.2	25.2	NA	NA
Toyota	19.7	22.3	27.6	NA	19.8	24.0	NA	NA
VW	18.7	26.5	31.0	NA	NA	NA	NA	NA
Sales weighted average	20.9*	25.0	28.0	25.6	21.8	24.3	NA	NA
Total fleet average	18.4	19.3	20.7	16.6	16.1	18.6	NA	NA
Fuel economy standards	17.2	16.0	16.7	15.8	14.0	15.0		

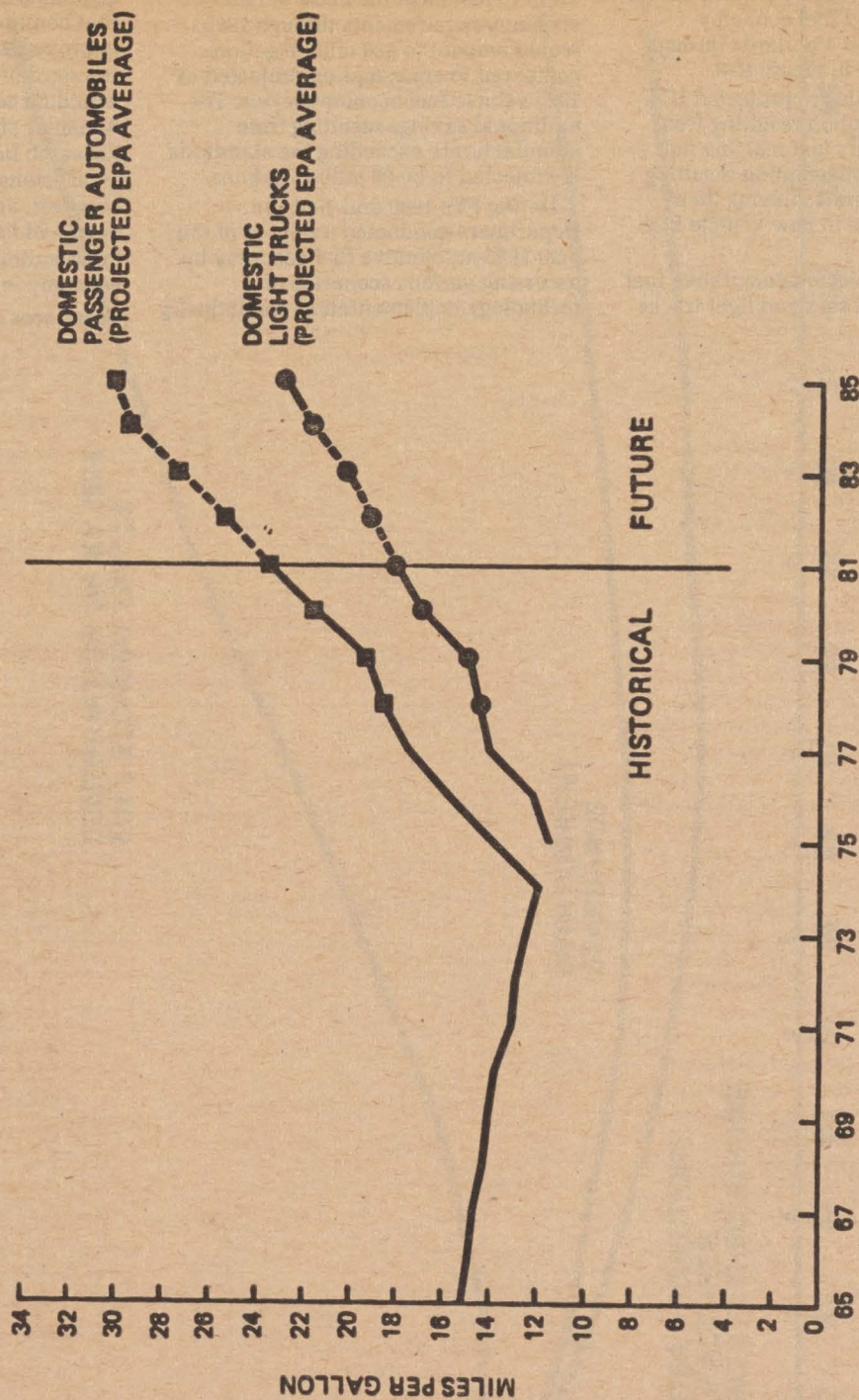
* In model year 1979 the light truck fuel economy standards applied only to those light trucks having a gross vehicle weight rating (GVWR) of 6,000 pounds or less; in model year 1980 and 1981 the standards apply to light trucks having a GVWR of 8,500 pounds or less.

² IH, the only manufacturer of light trucks eligible to use the limited product line standard, ceased production of light trucks at the end of model year 1980.

BILLING CODE 4910-59-M

FIGURE II-1

FLEET AVERAGE FUEL ECONOMY



SOURCE: DERIVED FROM NHTSA DATA BASE

BILLING CODE 4910-59-C

The effect of this market shift, and the resulting projected fuel economy increase above the standards through MY 1985, is given in Figure II-2.

This figure compares projected U.S. fleet fuel consumption resulting from manufacturers only just meeting the standards with consumption resulting from manufacturers achieving their projected increase in new vehicle fuel economy.

By 1995 the projected cumulative fuel savings if all new cars and light trucks

were to just meet the Federal fuel economy requirements through 1985 would amount to 428 million gallons, compared to consumption projected at 1976 vehicle fuel economy levels. The additional savings resulting from manufacturers exceeding the standards is projected to be 90 million gallons.

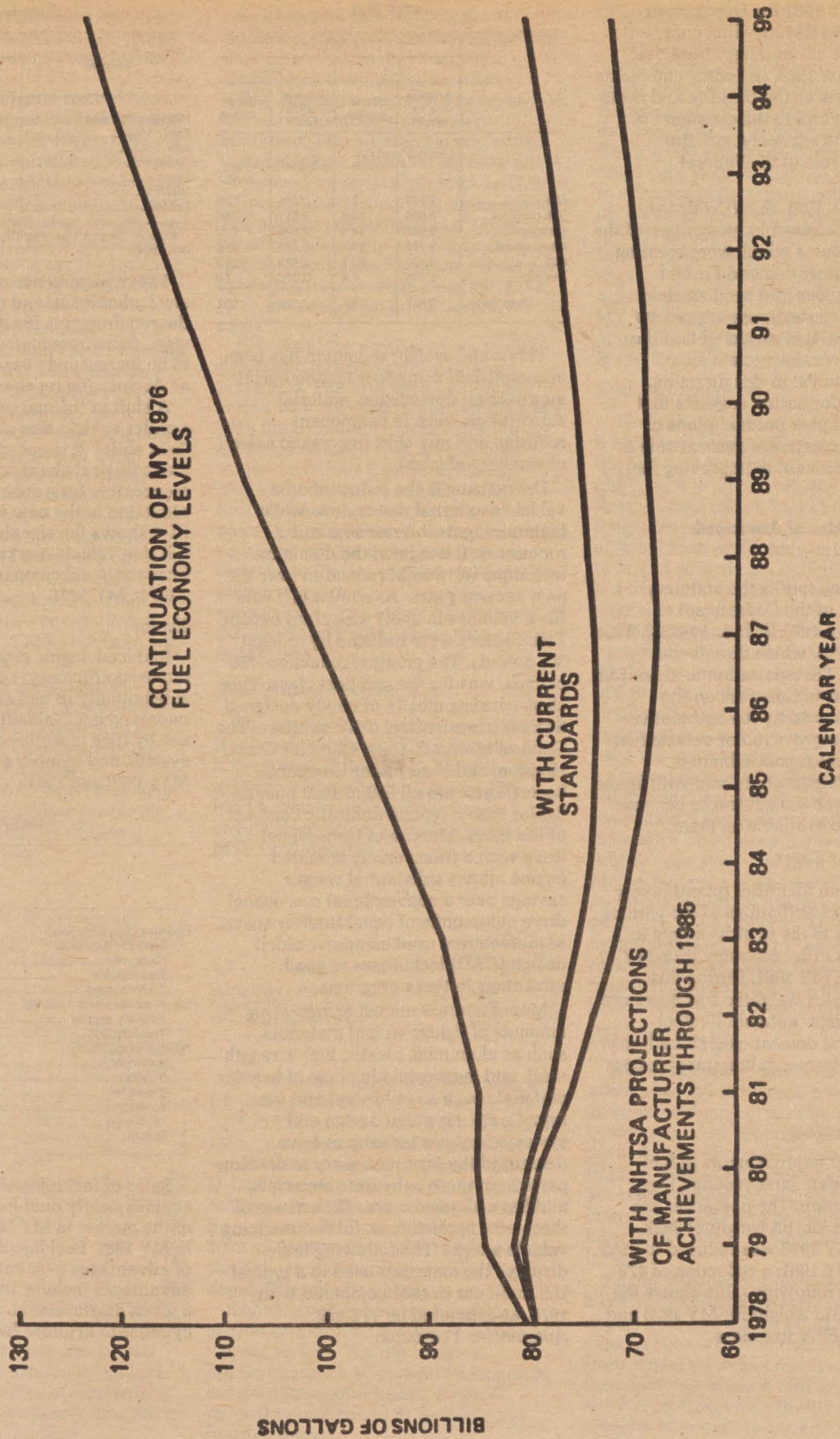
During FYs 1980 and 1981 the Department conducted analyses of the post 1985 automotive fuel economy by assessing various scenarios of technology implementation and industry

economic conditions. It was concluded that continued fuel economy improvements beyond the MY 1985 standard of 27.5 mpg were possible and would be cost beneficial to consumers. A similar study conducted by the Mellon Research Institute reached the same conclusions. Neither of the studies, however, addressed the need for nor the degree of Federal Government intervention to produce continued fuel economy improvement.

BILLING CODE 4910-59-M

FIGURE II-2

PROJECTED ANNUAL FUEL CONSUMPTION



SOURCE: DERIVED FROM NHTSA DATA BASE

Early in FY 1981 the Department issued an ANPRM to solicit comments on passenger car and light truck fuel economy after 1985, including comments on such issues as the benefits and costs to the nation and to the consumer of improved fuel economy, and the appropriate role of the Federal Government.

On April 9, 1981, this ANPRM was formally withdrawn in recognition of the market pressures which were creating strong consumer demand for fuel efficient vehicles and sending clear signals to manufacturers to produce such vehicles. It is expected that the market will continue to act as a powerful catalyst in this direction. Available information suggests that future model year product plans of vehicle manufacturers demonstrate a strong commitment to improving fuel economy.

Section III: Use of Advanced Technology

This section fulfills the statutory requirement of the Department of Energy Act of 1978 (Pub. L. 95-238), Title III, Section 305, which directs the secretary of Transportation to submit an annual report to Congress on the technologies used by the automotive industry to improve motor vehicle fuel economy. This report is limited principally to passenger cars with lesser attention given to light trucks because less data are available on them.

A. Passenger Cars

This section identifies quantitatively the relative contributions of the various technologies to the improvements in passenger car fuel economy from MY 1978 through MY 1981. During this period the sales weighted fuel economy of the passenger automobile fleet (imported and domestic combined) rose from 19.9 miles per gallon (mpg) to 25.2 mpg.

Weight Reduction

The largest improvements in fuel economy to date have resulted from weight reduction. The passenger car fleet average inertia weight of 3627 pounds in MY 1978 was reduced to 3155 pounds in MY 1981: a reduction of 472 pounds. The following table shows the average inertia weight for MY 1978 and MY 1981 by EPA size class.

TABLE III-1

	Model year			
	1978		1981	
	Average inertia weight (Pounds)	Share market (Per-cent)	Average inertia weight (Pounds)	Share market (Per-cent)
Mini.....	2,627	7.7	2,185	3.4
Sub-compact.....	2,869	18.0	2,611	32.8
Compact.....	3,587	14.8	2,828	12.7
Intermediate.....	3,772	35.7	3,471	36.5
Full.....	4,431	22.1	4,245	12.7
2-seater.....	3,065	1.8	3,076	1.9
Total fleet.....	3,627	100.	3,155	100.

This major weight reduction has been accomplished using four technological approaches: downsizing, material substitution, vehicle component redesign and mix shift (increased sales of smaller vehicles).

Downsizing is the reduction of a vehicle's external dimensions while maintaining its interior size and roominess. It has been the dominant technique for weight reduction over the past several years. As shown in Table III-1, vehicles in every size class except Two Seaters were reduced by at least 200 pounds. The greatest reduction, 759 pounds, was for the compact class. This class consists mostly of newly designed domestic front-wheel drive vehicles. The General Motors X-Cars, Chrysler Omni/Horizon, and Ford Motor Company Escort/Lynx are all 800 to 1000 pounds lighter than a typical domestic compact of the 1970s. The use of front-wheel drive with a transversely mounted engine allows substantial weight savings over a conventional rear-wheel drive automobile of equal interior space. Manufacturers used computer-aided design (CAD) techniques to good advantage in these programs.

Manufacturers are using increasing amounts of lighter weight materials, such as aluminum, plastic, high strength steel, and magnesium in place of heavier materials such as mild steel and cast iron. Computer aided design and systems analysis techniques have decreased the time necessary to develop parts from these substitute materials, and have allowed more efficient use of these new applications, further reducing vehicle weight. The following table displays the materials used in a typical U.S. built car in 1981 compared with 1978, as estimated by *Ward's Automotive Yearbook*.

TABLE III-2

Material	Percentage usage		
	MY 1978	MY 1981	Change
High Strength Steel.....	3.8	5.9	+2.1
Other Steel.....	56.2	50.4	-5.8
Iron.....	14.9	14.6	-.3
Aluminum.....	3.3	4.0	+0.7
Glass.....	2.5	2.6	+0.1
Plastics.....	5.2	6.1	+0.9
Rubber.....	4.2	4.1	-.1

Source: Derived from *Ward's Automotive Yearbook*, 1980 and 1981.

The expanded use of high strength steel, aluminum, and plastic has reduced the requirements for the heavier mild steel. Substitute materials are expected to be increasingly used in future years as downsizing reaches practical limits.

A shift in the market from larger to smaller vehicle size classes is called a "mix shift." It is not specifically a technological change, but it has been responsible for a substantial weight reduction in the new vehicle fleet. Table III-1 shows the sizeable reduction in the full size vehicle market share and the increase in subcompact share from MY 1978 to MY 1981.

Engine

Reduced engine size and weight, and increased efficiency, contribute substantially to fuel economy improvement. Table III-3 shows engine use by type (gasoline and diesel), fuel system, and number of cylinders for MYs 1978 and 1981:

TABLE III-3

	Model Year (percent)	
	1978	1981
Gasoline (Spark-Ignition):		
Naturally Aspirated:		
Carburetor.....	93.8	84.5
Fuel Injection.....	4.9	8.9
Turbocharged.....	0.2	0.7
Diesel (compression ignition):		
Naturally aspirated.....	1.1	5.8
Turbocharged.....	.02	0.1
Number of cylinders:		
4 cylinder.....	22.4	51.0
5 cylinder.....	0.4	0.7
6 cylinder.....	20.0	26.9
8 cylinder.....	57.2	21.0
12 cylinder.....	0.02	0.00
Rotary.....	0.02	0.4

Sales of fuel injected spark ignition engines nearly doubled from 4.9 percent of the market in MY 1978 to 8.9 percent in MY 1981. Fuel injection has a number of advantages over carburetion. These advantages include: increased power for a given displacement, more uniform cylinder to cylinder fuel distribution,

improved cold start performance and better exhaust emission control. These advantages are enhanced with feedback electronic controls.

Microprocessor engine controls that monitor various engine parameters and control spark timing, air-fuel ratios, exhaust gas recirculation, and idle speed are becoming common. General Motors applied its Computer Command Control across their entire line of spark ignition engines in MY 1981. Optimized engine control and electronics should yield a 1 to 3 percent fuel economy gain at the MY 1981 emissions levels.

A number of manufacturers introduced turbocharged engines during the last several years. Turbocharging offers the potential for improved fuel economy by allowing substitution of a smaller turbocharged engine for a larger naturally aspirated engine of equal performance. However, most of the turbocharged engines introduced to date appear to be intended to improve acceleration performance and have poorer fuel economy than their naturally aspirated counterparts. Consumer acceptance of turbocharged engines has been mild to date with penetration rising only to 0.8 percent in MY 1981 from 0.2 percent in MY 1978.

The diesel engine has surged in popularity increasing its market share from 1.1% in MY 1978 to 5.9% in MY 1981. Turbocharged diesels are being used by at least one foreign manufacturer to improve fuel economy (compared to their gasoline-powered counterparts) without sacrificing acceleration capability.

Transmissions

Table III-4 shows the percentage shares of various types of transmissions used in MYs 1978 and 1981.

TABLE III-4

Transmission type	Model year (percent)	
	1978	1981
Automatic 3-Speed	76	34.3
Automatic 3-Speed with Lockup Clutch	7.7	27.4
Automatic 4-Speed	0.4	1.6
Automatic 4-Speed with Lockup Clutch	0	7.1
All Automatics with Lockup Clutches	7.7	34.5
All Automatics	84	70.4
Manual 3-Speed	0.4	0
Manual 4-Speed	10.5	15.2
Manual 5-Speed	5.1	14.4
All Manuals	16	29.6

Table III-4 shows there has been a trend away from automatic to manual transmissions. Purchase of cars with manual transmissions nearly doubled in the last three years. Manual

transmissions generally offer approximately 5-10 percent better fuel economy than current 3-speed automatics with lockup clutches.

The average number of gear speeds in manual transmissions has also increased. Three-speed transmissions were no longer available by 1981, while five-speed transmissions increased from 5.1 percent to 14.4 percent of the market. The addition of another gear range generally yields about a 5 percent improvement in fuel economy if the ratio spread of the speeds is also increased, as in the case of an added overdrive ratio.

Similarly, the number of speeds in automatic transmissions have also increased. The four-speed automatic, which was not used in the domestic MY 1978 fleet, climbed to a penetration of 8.7 percent in MY 1981. In addition, torque converter losses have been minimized by either mechanically locking the torque converter or by-passing it altogether. A locked-up torque converter on the average is 5 percent more fuel efficient than a conventional torque converter. Lock-up torque converters were used on 34.5 percent of the fleet in MY 1981 versus 7.7 percent in MY 1978.

Acceleration Performance

The acceleration performance of a car is related to its weight, engine size, and horsepower. Table III-5 shows the fleet average engine displacement (CID), inertia weight (IW) and the ratio of engine horsepower to inertia weight for MYs 1978 and 1981.

Table III-5

	Model year	
	1978	1981
Inertia Weight (Pounds)	3,627	3,155
Engine Displacement (cu. in.)	260	182
Horsepower/Inertia Weight	.0339	.0310

The average engine size was reduced from 260 cubic inches (4.3 liter) in MY 1978 to 182 cubic inches (3.0 liter) in MY 1981, consistent with the substantial weight reduction and increased interest in fuel economy. Further, the ratio of horsepower to inertia weight, has also been decreased from .0339 hp/lb in MY 1978 to .0310 hp/lb in MY 1981 indicating the reduction of average acceleration capabilities of all vehicles.

Engine size has been reduced by a greater proportion than the reduction in vehicle weight. The net result is approximately a 10 percent reduction in acceleration performance, and a 4 percent improvement in fleet average fuel economy.

Aerodynamics

Manufacturers have reduced the aerodynamic drag of many new cars by using clean and more efficient body designs and aerodynamic add-on devices. Forward sloping hoods, flush fitting glass and more sloping hatchback angles are examples of detailed changes to enhance body aerodynamics. Front air dams and rear deck spoilers are typical aerodynamic add-on devices to further reduce drag. The net result is an average 10 percent reduction in aerodynamic drag between MY 1978 and MY 1981, and this produced approximately a 2 percent improvement in the fleet fuel economy.

Tire Rolling Losses

The rolling resistance of passenger car tires was substantially reduced during the MY 1978 through MY 1981 period although it is difficult to quantify the fleet average effect. Radial tires have long been recognized as being more fuel efficient than either bias or bias-belted tires and accordingly manufacturers began switching over to radials some time ago. Approximately 85 percent of the new passenger car fleet was equipped with radials in MY 1978 and this has risen to nearly 100 percent in MY 1981. In addition to the relatively small gains from this additional penetration of radials into the new car fleet, the tire companies have introduced a new generation of radial tires exhibiting considerably reduced rolling resistance. They reduced rolling resistance by improvements in: type of rubber base stock and additives used in rubber compounds, cord and belt materials, modified tire size and geometry and increased recommended inflation pressure. A 10 percent reduction in tire rolling resistance results in approximately a 1.5 percent improvement in fuel economy.

Other Technology

Improvements in a number of other areas have led to increases in fuel economy although it is difficult to quantify the fuel economy increase from each of these changes. The major improvements are: reduced engine accessory power requirements, improved engine and driveline lubricants and the reduced driveline losses.

Engine accessory power demands have been reduced by more efficient engine cooling fans, as typified by the viscous drive fan. The transition to front-wheel drive has resulted in increased use of more efficient fans since most transverse front-wheel drive vehicles of necessity are equipped with electric motor driven fans which operate

on demand only. More efficient power steering pumps, water pumps, air pumps, transmission pumps, and alternators have also contributed to reduced parasitic losses.

Although the Environmental Protection Agency (EPA) has thus far not permitted the use of the new generation of lubricants containing friction modifiers and additives in certification tests,¹ a number of other beneficial changes have taken place.

Redesign of components and improvements in lubricant properties have led to reductions in oil viscosity (a measure of internal friction) reductions in many instances. As an example, the typical front-wheel drive transaxle requires 5-10 weight equivalent automatic transmission fluid, whereas the typical rear-wheel drive hypoid gearset requires 80-90 weight gear oil, which is more viscous oil.

Driveline losses have been reduced through low-drag disc brake designs, changes in suspension geometry and reduced rotating inertia.

The fuel economy improvement potential of these changes is highly dependent on the individual vehicle but in general would result in gains similar to those for rolling resistance (i.e., a 10 percent reduction in parasitic losses would result in a 1.5 percent improvement in fuel economy).

Summary Analysis

The overall fuel efficiency of a given automobile is a function of a large number of design and operational characteristics. They are interdependent, and their contribution depends on the conditions under which the vehicle is operated. It is difficult to predict the contribution of a single change in a vehicle to its overall fuel efficiency. However, statistical analyses have led to fairly accurate predictive techniques in the aggregate (i.e., when applied over large numbers of vehicles) for estimating the effects of various technological changes on fleet average fuel economy. These techniques have been applied to the MY 1978 and MY 1981 passenger car fleet descriptions to define the relative contribution of the various technological changes to the 5.3 mile per gallon improvement in fleet fuel economy which occurred in this period. The results are shown in Table III-6.

¹ Consumers can, of course, use these lubricants to improve their fuel economy so long as they meet manufacturers' requirements.

TABLE III-6.—SUMMARY ANALYSIS

	1978	1981	Fleet average mpg change 1978 vs 1981
Fleet average fuel economy.....	19.9 mpg	25.2 mpg	+5.3
Inertia weight.....	3,627 lb.	3,155 lb.	+2.35
Engine displacement.....	260 in.	183 in.	(?)
Diesel engine.....	1.1%	5.9%	+0.25
Vehicle performance as indicated by HP/IW.....	.0339 hp/lb.	.0310 hp/lb.	+0.8
Aerodynamic drag (dynamometer power absorption unit).....	10.4 hp	9.4 hp	+0.37
Manual trans vs. auto.....	16%	29.6%	+0.14
Lock-up torque converter.....	7.7%	34.5%	+0.27
Four-speed auto.....	0.4%	8.7%	+0.08
Five-speed manual.....	5.1%	14.4%	+0.09
More stringent emissions standards.....	1.4/15/3.1	.41/3.4/1.0	(?)
Total change attributable to above factors.....			4.35

¹ The effect of engine displacement reduction is included in the inertia weight and performance reduction calculations.
² No change.

The above factors account for 4.35 mpg of the 5.3 mpg difference between MY 1978 and MY 1981. It is presumed that the remaining 0.95 mpg gain resulted from a combination of engine efficiency improvements, engine parasitic loss reductions, tire rolling resistance reduction, other driveline loss reductions (e.g., low drag brakes, conversion to front-wheel drive eliminating the hypoid gearset and high viscosity gear lube). EPA Certification Test procedure changes and other administrative changes may have also been responsible for a portion of this difference.

B. Light Trucks

Prior to MY 1979 the EPA light duty truck classification excluded all trucks having a gross vehicle weight rating (GVWR) in excess of 6,000 pounds. In 1979 the first light truck fuel economy standards became effective, but the standards applied only to vehicles having a GVWR of 6,000 pounds or less. Therefore, those light trucks with a GVWR above 6,000 pounds (more than half of the sales in MY 1979) were excluded from fuel economy testing and manufacturers' reports. Consequently, the available classification and fuel economy data is inadequate for a quantitative discussion of MY 1978 and MY 1981 fleets. (In MY 1980 data became available from fuel economy testing and manufacturers' reports for over 90 percent of all new light trucks).

In order to analyze the changes in the fleet, the Agency estimated certain

characteristics of the MY 1978 fleet so that differences between the MY 1978 and MY 1981 fleets could be identified. Published data¹ was used to estimate the vehicle characteristics of the MY 1978 light truck fleet having a GVWR of 8,500 pounds or less, the weight range covered by the MY 1981 fuel economy standards. These estimates are only a guide, but they appear to be a reasonable means of assessing technology changes. Manufacturers' reports were used for the MY 1981 data.

In this sub-section, only light trucks produced by American Motors, Chrysler, Ford, and General Motors were examined because the vehicles produced by these companies comprise the largest segment of the market. These vehicles have undergone the greatest technology change to improve their relatively poor fuel economy.

Manufacturers of imported pickups, including the captive imports, have made smaller relative improvements in fuel economy because their fuel economy was relatively high in MY 1978. The major technology change in the imported pickups has been the offering of optional diesel engines. In MY 1981, diesel engines are offered by General Motors (LUV pickups imported from Japan), Isuzu, Toyota, Datsun, and Volkswagen; they constitute 15 percent of the import light truck fleet.

The domestic light truck fleet has changed considerably between MY 1978 and MY 1981. Domestic manufacturers have redesigned their pickup lines to reduce weight and aerodynamic drag. They have introduced automatic transmissions with lockup torque converters, including one (Ford) with overdrive. Large engines have been dropped in many cases and smaller engines are now offered in some lines. Radial tires are used almost exclusively.

A comparison of the overall light truck fleet characteristics for MY 1978 and MY 1981 is shown in Table III-7.

TABLE III-7.—LIGHT TRUCK FLEET CHARACTERISTICS

	Model year 1978	Model year 1981
Domestic Fleet Fuel Economy (miles per gallon).....	13.8	18.2
Average Test Weight (pounds).....	4,600	4,160
Average Engine Displacement (cubic inches).....	340	290

Weight Reduction

The average test weight of the light truck fleet dropped 440 pounds from MY 1978 to MY 1981. This weight change is

¹ Ward's Automotive Reports, November 20, 1978.

primarily due to a shift in market demand towards compact trucks, and a large reduction in the market share of the heaviest vehicles in the fleet (primarily vans and four-wheel drive vehicles). An accompanying reduction in engine size also contributed to this weight reduction. Redesign and material substitution were used by some manufacturers to reduce the weight of their pickup trucks.

Transmissions

Table III-8 shows the percentage use of the various types of light duty truck transmissions in MYs 1978 and 1981.

TABLE III-8.—LIGHT TRUCK TRANSMISSION MIX

Transmission type	Model year	
	1978 (percent)	1981 (percent)
3 Speed Automatic Transmissions	76	19
3 Speed Automatic Transmissions with Lockup Clutches.....		41
4 Speed Automatic Overdrive Trans- missions with Lockup Clutches.....		4
All Automatics.....	76	64
3 and 4 Speed Direct Drive Manual Transmissions	24	26
4 Speed Manual Overdrive Trans- missions	(¹)	10
All Manual Transmissions.....	24	36

¹ Negligible.

As in passenger cars, the use of automatic transmissions in trucks decreased from MY 1978 to MY 1981. However, nearly half of all truck automatic transmissions (45 percent) had lockup torque converters in MY 1981. The market share for direct drive 3 or 4-speed manual transmissions remained about the same. Manual overdrive transmissions increased to 10 percent of the market.

Engines

Engine improvements that occurred in the light duty trucks include a small increase in the penetration of diesels and the general reduction in spark-ignition engine size. Table III-9 shows spark-ignition engine mix changes between model years 1978 and 1981.

TABLE III-9.—DOMESTIC LIGHT TRUCK ENGINE MIX

	Model year (percent)	
	1978	1981
Fleet Average Displacement (cu. in.).....	340	290
4-Cylinder Engines (percent).....	0	2
6-Cylinder Engines (percent).....	18	49
Small V-8 (Less than or equal to 318 in. (cu. in.) (percent).....	16	38
Medium V-8 (319 to 399 cu. in.) (percent).....	57	10
Large V-8 (Greater than or equal 400 (cu. in.) (percent).....	9	0

The large V-8 has virtually disappeared from the new light trucks and there has been a significant decrease in sales of vans, heavy duty pickups and four-wheel drive vehicles. In 1981 small V-8 and 6-cylinder engines account for 87 percent of the domestic light truck fleet. Small displacement 4-cylinder engines have been introduced in compact pickups produced domestically by Volkswagen and in Jeep vehicles.

Engine control systems introduced for the passenger automobile fleet are also making their way into these light truck engines, which are usually derived from passenger car engines.

Summary

For light trucks, technology improvement in engines, transmissions, tires, aerodynamics and weight reduction have provided significant improvements in fuel economy during the period of time between MYs 1978 and 1981. However, the major contribution to increase of light truck fleet average fuel economy is the changed market mix. The loss in sales of vans, four-wheel drive vehicles and the large pickups produced the largest reductions in average weight and engine size, and thus the increase in fuel economy.

Section IV. Activities Related to Petitions for Exemption or Reconsideration

A. Petitions and Other Activities

In accordance with amendments to Title V of the Motor Vehicle Information and Cost Savings Act (the Act) as contained in the Automobile Fuel Efficiency Act of 1980 (AFEA), petitions for exemption from the established fuel economy standards were submitted by five Low Volume Manufacturers (LVM's). They are Checker, Excalibur, Avanti, Rolls-Royce, and Aston Martin.

Excluding Checker, all LVM's produce specialty automobiles in the luxury, sport and/or high performance class. Of the 7,000 vehicles sold by all LVM's requesting exemption in MY 1980, over 70 percent were produced by U.S. manufacturers. They are Checker, Excalibur, and Avanti. Over 90 percent of these domestically produced vehicles were sold by Checker whose market is mostly for vehicles in taxi and airport limousine service. Avanti and Excalibur produce specialty sports cars, and had a combined MY 1980 sales of only 450 automobiles.

The petitions for MYs 1981 through 1985 were analyzed by NHTSA and a rulemaking support paper was completed. A Notice of Proposed

Rulemaking is expected to be submitted for public comment in the near future.

B. Domestic Manufacturing Content of Foreign Producers

Volkswagen of America, Inc., (VWOA) submitted a petition under Section 503(b)(3)(A) of the Act. VWOA requested exemption from the requirement under the Act that domestically manufactured passenger automobiles must comply with fuel economy standards separately from imported automobiles. The AFEA requires the agency to grant this petition unless it determines that such action would result in reduced employment in the U.S. related to motor vehicle manufacturing.

In general, fuel economy ratings for domestically manufactured passenger automobiles may not be averaged together with those of imported automobiles for purposes of determining compliance with average fuel economy standards. However, Section 503(b)(3)(c) provides for exemption from the separate compliance requirement for companies which begin U.S. production in the 1975-1985 period. Exemptions from the separate compliance requirement may be for five years or longer should the manufacturer request and the Agency so provide. VWOA requested that an exemption be granted for an indefinite future.

VWOA currently produces about 200,000 automobiles per year at its Westmoreland, Pennsylvania, plant and plans to add a second plant during 1982 with a capacity to produce an additional 185,000 automobiles annually. Current vehicles produced in the U.S. by VWOA have a domestic content of greater than 60 percent and are rapidly increasing toward 75 percent. Domestic content at the second facility is expected to reach 75 percent in a short time. VWOA contends that granting of the petition is expected to generate nearly 10,000 new jobs.

A public notice explaining the petition was prepared September 10, 1981. General Motors, the only commenter, opposed the granting of this petition on the grounds that special consideration would be given to VWOA providing them with a competitive advantage over other manufacturers. General Motors further argued that employment increases due to the planned increase in the value of the domestic content of U.S. manufactured VW vehicles should be balanced against possible employment losses due to displaced sales of U.S. automobiles by VWOA's imported vehicles. These comments were analyzed and since the Agency could

find no substantive evidence that a deterioration in U.S. automotive employment would result (and this is the only statutory basis for denying the petition) VWOA's petition was granted on October 23, 1981.

Section V. Federal Purchases of Motor Vehicles

Use of Fuel Efficient Passenger Vehicles by the Federal Government

The establishment of a formal program for purchasing fuel efficient passenger vehicles by the Federal Government was mandated by Congress in Title V of the Motor Vehicle Information and Cost Savings Act.

Section 510 of Title V requires that all passenger vehicles acquired by all executive agencies, achieve a fleet average fuel economy of at least the average fuel economy standard applicable to automobile manufacturers. This section defines acquisition as those vehicles purchased or leased for a period of 60 continuous days or more, but it exempts passenger automobiles designed to be used in law enforcement

work, emergency rescue work, or designed to perform combat related missions for the Armed Forces.

In July 1977, Executive Order 12003 extended the requirement to include light trucks beginning in FY 1979, and increased the fleet average fuel economy for all Federally acquired passenger automobiles above the statutory fuel economy standard by 2 miles per gallon (mpg) in FY 1978, 3 mpg in FY 1979, and 4 mpg in FY 1980-1985. The Executive Order further requires that no automobiles may be acquired if the mpg rating is below the fuel economy standard for that particular year, without prior written approval by the Administrator of General Services and the Secretary of Energy.

During FYs 1977-1981, agencies acquired 75,348 passenger automobiles and 20,662 light trucks, under this program. This will result in a total fuel savings of approximately 143.8 million gallons over the assumed useful life of 60,000 miles for vehicles in the Federal fleet. Table VI-1 below illustrates the year by year results achieved.

TABLE VI-1.—EXECUTIVE ORDER

Fiscal year	Sedan acquisitions	12,003 mi/gal requirements	Miles per gallon actual	Gallons fuel ¹ saved (10 ⁶)	Dollars saved ²
1977	18,670	18	19.3	11.12	(.70 per gallon) 7.8 million.
1978	15,294	20	21.0	16.28	(1.00 per gallon) 16.3 million.
1979	17,072	22	22.4	20.87	(1.40 per gallon) 29.2 million.
1980	13,001	24	25.2	29.00	(1.75 per gallon) 50.7 million.
1981	11,311	26	26.7	19.83	(1.75 per gallon) 34.7 million.
Total	75,348			97.10	

Fiscal year	Light truck acquisitions	12,003 mi/gal requirements	Miles per gallon actual	Gallons fuel ¹ saved (10 ⁶)	Dollars saved
1979	4x2 3,022	17.2	19.6	7.1	(1.40 per gallon) 9.9 million.
1979	4x4 595	15.8	17.9	1.3	(1.40 per gallon) 1.8 million.
1980	4x2 9,530	16.0	19.7	18.6	(1.75 per gallon) 32.6 million.
1980	4x4 2,465	14.0	18.1	1	(1.75 per gallon) 5.4 million.
1981	4x2 4,500	16.7	18.3	7.8	(1.75 per gallon) 13.6 million.
1981	4x4 550	15.0	16.0	1.0	(1.75 per gallon) 1.7 million.
Total	20,662			38.9	

¹ Based upon GSA estimates of base year fuel consumption for each year, 1977-81.

² Based upon a GSA estimate of the average price of gasoline over the Federal service life of the vehicle.

[FR Doc. 82-18621 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-23; Notice 2]

Bridgestone Tire Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Bridgestone Tire Company of America, Inc. of Torrance, California, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15

U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on January 28, 1982, and an opportunity afforded for comment (47 FR 4189).

Paragraph S4.3.1 of Standard No. 109 requires each tire to be "labelled with

the symbol DOT in the manner specified in Part 574. * * * " Figure 1 of Part 574, *Tire Identification and Recordkeeping*, specifies that the DOT symbol shall be not less than 1/4-inch from the tire identification number, or in metrics, 6.35 mm. Bridgestone has manufactured 429,000 tires in which the spacing has varied from 4.0 to 6.5 mm. It has received no reports or complaints on the noncompliance, has corrected the mistake, and believes that the noncompliance is inconsequential as the tire otherwise complies with Standard No. 109 and Part 574.

No comments were received on the petition.

The noncompliance reported is a simple failure to meet a dimensional specification of a labelling requirement, in no way affecting the informational content or the performance characteristics of the tire. Accordingly, petitioner has met its burden of persuasion that the noncompliance with Standard No. 109 is inconsequential as it relates to motor vehicle safety, and its petition is granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); Delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 2, 1982.

Courtney M. Price,
Associate Administrator for Rulemaking.

[FR Doc. 82-18727 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-20; Notice 2]

Dunlop Tire Co., Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by the Dunlop Tire Company of Buffalo, New York to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. the basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on September 21, 1981, and an opportunity afforded for comment (46 FR 46737).

Paragraph S4.3 requires that the sidewalls of each passenger car tire be labeled with, among other information, the generic name of the cord material used in the plies, and the actual number

of plies in the sidewall and tread areas. Because of an erroneous mold, Dunlop produced 1485 G78-15 and L78-15 Remington Cushion Aire Belted tires, one sidewall of which contains the word "4 ply polyester" instead of the correct marking for bias-belted tires. Petitioner stated that the tire is clearly marked "Beltd" and was correctly labeled in all other respects.

For this reason, the company argued that its noncompliance was inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

No comments were received on the petition.

The replacement of bias-belted markings with bias ply markings on one sidewall does not compromise the durability or strength of the tires. Although there is a possibility that the tires in question could be mixed with bias ply tires, resulting in a degree of instability, that possibility is considered remote because of the small number of tires, and because each tire is clearly marked "BELTED" on its outer sidewall, and all its other markings indicate that it is a bias belted tire.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

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[Docket No. IP81-18; Notice 2]

General Motors Corp.; Grant of Petitions for Determination of Inconsequentiality

This notice grants the petitions by General Motors Corporation of Warren, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two apparent noncompliances with 49

CFR 571.110, *Tire Selection and Rims for Passenger Cars*. The basis of the grant is that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the petitions was published on October 29, 1981, and an opportunity afforded for comment (46 FR 53576).

The two petitions by General Motors involved the failure of the tire inflation placard required by Standard No. 110 to state correctly the seating capacity, and the consequent misstatement of the overall vehicle capacity weight. Both of the petitions involve 1981 Cadillacs. The first covered 73 Sedan DeVilles equipped with front consoles and placards specifying front seat occupancy as three when it is in fact two, and overstating vehicle capacity weight by 150 pounds. This noncompliance was said to be inconsequential because the presence of the console between the individual front seats precludes the addition of a third person; should an additional passenger be added, the total load carrying capacity of the vehicle would not be exceeded because that capacity is identical to Sedan DeVilles with a six-passenger capacity. The second petition covered 6,250 Eldorados and presented the obverse situation, understating vehicle capacity and capacity weight. Placards show rear seating capacity as two, when it is in fact three, and the capacity weight is understated by a corresponding 150 pounds. General Motors argued that this was inconsequential because the vehicle capacity weight would not be exceeded if an owner loaded the car to the capacity for which it is designed, even if that is one person more than that specified on the placard. Seat belts for the full complement of five passengers were also provided.

No comments were received in response to the notice.

Neither of the noncompliances reported have an effect upon motor vehicle safety because the addition of an extra passenger will not cause the vehicle capacity weight or the tire loading capacity to be exceeded. With respect to the noncompliance of the DeVille, it is improbable that anyone would be misled by the placard and attempt to seat a passenger astride the console.

Accordingly, petitioner has met its burden of persuasion that the noncompliances herein described are

inconsequential as they relate to motor vehicle safety, and its petitions are hereby granted.

The engineer and lawyer primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-18728 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes August 11, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
88	ETS. Fauvet Girel, Neuilly-Sur-Seine, France	49 CFR 173.264	To manufacture, mark and sell non-DOT specification IMCO Type 5 portable tanks for shipment of hydrogen fluoride, classed as a corrosive material. (Modes 1, 2, 3.)
8855-N	Ciba-Geigy Corporation, Summit, NJ	49 CFR 173.268	To authorize shipment of nitric acid, classed as a corrosive material in non-DOT specification aluminum drums similar to DOT Specification 42B except for closure. (Mode 1.)
8860-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.31(c)	To authorize a 5/5/5/5 year periodic retest schedule for those 103W and 103EW tank car tanks constructed of stainless steel for shipment of chlorosulfonic acid, corrosive material and nitric acid (over 40%), oxidizer. (Mode 2.)
8861-N	Hoover Universal, Inc., Beatrice, NE	49 CFR 173.119(m), 173.346, 173.349, 173.352	To manufacture, mark and sell DOT Specification 57 portable tanks for shipment of various flammable liquids which are also corrosive or poison and certain Class B poison liquids. (Modes 1, 2.)
8862-N	ABERCO Inc., Seabrook, MD	49 CFR 173.119	To authorize shipment of propylene oxide, classed as a flammable liquid in DOT Specification 5P metal drums. (Mode 1.)
8863-N	Union Carbide Corporation, Danbury, CT	49 CFR 173.245, 173.264	To authorize shipment of hydrofluoric acid solution and a corrosive liquid, n.o.s. contained in 4 one-gallon DOT Specification 2E polyethylene bottles overpacked in a DOT Specification 33A polystyrene case. (Modes 1, 2.)
8864-N	Miller Transporters, Inc., Jackson, MS	49 CFR 173.245	To authorize transport of a corrosive liquid, n.o.s. in existing non-DOT Specification cargo tanks comparable to DOT Specification MC-312 except for remote release valve and overturn protection. (Mode 1.)
8865-N	Carleton Controls International, East Aurora, NY	49 CFR 173.302(a), 175.3, 178.65	To authorize shipment of helium, classed as a nonflammable gas in a manifolded pressure vessel system including a steel cylinder similar to DOT Specification 39. (Modes 1, 2, 4.)
8866-N	Cambridge Group of Princeton, Inc., Princeton, NJ	49 CFR Part 100-199	To authorize shipment of safety book matches contained in a caddy (box of 50 books) with a non-hazardous material essentially deregulated. (Modes 1, 2, 4.)
8867-N	3M Company, St. Paul, MN	49 CFR 173.119(k), 175.3	To authorize shipment of a viscous flammable liquid, n.o.s. contained in a polyvinylchloride bottle overpacked six to a DOT Specification 12B fiberboard box. (Modes 1, 2, 4.)
8868-N	Breau Agricultural Service, Stockton, CA	49 CFR 173.272(d)	To authorize shipment of a corrosive liquid, n.o.s. in DOT Specification MC-306 cargo tank. (Mode 1.)
8869-N	Air Exec, Inc., Fort Madison, IA	49 CFR 172.101, 172.204(c)(3), 175.30(a)(1), 175.320(b)	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8870-N	Hach Company, Ames, IA	49 CFR 172.101, 172.404, 173.286	To commingle compatible hazardous materials of various classifications packed in separate inside receptacles not exceeding 8 fluid ounces or ½ lb. packed inside a strong outside container, labeled according to the highest order of hazard, and described as chemical kit. (Modes 1, 2, 4, 5.)
8871-N	Chase Bag Company, Oak Brook, IL	49 CFR 173.154, 173.182, 173.245(b)	To manufacture, mark and sell large polypropylene bulk containers, with polyethylene liners, having top and bottom openings, of approximately 2,000 pounds capacity, for shipment of certain corrosive solids and nitrates. (Modes 1, 2.)
8872-N	do	49 CFR 173.201	To manufacture, mark and sell a composite polyethylene valve bag/fiberboard box package for shipment of ground rubber scrap. (Modes 1, 2.)
8873-N	Staufer Chemical Company, Westport, CT	49 CFR 173.121	To authorize shipment of carbon disulfide, classed as a flammable liquid, in a special DOT Specification MC-312 cargo tank. (Mode 1.)
8874-N	Cylinder Technology, Incorporated, Chanute, KS	49 CFR 178.46	To manufacture, mark and sell aluminum cylinders complying with DOT Specification 3AL except manufactured by utilizing the deep drawing or draw and iron process for shipment of oxygen and compressed air. (Modes 1, 2, 3, 4, 5.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 2, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-18724 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's

Hazardous Materials Regulations (49 CFR Part 107 Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to

provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes July 27, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S.

Department of Transportation,
Washington, DC 20590.

Comments should refer to the
application number and be submitted in
triplicate.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available
for inspection in the Dockets Branch,
Room 8426, Nassif Building, 400 7th
Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
1479-X	Rookwell International Corporation, Canoga Park, CA	1479
1479-X	U.S. Department of Defense, Washington, DC	1479
2136-X	U.S. Department of Defense, Washington, DC	2136
3095-X	Dowell Inc., Tulsa, OK (See Footnote 1)	3095
3126-X	Hercules, Incorporated, Wilmington, DE	3126
3142-X	U.S. Department of Energy, Washington, DC	3142
3216-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	3216
3941-X	Pacific Engineering & Production Company of Nevada, Henderson, NV	3941
3941-X	Aerojet Tactical Systems Company, Sacramento, CA	3941
4108-X	Purity Cylinder Gases, Inc., Grand Rapids, MI	4108
4108-X	Burdett Gas Products Company, Norristown, PA	4108
4497-X	Red Ball Supply, Inc., Oklahoma City, OK	4497
4803-X	Dowell, Inc., Tulsa, OK (See Footnote 2)	4803
6080-X	U.S. Department of Energy, Washington, DC	6080
6232-X	U.S. Department of Defense, Washington, DC (See Footnote 3)	6232
6334-X	Allied Corporation, Morristown, NJ	6334
6349-X	Union Carbide Corporation, Danbury, CT	6349
6392-X	Steufer Chemical Company, Westport, CT	6392
6472-X	Thiokol Corporation, Odgen, UT	6472
6484-X	International Minerals and Chemical Corporation, Mundelein, IL	6484
6484-X	Dow Chemical Company, Midland, MI	6484
6670-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	6670
6672-X	Chandler Evans, Inc., West Hartford, CT	6672
6760-X	Terra Chemicals International, Inc., Sioux City, IA	6760
6763-X	Pool Water Products, Garden Grove, CA	6763
6929-X	U.S. Department of Energy, Washington, DC	6929
6962-X	U.S. Department of Energy, Washington, DC	6962
6984-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE	6984
6984-X	Hercules, Incorporated, Wilmington, DE	6984
7024-X	Burlington Industries, Inc., Burlington, NC	7024
7052-X	ENDECO, Inc., Marion, MA	7052
7052-X	Battery Engineering, Inc., Hyde Park, MA	7052
7052-X	Ray-O-Vac Corporation, Madison, WI (See Footnote 4)	7052
7076-X	LaMotte Chemical Products Company, Chestertown, MD	7076
7275-X	Express Airways, Inc., Sanford, FL (See Footnote 5)	7275
7538-X	Southern Chemical Products Company, Macon, GA	7538
7640-X	Mauser Packaging, Limited, New York, NY	7640
7680-X	Sterling Drug, Inc., New York, NY	7680
7744-X	Dow Corning Corporation, Midland, MI	7744
7753-X	Stauffer Chemical Company, Westport, CT	7753
7798-X	RO-GO Chemical Company, Fresno, CA	7798
7802-X	Bennett Industries, Pacoima, CA	7802
7835-X	Scientific Gas Products, Inc., South Plainfield, NJ	7835
7891-X	Reliance Electric Company, Cleveland, OH	7891
7991-X	Union Pacific Railroad Company, Omaha, NE (See Footnote 6)	7991
8009-X	Matador Service, Inc., Wichita, KS	8009
8037-X	Mauser Packaging, Ltd., New York, NY	8037
8238-X	ASARCO, Incorporated, New York, NY	8238
8247-X	Container Corporation of America, Wilmington, DE (See Footnote 7)	8247
8390-X	Ashland Oil, Inc., Columbus, OH	8390
8394-X	Tempsect, Inc., St. Louis, MO	8394
8395-X	3M Company, St. Paul, MN	8395
8409-X	ES Science, Division of EM Industries, Inc., Cincinnati, OH	8409
8436-X	Pennwalt Corporation, Buffalo, NY	8436
8445-X	Advanced Environmental Technology Corporation, Morris Plains, NJ	8445
8445-X	Owens-Corning Fiberglass Corporation, Granville, OH	8445
8445-X	Dow Chemical Company, Midland, MI	8445
8456-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE	8456
8464-X	Garrett Pneumatic Systems Division, Phoenix, AZ	8464
8466-X	Atlas Powder Company, Dallas, TX	8466
8476-X	Warren Petroleum Company, Tulsa, OK	8476
8705-X	General Electric Company, San Jose, CA	8705
8723-X	IRECO Chemicals, Salt Lake City, UT (See Footnote 8)	8723
8732-X	Union Carbide Corporation, Danbury, CT (See Footnote 9)	8732

¹To renew, to include additional corrosive liquid; and to revise the cargo tank specification and retest requirements.

²To renew, to include additional corrosive liquid shipped and to revise the cargo tank specification and retest requirements.

³To authorize an additional survival kit containing an oxygen cylinder, carbon dioxide cylinder and signal flares.

⁴To modify paragraph 3(e) to include thionyl chloride and lithium tetrachloroaluminate.

⁵To authorize an additional class A explosive as packaged under DOT-E 6658.

⁶To renew and to modify paragraph 8(d) pertaining to unattended flag kits.

⁷To authorize 5 gallon capacity polyethylene containers for shipment of sulfuric acid.

⁸To authorize a tank trailer manufactured by Heil Company as an additional container for shipment of blasting agents.

⁹To authorize shipment of any alcohol, corrosive liquid, n.o.s. as an additional commodity.

Application No.	Applicant	Parties to exemption
4453-P	Kentucky Anfo, Inc., Madisonville, KY	4453
6205-P	Beech Aircraft Corporation, Boulder, CO	6205
6652-P	Goodyear Aerospace Corporation, Akron, OH	6652
6658-P	U.S. Department Defense, Washington, DC	6658
6816-P	General Dynamic, San Diego, CA	6816
7835-P	Ideal Gas Products, Inc., Edison, NJ	7835

Application No.	Applicant	Parties to exemption
8390-P	Mallinckreditt, Inc., Paris, KY	8390
8441-P	GIE Products Corporation, Westborough, MA	8441
8457-P	Duracell U.S.A., Tarrytown, NY	8457
8554-P	Margraf Explosives, Inc., Rancho Cordova, CA	8554

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 2, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-18725 Filed 7-9-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review.

During the period June 25 through July 1, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments

regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. N.W., Washington, D.C. 20220; and to the OMB reviewer listed at the end of each entry.

Date Submitted: June 28, 1982

Submitting Bureau: Internal Revenue Service

OMB Number: N/A (new submission)

Form Number: DIR: IND 4-882

Type of Submission: New

Title: Personal Interview Questionnaire

Purpose: Form shall be used to evaluate material submitted by taxpayers in connection with the examination of their tax returns. Failure to collect this information will result in failure to meet the quality requirements of IRM 4253.2 and less of tax revenues to the government.

OMB Reviewer: Michael Abrahams, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Date Submitted: June 28, 1982

Submitting Bureau: Internal Revenue Service

OMB Number: N/A (new submission)

Form Number: DIR: IND 4-881

Type of Submission: New

Title: Income Probe Workpapers

Purpose: Form shall be used to evaluate material submitted by taxpayers in connection with the examination of their tax returns. Failure to collect this information will result in failure to meet the quality requirements of IRM 4253.2 and less of tax revenues to the government.

OMB Reviewer: Michael Abrahams, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Date Submitted: July 1, 1982

Submitting Bureau: U.S. Customs Service

OMB Number: 1515-0042

Form Number: CF 4457

Type of Submission: Extension

Title: Certificate of Registration for Personal Effects Taken Abroad

Purpose: Document is used to provide travelers with means of showing proof of prior possession of a foreign-made personal item which will accompany them on a trip abroad and will be returned to the United States. Customs restricts this registration to articles with serial numbers or unique markings.

OMB Reviewer: Suzann Evinger, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: July 6, 1982.

Joy Tucker,

Departmental Reports Management Officer.

[FR Doc. 82-18720 Filed 7-9-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 133

Monday, July 12, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, July 15, 1982.

PLACE: Board room, 6th floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION. Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Branch Office Application—Northeast Savings, A Federal Savings and Loan Association (Formerly The Schenectady Savings Bank, FSB), Hartford, Connecticut
Request for Modification of Insurance Conditions—(Proposed) Charter Savings and Loan Association, Delray Beach, Florida

Termination of Status as Insured Institution—Equality Savings and Loan Association, San Diego, California

Application for Extension of Time to Establish a Branch Office, City Federal Savings and Loan Association, Birmingham, Alabama

Service Corporation Activity: Reinsurance of Credit Life and Credit Accident and Health Insurance First Service Insurance Corporation (a subsidiary of)—First Federal Savings and Loan Association of Arizona, Phoenix, Arizona

Request for a Commitment to Insure Accounts—Crossroads Savings and Loan Association, Checotah, Oklahoma (New Stock Association)

[No. 47, July 8, 1982]

[S-1009-82 Filed 7-8-82; 10:01 am]

BILLING CODE 6720-01-M

2

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the

Securities and Exchange Commission will hold the following meetings during the week of July 12, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, July 14, 1982, at 10:00 a.m. following by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, July 14, 1982, at 10:00 a.m., will be:

Consideration of whether to publish a release which would publicize a letter written by the Division of Market Regulation to the New York Stock Exchange, Inc. ("NYSE") clarifying the language of the release which approved proposed amendments to NYSE Rules 382 and 406. For further information, please contact Elizabeth S. York at (202) 272-2376.

The subject matter of the closed meeting scheduled for Wednesday, July 14, 1982, following the 10:00 a.m. open meeting, will be

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matter have been added, deleted or postponed, please contact: Bob Zutz at (202) 272-2467.

July 7, 1982.

[S-1010-82 Filed 7-8-82; 3:56 pm]

BILLING CODE 8010-01-M

3

SYNTHETIC FUELS CORPORATION Meeting of the Board of Directors

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of the said policy.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Prior Meeting.
2. Management Report.
3. Approval of Amendments to Article IV of the Corporation By-law Establishing the Office of Vice President for Planning, and Conforming Sections 1, 5, 6, 8 and 10 Thereof to the System of Organization Approved June 17, 1982.
4. Status Report—Memphis Light Gas and Water Project.
5. Consideration of Second Solicitation Projects.
6. Consideration of Third Solicitation Strategy.
7. Consideration of Second Solicitation Strategy.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

TIME AND DATE: 8:30 a.m., July 15, 1982.

PLACE: 2121 K Street NW., Washington, D.C.

PERSON TO CONTACT FOR MORE INFORMATION:

If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822-6336.

Synthetic Fuels Corporation.
July 6, 1982.

Edward E. Noble,
Chairman of the Board.

[S-1009-82 Filed 7-8-82; 10:19 am]

BILLING CODE 0000-00-M

Federal Register

**Monday
July 12, 1982**

Part II

Department of the Interior

Fish and Wildlife Service

**Migratory Bird Hunting; Supplemental
Proposals for Early Season Migratory
Bird Hunting Regulations Frameworks**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements Federal Register Document 82-10568 published on April 19, 1982, and Document 82-16106 published on June 15, 1982, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1982-83, and provided information on certain proposed regulations.

This proposed rulemaking provides frameworks or outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed in early seasons for migratory bird hunting. These are hunting seasons that open prior to October 1 and relate to mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails; gallinules; September teal; sea ducks; experimental September duck seasons in Florida, Iowa, Kentucky, and Tennessee; sandhill crane seasons; and extended falconry seasons. The Service annually prescribes hunting regulations frameworks to the States for season selection purposes. The effect of this proposed rule is to facilitate establishment of early season migratory bird hunting regulations for the 1982-83 season.

The Service also proposes supplemental rulemakings for some late hunting seasons, defined as those seasons opening on or about October 1. These generally relate to the times and places where certain waterfowl may be hunted.

DATES: The comment period for the remaining proposed early season frameworks will end on July 16, 1982. That for Alaska, Puerto Rico, and the Virgin Islands has closed, while that for late season proposals will close on August 23, 1982. A Public Hearing on Late Season Regulations will be held August 3, 1982, starting at 9 a.m.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The Public Hearing will be held in the Auditorium of the

Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-254-3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; experimental duck seasons opening in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; coots, gallinules, and snipe in the Pacific Flyway; and other special falconry seasons. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a Federal Register document published in late winter or early spring and opened to public comment. These proposals are supplemented in a second Federal Register document published in late spring on the basis of additional information and comment. Following the termination of the comment period and after a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and

possession limits, and other regulatory elements. Following another public comment period, and after consideration of additional comments, the Service publishes the final frameworks in the Federal Register. Using these frameworks, State conservation agencies then select hunting season dates and options. States may prescribe more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20, then appear in the Federal Register, becoming effective upon publication.

The regulations schedule for this year is as follows. On April 19, 1982, the Service published for public comment in the Federal Register, (47 FR 16718) a proposal to amend 50 CFR 20, with comment periods ending as noted earlier. Except that the comment period for Alaska, Puerto Rico, and the Virgin Islands ended June 23, 1982.

On June 15, 1982, the Service published (47 FR 25922) for public comment a second document which provided supplemental proposals for both early and late season migratory bird hunting regulations frameworks, with comment periods ending July 16, 1982, for remaining early season proposals, and August 23, 1982, for late season proposals.

This document is the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations and deals specifically with supplemental proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States may select season dates, shooting hours, and daily bag and possession limits for the 1982-83 season. All pertinent comments on the April 19 proposals received since May 13, 1982, have been considered in developing this document. In addition, new proposals for certain early and late season regulations are provided for public comment. Comment periods on this third document are specified above under DATES. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands are scheduled for publication in the Federal Register, on or about July 2, 1982, and for early seasons for other areas of the United States are scheduled for Federal Register publication on or about July 27, 1982.

On June 23, 1982, a public hearing was held in Washington, D.C., as announced in the Federal Register of April 19 (47 FR 16718) and June 15 (47 FR 25922), 1982, to review the status of mourning doves, woodcock, band-tailed pigeons, white-

winged doves, and sandhill cranes. Proposed hunting regulations were discussed for these species and for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; experimental duck seasons in September in Florida, Iowa, Kentucky, and Tennessee; and experimental crane-Canada goose season in southwest Wyoming; special sea duck seasons in the Atlantic Flyway; extended falconry seasons; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and mourning doves in Hawaii. Statements or comments were invited.

This supplemental proposed rulemaking consolidates further changes in the original framework proposals published on April 19, 1982, in the Federal Register (47 FR 16718).

Presentations at Public Hearing

A number of reports were given on the status of various migratory bird species for which early hunting seasons are being proposed. These are briefly reviewed as a matter of public information, and to facilitate the Service's response to public comments at the Public Hearing on June 23 and in correspondence. Unless otherwise noted, persons making the presentations are Service employees.

Mr. David Dolton, Mourning Dove Management Biologist, presented the status of the 1982 mourning dove population. Mourning dove population indices, as determined from nationwide Call-Count Surveys, showed no significant change from 1981 to 1982 in any of the 3 dove management units. The 1982 index was significantly above the preceding 10-year average only in the Central Management Unit. Linear regression analyses indicated stable trends in the Eastern and Western Management Units and an upward trend in the Central Management Unit from 1972-1982.

Mr. John Tautin, Woodcock Management Biologist, reported upon the 1982 status of American woodcock. The most significant finding was from the recently completed Singing-Ground Survey. This cooperative survey of woodcock breeding populations in the United States and Canada indicated declines of 6.7 percent in the Central Region (the Mississippi Flyway and eastern edge of the Central Flyway) and 20.3 percent in the Eastern Region (Atlantic Flyway States). In both regions, significant long-term (1966-82) trends are evident.

The 1982 decline in the Eastern Region is the sharpest annual change since

inception of these surveys. The decrease was attributed largely to a blizzard and severe weather in the East and Northeast between April 5 and 10, 1982. During this period, heavy snows and abnormally low temperatures prevailed. Woodcock are early spring migrants, and in New England they normally arrive on their breeding grounds in mid- to late March. They are also early nesters, and nesting there usually begins in mid- to late April. Woodcock are susceptible to severe climatic conditions during the early spring, particularly when their weights are low because of migration stresses, courtship, activities, and egg laying. Field observations this year document the return of woodcock to New England prior to the blizzard. The reduced Singing Ground Survey index this spring is believed to reflect woodcock mortality resulting from the severe weather conditions described above.

Mr. Ronnie R. George, Texas Parks and Wildlife Department, reported on the status of white-winged doves in Texas and northeastern Mexico. Approximately 487,000 whitewings were found breeding in the Lower Rio Grande Valley of Texas this spring. This is about 1 percent fewer than were present in 1981. Approximately 58 percent of the 1982 breeding population was located in citrus groves with the remainder in native brush and residential shade trees. An increase of about 8 percent was noted for scattered populations breeding north of the Valley. A cooperative survey of breeding whitewings in northeastern Mexico indicates that this population is stable or possibly increasing.

Mr. Roy Tomlinson, Southwest Dove Coordinator, conveyed information received from the Arizona Department of Game and Fish. During the mid- to late 1970's Arizona white-winged dove populations declined because of habitat loss, changes in agricultural practices, and overharvests. In response to the situation, Arizona has acquired some dove production habitat, experimented with food production, and restricted hunting regulations the past 3 years. These measures evidently have helped arrest the population decline. Arizona recommended that no further changes be made in the hunting frameworks.

Dr. James C. Bartonek, Pacific Flyway Representative, summarized the present status of band-tailed pigeons of the Coastal and Four-Corner States Populations. The Coastal Population continues its gradual recovery following a precipitous decline apparently resulting from an exceptionally large harvest in California in 1972. The Four-Corner States Population is lightly

harvested and it appears to be relatively stable. A draft management plan for the Coastal Population has been completed and is available for review. No regulatory changes are recommended for either population.

Mr. Harvey Miller, Central Flyway Representative, reported on the status of sandhill cranes of the Mid-Continent Population in the Central Flyway. Recent photographic surveys in the Platte River Valley of Nebraska during spring migration indicate a population substantially larger than revealed by previous methodology. A photographic survey in 1980 placed the population size at about 551,000 birds, and in 1982 about 570,000 birds, with some additional cranes known to be outside photo coverage areas. Based on improved knowledge of recruitment and populations dynamics, it estimated that from 25-58 thousand sandhills could be harvested from a population of 570,000. In recent years, hunting in the U.S., Canada, and Mexico has accounted for about 17 thousand birds annually. Measurements of adult cranes taken during 1980-81 indicate the following subspecific composition of the harvest in the Central Flyway: 72 percent lesser sandhill cranes (*Crus canadensis canadensis*), 23 percent Canadian sandhill cranes, (*G. c. rowani*), and 5 percent greater sandhill cranes (*G. c. tabida*). Generally, the subspecific composition of the harvest follows that of the populations available. These findings indicate that the Mid-Continent Population can withstand additional harvest. Additional harvest that would be expected from the proposed changes in hunting regulations described in 47 FR 16718 are consistent with the objectives of the Mid-Continent Sandhill Crane Management Plan, and should be well within the recruitment capabilities of the population.

Dr. Paul Geissler, Biometrician, summarized results of a recently completed mourning dove nesting study. Because of sustained interest in the hunting of mourning doves during September, a portion of Dr. Geissler's statement is quoted:

A nationwide study was initiated in 1978 through the cooperation of 23 State wildlife agencies, 6 State universities and the Service. This study was designed to examine effects of September hunting on mourning dove nesting by (1) determining the proportion of annual dove nesting activity and production that occurs in September and October, and (2) determining if September survival rates of eggs and nestings are lower in areas where dove hunting is permitted compared to areas where it is prohibited. The study has been completed and we expect the final report to

be available for public distribution in late summer.

During the 2 years of the study, 6,950 active nests, located on 106 study areas in 27 States, were followed to obtain data on annual nesting patterns. Of all nests found nationwide, the percent initiated in September and October was 1.0% based on backdating hatch dates and 2.7% based on dates on which nests were initially found. Nesting activity was measured by numbers of individual eggs and nestlings present in weekly counts. Nationally, 4.5% of these counts occurred in September and October. Based on hatching dates, the observed period when 80% of the nests were active lasted from April 22 to September 4. The measure of production used in this study was number of young fledged. Nationally, 10.13% of this production occurred in September and October. The number of nests found for the first time peaked in late May and steadily declined to a low level by the September 1 start of hunting. Thus, it was concluded that the reduction in nesting activity at the end of the season is a natural phenomenon, and not caused by hunting disturbance.

In the second phase of the study, survival rates of eggs and nestlings during September were estimated from data on 668 nests from randomly chosen paired plots in hunted and nonhunted sections of 11 study areas. These study areas were established along the boundaries between 6 pairs of hunting and nonhunting States and between early and late hunting zones within 5 hunting States. Differences were not statistically significant ($p < 0.05$) between the observed daily survival rates of 95.0% in the hunted sections and 95.9% in the nonhunted sections. Restated as fledging rates, these rates become 26% and 33%, respectively. Daily survival and fledging rates are in fact the identical rates operating over different periods of time and thus fledging rates also did not differ significantly. Results of a power analysis indicated that a reduction in daily survival rates greater than that from 96.0% to 94.2% (or 35% to 21% in fledging rates) could be detected with 80% probability when a 5% significance level was used.

In conclusion, the study found that only a small proportion of annual nesting attempts were (sic) exposed to hunting. There was no statistically significant difference in survival rates of eggs and nestlings in sections where hunting was permitted compared to sections where it was prohibited. This study concluded that dove hunting under current regulations has no detectable effect on recruitment of fledglings into the mourning dove population.

Review of Public Comments and the Service's Response

Comments Received at Public Hearing

Eight individuals presented statements at the Public Hearing on the proposed early season regulations. The comments are summarized below and, where appropriate, responded to by the Service.

Mr. Ronnie R. George, representing the Central Flyway Waterfowl Council,

supported a number of regulatory changes. These included: establishment of a special sandhill crane season in Lincoln County, Wyoming; changes in frameworks, season lengths, and hunting areas for sandhill cranes in the Central Flyway; establishment of a southwestern New Mexico sandhill crane hunting area; and implementation of standardized mourning dove hunting frameworks throughout the United States. On behalf of the Texas Parks and Wildlife Department, he recommended a 4-day white-winged dove hunting season in 16 designated counties. Hunting season dates would be September 4, 5, 11, and 12, 1982, with daily bag and possession limits being 10 and 20, respectively. A portion of the mourning dove season would be held concurrently with the white-winged dove season. Shooting hours would be from noon to sunset. For identification purposes, one full-feathered wing would be retained on each dressed bird.

Response. A little-studied population of about 13,000–19,000 sandhill cranes winters in southwestern New Mexico. New Mexico and the Central Flyway Council believe it desirable to initiate a limited experimental season on these cranes to better obtain information on their subspecific composition and other information necessary to their management. Hunter participation and harvest would be rigidly limited by State permits. The experimental season would be patterned after that implemented last year in the nearby Willcox Basin area of Arizona.

Because of chronic crop depredations problems and excessive populations of both sandhill cranes and Canada geese in southwestern Wyoming, the Wyoming Game and Fish Department and the Central Flyway Council believe it desirable that a limited hunting season be allowed this year. The season would conclude before the usual arrival of whooping cranes from Grays Lake, Idaho. Limited permits would be issued for hunting in the Bear River Valley and Star Valley of Lincoln County. These valleys are confined by mountain ranges, and hunter access and activity can be closely monitored to insure conformity with regulations. Details of the proposed hunt appear in the proposed frameworks.

In all instances where sandhill crane hunting is contemplated within the range of migrant whooping cranes, special consideration is being given to the endangered species by means of Section 7, Endangered Species Act, consultation. Emergency hunting closures will be considered whenever whooping cranes appear in a hunting area. The Service concurs in the above

recommendations and they are included in the following proposed frameworks.

Dr. H. Elliott McClure, representing the Committee for Dove Protection, noted that many people consider the mourning dove a songbird rather than a gamebird; asserted that for ethical and humane reasons it should not be hunted in September while it is still breeding; stated that in northern States the early migration of juvenile doves leaves only breeding adults to bear the brunt of the harvest but in southern States the influx of migrants serves to protect mourning doves that are still nesting by diluting the population; and suggested that hunting may have altered the proportion of doves nesting in September through genetic adaptation. He reported that dove abundance at Lewis, Iowa, an area familiar to him since 1938, has decreased sharply during a period coinciding with loss of trees and more intensive land use. Dr. McClure urged the Service to: (1) Manage doves on a local or regional basis rather than tying their management to a flyway system developed for unrelated species, (2) consider local population trends when establishing hunting regulations, (3) close or limit hunting in northern States to assure a continuous production over a wide area, and (4) delay hunting until after October 1.

Response. As previously noted (e.g., see the *Federal Register* dated June 28, 1978, at 43 FR 28013), the various migratory bird treaties to which the United States is a party, plus the implementing Migratory Bird Treaty Act, list the mourning dove as a game bird and show that hunting is regarded as a legitimate use of the migratory bird resource so long as certain guidelines and conditions are met.

The appropriateness of present mourning dove management units was discussed in the *Federal Register* dated July 1, 1980, at 45 FR 44541. The three current operational units were developed specifically for mourning doves through analysis of banding records. They reasonably delineate dove population segments that are independent of each other and from waterfowl flyways. Managing by independent north-south units provides an opportunity to deal with specific population issues and we believe this enhances rather than detracts from dove management. A recent comprehensive banding analysis in the Central Management Unit confirms the validity of these units.

The effects of September mourning dove hunting were addressed by Dr. Geissler in a report on the cooperative nationwide dove nesting study cited

earlier. The results of this study and other evidence in the literature lead the Service to conclude that dove hunting in September has no substantial adverse effects on mourning dove populations. This study showed that only a small proportion of breeding doves are still nesting after September 1 in northern States, as well as in southern States. Furthermore, it was concluded that the reduction in nesting activity at the end of the breeding season prior to September is a natural phenomenon and is not caused by hunting disturbance.

The Service has responded previously in a number of **Federal Register** documents to concerns about September hunting of mourning doves (see list in 43 FR 22420 in 1978; 44 FR 9936, 44 FR 34086, and 44 FR 37859 in 1979; 45 FR 13619 and 45 FR 44541 in 1980).

Mr. John Newsom, representing The Wildlife Society (TWS), noted that recent findings in mallard population dynamics may be applicable to other migratory bird populations, including the mourning dove. He therefore suggested that the Service consider standardization and stabilization of national mourning dove hunting frameworks, similar to those in effect for ducks. Ample safeguards should be built into the system in event any unforeseen adverse effect on the dove population occurs. TWS also fully supported the practice of allowing mourning dove hunting in September, citing the recently completed cooperative nesting study which demonstrated that September hunting has no discernable effect on mourning doves.

Response. The Service will consider the TWS proposal for possible application in connection with changes in mourning dove hunting regulations proposed for 1982.

Comments on a variety of migratory bird subjects were offered by Mr. Toby Cooper of Defenders of Wildlife (Defenders). Although several of the topics were irrelevant to the purpose of the public hearing, they are briefly described, and will be considered later this summer as the late season frameworks are being developed.

Defenders expressed strong opposition to the Office of Management and Budget (OMB) proposal to modify the process followed by the Service in establishing annual hunting regulations (see 47 FR 16721 for details on the proposal) because it would truncate the role of Federal decision makers, and only they are charged with the responsibility of protecting and enhancing migratory bird conservation under the Migratory Bird Treaty Act.

Response. The Service will consider these and other comments on the OMB proposal.

Defenders reiterated objections about shooting hours, alleging that, as presently formulated, they "run counter to sound resource management policy and good common sense." They expressed concern about the design of a field study of shooting hours recently conducted by the Service, and requested "an update on the results of shooting hours research, or an indication of when such research will be completed and made available."

Response. The Service believes that the shooting hours proposed for migratory bird hunting are reasonable based on information in a 1975 EIS titled "Final Environmental Impact Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds" (FES 75-54), and an environmental assessment issued in 1977. This has been discussed previously in the **Federal Register**, (e.g. 42 FR 13313-13315). A report on the recently conducted field study will be released shortly.

Defenders asserted that data is inadequate for establishing hunting frameworks on coots, gallinules, rails, snipe, and woodcock, and the Service does not apply the "optimum numbers" language of the U.S.-Japan migratory bird treaty to this group of birds. Mr. Cooper stated that the highest limits in the proposed frameworks are for species for which the least data are available. He noted that Defenders supports legislation before Congress which would establish a funding source for research on this group of birds.

Response. The Service discussed its management programs for these species in an EIS issued in 1975. The species of concern to Defenders are generally abundant, widely distributed, and have high reproductive potentials. Band recovery data indicate that they are lightly harvested. To illustrate, long-term, direct band recovery rates of snipe, gallinules, and most rails are less than 1 percent; coot, 1.3 percent; and clapper rail, 1.6 percent.

The "optimum numbers" portion of the U.S.-Japan treaty was at issue in *The Fund for Animals, et al. (including Defenders of Wildlife) vs. Kent Frizzell, et al.* (Civil Action No. 75-1597, United States District Court for the District of Columbia, December 24, 1975) in 1975. The Court stated:

While it is not clear whether plaintiffs may sue to enforce the terms of the Convention, * * *, the Court nevertheless finds that the Secretary of the Interior and the Director of the U.S. Fish and Wildlife Service have acted in accord with the Convention. The federal

defendants point out that the phrase 'population in optimum numbers' is not further clarified in the drafting history of the Convention. Apparently neither contracting party has expressly established the optimum number of birds for any of the 189 species protected by the Convention. Rather, the U.S. implementing legislation has listed specific criteria and factors to be considered before allowing any taking of migratory birds. The Service's formulation of hunting regulations has in fact attended to bird population totals by evaluating production estimates, survival projections, waterfowl distribution, habitat conditions, weather developments, and migratory flight patterns. * * * It is well-recognized that hunting is one element among many affecting the size of the individual geese (sic) and duck populations. FES at 185. In view of the complex balancing process undertaken to determine the appropriate limits and conditions of migratory bird hunting, an absolute population figure for each species is not technically required under the 1972 Convention.

Other comments by Defenders included: Concern that the method used in the study of September dove nesting to select the study plots did not effectively isolate hunting as a source of variability in survival of nestlings; shooting hours for teal and other duck seasons in September should begin one-half hour after sunrise as a means of reducing risk to non-target species; sea duck and merganser bag limits should be reduced; and there should be no expansion of whistling swan hunting seasons.

Response. Most of these comments relate to late season hunting frameworks, which are scheduled for development later in the summer. As stated in the July 1, 1980, **Federal Register** (at 45 FR 44541), the Service believes that the design and statistical procedures followed in the study of September dove nesting are adequate and appropriate to the objectives of the study and objectively deal with the matter of hunting pressure on the study areas.

Mr. John M. Anderson, National Audubon Society, urged that the proposed woodcock hunting regulations be further restricted in view of the decrease in population this year. Specifically, he recommended reducing the daily bag limit from 5 birds to 4, and reducing the season length 10 days to 55 days.

Response. The Service recognizes that general flywaywide restrictions beyond the specific framework change proposed would further reduce the harvest. Woodcock wing collection survey data from 86,000 hunts suggest that lowering the daily bag from 5 to 4 birds would reduce harvest by 6 percent, and a lowering the daily bag to 3 birds would

result in a 16 percent reduction. However, the average daily harvest per hunter is well below the potential limit offered by the regulations. Less precise information is available about the effects of shortening the woodcock hunting season. The Service is of the view that some recovery of the population from the 1982 decline can be expected without any changes in regulations. The proposed framework change is intended to reduce hunting pressure in specific breeding ground areas to assist this recovery. It is felt that imposing additional types of restrictions would complicate an evaluation of the effects of the framework restriction upon harvests and populations.

Dr. John W. Grandy, speaking on behalf of the Humane Society of the United States (HSUS), commented on several migratory bird topics, some of which were not within the scope of the public hearing. Among the latter were comments about stabilizing hunting regulations for waterfowl, the hunting of whistling swans in the Atlantic Flyway, and the status of black ducks. Frameworks for these species, including stabilizing regulations, will be developed later. HSUS comments on these matters will be considered later as the late seasons frameworks are being finalized.

In regard to mourning doves, Dr. Grandy noted an apparent inconsistency in Service regulations which do not allow the taking of waterfowl during the breeding season but do permit hunting of mourning doves while doves are still reproducing. He urged that dove hunting be prohibited in areas and at times when doves are nesting.

Response. This comment relates to previously expressed concerns about mourning dove hunting in September. The Service responded to these concerns in presenting a summary of the recently completed mourning dove nesting study at the June 23, 1982, public hearing and in its response to the Committee for Dove Protection.

Ms. Christine Stevens, representing the Society for Animal Protective Legislation, discussed humanitarian aspects of hunting on nesting doves and young, and also urged prohibition of hunting before sunrise and September hunting.

Response. The Service addressed these subjects in its response to previous comments on the proposed regulations.

Mr. Charles D. Kelley, Chairman of the Southeastern Association of Fish and Wildlife Agencies' Dove Committee, urged the Service to direct more attention to migratory shore and upland

game birds. He noted that the mourning dove is the most important migratory game bird species in the United States in terms of birds harvested by hunters. He further urged the Service to continue funding the Accelerated Research Program (ARP) for Migratory Shore and Upland Game Birds.

Response. While Mr. Kelley's comments are welcome and appreciated as being pertinent to the management of migratory shore and upland game birds, they are, strictly speaking, outside the scope of the subject matter under consideration here. The Service will consider his views elsewhere in relation to budgetary decisions.

Written Comments Received

The supplemental proposed rulemaking which appeared in the *Federal Register* dated June 15, 1982, (at FR 25922) summarized 22 public comments which had been received by May 19, 1982. Since then, 12 additional comments on early season proposals have been received. They are summarized below and numbered in the order used in the April 19 *Federal Register*. These responses originated from 3 organizations, 5 States, and 2 individuals. One organization and 2 States submitted 2 comments each.

16. *Sandhill cranes.* Texas indicated support of proposed changes in the sandhill crane frameworks for regular hunting seasons in the Central Flyway. New Mexico requested consideration of a limited, experimental season in portions of 3 counties in southwestern New Mexico. A major objective of the season would be to obtain detailed information on the various subspecies comprising the population of 13,000 to 17,000 cranes which winter there. The hunt would be similar to that allowed last year and proposed for continuation this year in the nearby Willcox area of Arizona. Two individuals expressed concern that whooping cranes might be jeopardized by the experimental sandhill crane-Canada goose season proposed for southwestern Wyoming.

Response. The accompanying frameworks propose changes in the regular sandhill crane hunting seasons in the Central Flyway. The status of the Mid-Continent Population cranes was discussed earlier in this document. The Service also proposes to implement the experimental hunt requested for southwestern New Mexico. Insofar as the southwestern Wyoming experimental season is concerned, the hunting season of September 1-14 is designed to terminate before the arrival of any Grays Lake whooping cranes. Protective measures will be employed should any appear.

23. *Mourning doves.* Two organizations (1 commenting twice) and 3 States (2 commenting twice) offered recommendations on the proposed mourning dove frameworks. The Southeastern Association of Fish and Wildlife Agencies' Director's Dove Committee (Southeastern Dove Committee) recommended that the frameworks for the Eastern Management Unit provide for a 70 full day season with a daily bag limit of 15 and possession limit of 30 doves. In the event this recommendation is not accepted, preferences were for a 70 full day season with 12 and 24 doves in the daily bag and possession, respectively, with an option for a 60 full day season with 15 doves daily and 30 in possession.

The Southeastern Association of Fish and Wildlife Agencies itself endorsed a 70 full day season with limits of 15 doves daily and 30 in possession, asserting that the modification would provide increased hunting opportunity without jeopardizing the dove population. The Northeast Association of Fish and Wildlife Agencies requested that 90 half-days of hunting with limits of 12 doves daily and 24 in possession be permitted. Georgia recommended that the daily limit for doves be increased to 18 birds. Texas endorsed a 70-day season with 12 and 24 doves daily and in possession, respectively, with an option for a 45-day season with 15 and 30 doves, respectively. A second Texas communication recommended adoption of uniform mourning dove hunting frameworks throughout the United States. California recommended a 70-day season with 12 doves daily and 24 in possession, with an option of 45 days with 15 and 30 doves, respectively. Georgia recommended a minor change in the boundary separating its North and South Zones. Also, see Florida's recommendation involving both white-winged and mourning doves, under Item 24.

Response. Early in 1982, the Service introduced for consideration the idea of establishing generally uniform mourning dove season and bag limit options for all 3 management units (see the *Federal Register* dated April 19, 1982, at 47 FR 16729). A review of the situation revealed no current reason why the Western and Central Management Units should be more restrictive than the Eastern Management Unit. The population in the Western Unit is stable while there is an increasing trend in the Central Unit (see previously mentioned dove status report). The Eastern Management Unit also appears to have a stable mourning dove population, but

harvest rates are estimated to be significantly higher than in other Units. Thus, while the Service believes that consideration of a regulatory option allowing for a larger bag limit, e.g. 45 days and 15 birds, is appropriate, it is felt to be desirable to take a conservative approach to such regulations changes initially, and observe the effects on harvests and breeding populations before considering more substantial changes. It is recognized that a previous study (Southeastern Association of Game and Fish Commissioners Technical Bulletin No. 2, 1975) failed to show that increased bag limits adversely affect mourning dove populations in the Eastern Unit. However, it appears that the study may not have been sufficiently sensitive to detect other than quite large changes. The Service therefore proposes that season and bag limit options in the Eastern Management Unit be consistent with those in the other units. Further regulations changes can be considered in the future if populations indices continue to show a stabilized or increasing trend. The Service's proposed frameworks reflect Georgia's boundary change.

24. *White-winged doves*. Florida requested that provision be made for a harvest of 4 white-winged doves daily within an aggregate daily bag of 15 mourning and white-winged doves during the regular mourning dove season. The present nesting population of some 6,000 to 8,000 white-winged doves in south Florida apparently originated from escapes from a Homestead, Florida, protractor several years ago. The request would allow for a limited harvest of whitewings, some of which would likely be accidentally killed during the regular mourning dove season.

Response. The Service concurs with the Florida request to permit the taking of white-winged doves concurrent with the hunting season for mourning doves. However, the dove bag limits should be consistent with those of the Eastern Management Unit. Accordingly, an aggregate bag limit of 12 doves (or 15 under the alternative season length), no more than 4 of which may be whitewings is proposed.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons; shooting hours; and bag and possession limits for

designated migratory game birds in the United States.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: The need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier is contrary to the public interests.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on the remaining early season proposals received no later than July 16, 1982, and those on late season proposals received by August 23, 1982, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of

availability was published in the *Federal Register* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

The Service initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On July 1, 1982, Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, concluded:

Therefore, it is my biological opinion that your action, as proposed, is not likely to jeopardize the continued existence of the above listed species or result in the destruction or adverse modification of the American peregrine falcon, whooping crane, or Everglade kite Critical Habitat.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. Examples of such consideration include areas in Alaska and the Pacific Flyway closed to Canada goose hunting for protection of the endangered Aleutian Canada goose, and closed areas in Puerto Rico for protection of the Puerto Rican plain pigeon and Puerto Rican parrot.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291

In the Federal Register dated April 19, 1982 (at 47 FR 16722), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. As noted in the early FR publication, the Service plans to issue its Memorandum of Law for migratory bird hunting regulations at the same time the first of the annual hunting rules is finalized.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports,
Transportation, Wildlife.

BILLING CODE 4310-55-M

Proposed Regulations Frameworks for 1982-83 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; September teal seasons; experimental duck seasons opening in September in Iowa, Florida, Kentucky, and Tennessee; sea ducks (scoter, eider and oldsquaw) in certain defined areas of the Atlantic Flyway; sandhill cranes; and special extended falconry regulations. For the guidance of State conservation agencies, these frameworks are summarized below.

*****NOTICE*****

Any State desiring its hunting seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, sandhill cranes, or extended falconry seasons to open in September must make its selection no later than July 30, 1982. Those States which desire these seasons to open after September 27 may make their selection at the time they select their regular waterfowl seasons. Season selections for the 4 States offered experimental September duck seasons must also be made by July 30, 1982.

Those Atlantic Flyway coastal States desiring their seasons on sea ducks in certain defined areas to open in September must make their selection no later than July 30, 1982. Those which desire this season to open after September may make their selection when they select their regular waterfowl seasons.

Outside Dates: All dates noted are inclusive.

Shooting Hours: Between 1/2 hour before sunrise and sunset daily for all species unless otherwise noted below. The hours noted here and elsewhere also apply to hawking (taking by falconry).

MOURNING DOVES

Outside Dates: Between September 1, 1982, and January 15, 1983, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit
(All States east of the Mississippi River and Louisiana)

Hunting Seasons, and Daily Bag and Possession Limits:

Not more than 70 full or half days with bag and possession limits of 12 and 24, respectively,

or

Not more than 45 full or half days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

Shooting Hours: Between 1/2 hour before sunrise and sunset daily, or as an option, between 12 o'clock noon and sunset daily.

Zoning: Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama - The South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia - U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line.

Louisiana - Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi - U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may be split into not more than 3 periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1982.

Central Management Unit

(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

Hunting Seasons, and Daily Bag and Possession Limits:

Not more than 70 days with bag and possession limits of 12 and 24, respectively,

or

Not more than 45 days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

Texas Zoning: Option 1 - In addition to the basic framework and the alternative, Texas may select hunting seasons for each of 2 previously established zones subject to the following conditions:

- A. The hunting season may be split into not more than 2 periods.
- B. The North Zone may have a season of not more than 70 (or 45 under the alternative) days between September 1, 1982, and January 22, 1983.
- C. The South Zone may have a season of not more than 70 (or 45 under the alternative) days between September 20, 1982, and January 22, 1983. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1982-January 22, 1983, period.

or

Option 2 - Texas may select hunting seasons for each of 3 zones (to be designated), subject to the following conditions:

- A. The hunting season may be split into not more than 2 periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.
- B. Each zone may have a season of not more than 70 (or 45 under the alternative) days between September 1, 1982, and January 25, 1983.

Western Management Unit

(Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington)

Hunting Seasons, and Daily Bag and Possession Limits:

Not more than 70 days with bag and possession limits of 12 and 24, respectively,

or

Not more than 45 days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

WHITE-WINGED DOVES

Outside Dates: Arizona, California, Nevada, New Mexico, and Texas (except as shown below) may select hunting seasons between September 1 and December 31, 1982.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag limit may not exceed 12 mourning and white-winged doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, the aggregate daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, respectively, with a 70-day season, or 15 and 30 with a 45-day season; however, in either season, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 (or 15 and 30) white-winged and mourning doves, respectively, singly or in the aggregate of the 2 species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

and

In addition, Texas may also select a white-winged dove season of not more than 70 (or 45 under the alternative) days to be held between September 1, 1982, and January 25, 1983, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 2 may be white-wings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 4 may be white-wings.

Florida may select a white-winged dove season of not more than 70 (or 45 under the alternative) days to be held between September 1, 1982, and January 15, 1983, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 4 may be white-wings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 8 may be white-wings.

BAND-TAILED PIGEONS

West Coast States: California, Oregon, Washington, and the Nevada counties of Carson City, Douglas, and Lyon.

Outside Dates: Between September 1, 1982, and January 15, 1983.

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 30 consecutive days, with bag and possession limits of 5 and 5, respectively. Nevada may select an experimental season in Carson City, Douglas, and Lyon Counties coinciding with that selected by California in Alpine County.

Zoning: California may select hunting seasons of 30 consecutive days in each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and
2. The remainder of the State.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

Outside Dates: Between September 1 and November 30, 1982.

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 30 consecutive days, with bag and possession limits of 5 and 10, respectively.

Areas: These seasons shall be open only in the areas delineated by the respective States in their hunting regulations.

Zoning: New Mexico may be divided into North and South Zones along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Hunting seasons not to exceed 20 consecutive days may be selected between September 1 and November 30, 1982, in the North Zone and October 1 and November 30, 1982, in the South Zone.

Permit Regulation in Nevada and Four-Corners States: Each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency.

RAILS

(Clapper, King, Sora, and Virginia)

Outside Dates: States included herein may select seasons between September 1, 1982, and January 20, 1983, on clapper, king, sora, and Virginia rails as follows:

Hunting Seasons: 70 days. Any State may split its season into two segments.

Clapper and King Rails

Daily Bag and Possession Limits: In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10 and 20, respectively, singly or in the aggregate of these two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15 and 30, respectively, singly or in the aggregate of the two species.

Sora and Virginia Rails

Daily Bag and Possession Limits: In the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway^{1, 2}, 25 and 25, singly or in the aggregate of the two species.

WOODCOCK

Outside Dates: States in the Atlantic Flyway may select hunting seasons between October 5, 1982, and February 28, 1983. In Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. States in the Central and Mississippi Flyways may select hunting seasons between September 1, 1982, and February 28, 1983.

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 65 days, with bag and possession limits of 5 and 10, respectively. Seasons may be split.

Zoning: New Jersey may select seasons by north and south zones divided by State Highway 70. The season in each zone may not exceed 55 days.

COMMON SNIPE

Outside Dates: Between September 1, 1982, and February 28, 1983. In Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31.

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 107 days in the Atlantic, Mississippi, and Central Flyways; 93 days in Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico; and coinciding with the duck seasons in the remainder of the Pacific Flyway. Seasons may be split into two segments. Bag and possession limits are 8 and 16, respectively.

¹ The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide but outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

² The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

GALLINULES

Outside Dates: States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1982, and January 20, 1983. States in the Pacific Flyway must select their hunting seasons coinciding with the duck seasons.

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 70 days in the Atlantic, Mississippi, and Central Flyways and the same as the duck season in the Pacific Flyway. Seasons may be split. Bag and possession limits are 15 and 30, respectively; except in the Pacific Flyway the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

SANDHILL CRANES

Regular Seasons in the Central Flyway:

North Dakota: Between September 1 and 20, 1982, a season of 9 days in Benson, Burleigh, Emmons, Kidder, Logan, McHenry, Pierce, and Stutsman Counties; and a season of 16 days in McLean and Sheridan Counties.

Colorado (the Central Flyway portion except the San Luis Valley); **Kansas; Montana** (the Central Flyway portion except that area south of I-90 and west of the Big Horn River); **South Dakota;** and **Wyoming** (in the counties of Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston): not to exceed 58 days between September 1, 1982, and January 31, 1983.

New Mexico (the counties of Chaves, Curry, DeBaca, Eddy, Lea, Quay, and Roosevelt); **Oklahoma** (that portion west of I-35); and **Texas** (that portion west of a line from Del Rio along U.S. Highway 277 to Abilene; Texas Highway 351 to Albany; U.S. Highway 283 to Vernon; and U.S. Highway 183 to the Texas-Oklahoma boundary): not to exceed 93 days between September 1, 1982, and January 31, 1983.

Bag and Possession Limits: 3 and 6, respectively.

Permits: Each person participating in the regular season must obtain and have in his possession while hunting, a valid Federal sandhill crane hunting permit. Exceptions are made for experimental seasons described below where State permits are required.

Experimental Seasons in New Mexico: New Mexico may select experimental seasons, to be described in detail in State hunting regulations, in portions of Dona Ana, Luna, and Sierra Counties as follows:

Area 1: October 30 through November 1, 1982; December 4 through 6, 1982; and January 15 through 17, 1983, with not to exceed 40 special permits during each season; and

Area 2: October 30 through November 1, 1982; December 4 through 6, 1982; and January 15 through 17, 1983, with not to exceed 75 special permits during each season.

Bag and Possession Limits: Not to exceed 3 cranes which must be tagged upon taking.

Permits: Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by the State of New Mexico.

Experimental Season in Arizona: Arizona may select an experimental sandhill crane season subject to the following conditions:

1. The season may not exceed 4 days in November 1982.
2. The hunting area is confined to Game Management Units 30A, 30B, and 32.
3. Each hunter must obtain and possess a special permit issued by the State. No more than 200 permits may be issued. Each permittee may take 2 sandhill cranes per season.
4. Emergency closures for all crane hunting may be invoked as necessary.

SPECIAL SANDHILL CRANE-CANADA GOOSE SEASON

Wyoming may select an experimental season on sandhill cranes and Canada geese subject to the following conditions:

1. The season will be September 1-14.
2. Hunting would be by State permit, with 125 permits issued for the Bear River drainage and 125 permits issued for Star Valley, all in Lincoln County. Each permittee may take 2 sandhill cranes and 3 Canada geese per season.
3. Emergency closures for all crane hunting may be invoked as necessary.

SCOTERS, EIDERS, AND OLDSQUAW DUCKS (Atlantic Flyway)

Outside Dates: Between September 15, 1982, and January 20, 1983.

Hunting Seasons, and Daily Bag and Possession Limits: Not to exceed 107 days, with bag and possession limits of 7 and 14, respectively, singly or in the aggregate of these species.

Bonus During Regular Duck Season: In the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

Deferred Selection: Any State desiring its sea duck season to open in September must make its selection no later than July 30, 1982. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

SEPTEMBER TEAL SEASON

Outside Dates: Between September 1 and September 30, 1982, an open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Hunting Seasons, and Bag and Possession Limits: Not to exceed 9 consecutive days, with bag and possession limits of 4 and 8, respectively.

Shooting Hours: From sunrise to sunset daily.

Deadline: States must advise the Service of season dates and special provisions to protect non-target species by July 30, 1982.

SPECIAL SEPTEMBER DUCK SEASONS

Iowa September Duck Season: Iowa is offered the option of holding a portion of its regular duck hunting season in September. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1982, the 5-day season segment may commence no earlier than September 18, with daily bag and possession limits being the same as those in effect during the 1982 regular duck season.

Tennessee, Kentucky, and Florida September Duck Seasons: Experimental 5-consecutive-day duck seasons may be selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons will be in lieu of September teal seasons;
2. In all States, the daily bag limit will be 4 ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit;
3. The experimental season will be for 3 years to facilitate evaluation; and
4. Additional information to be gathered by the States to evaluate the experiment will include hunter and harvest surveys, banding, and population surveys.

SPECIAL FALCONRY REGULATIONS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September seasons, special scarp season, special scarp and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

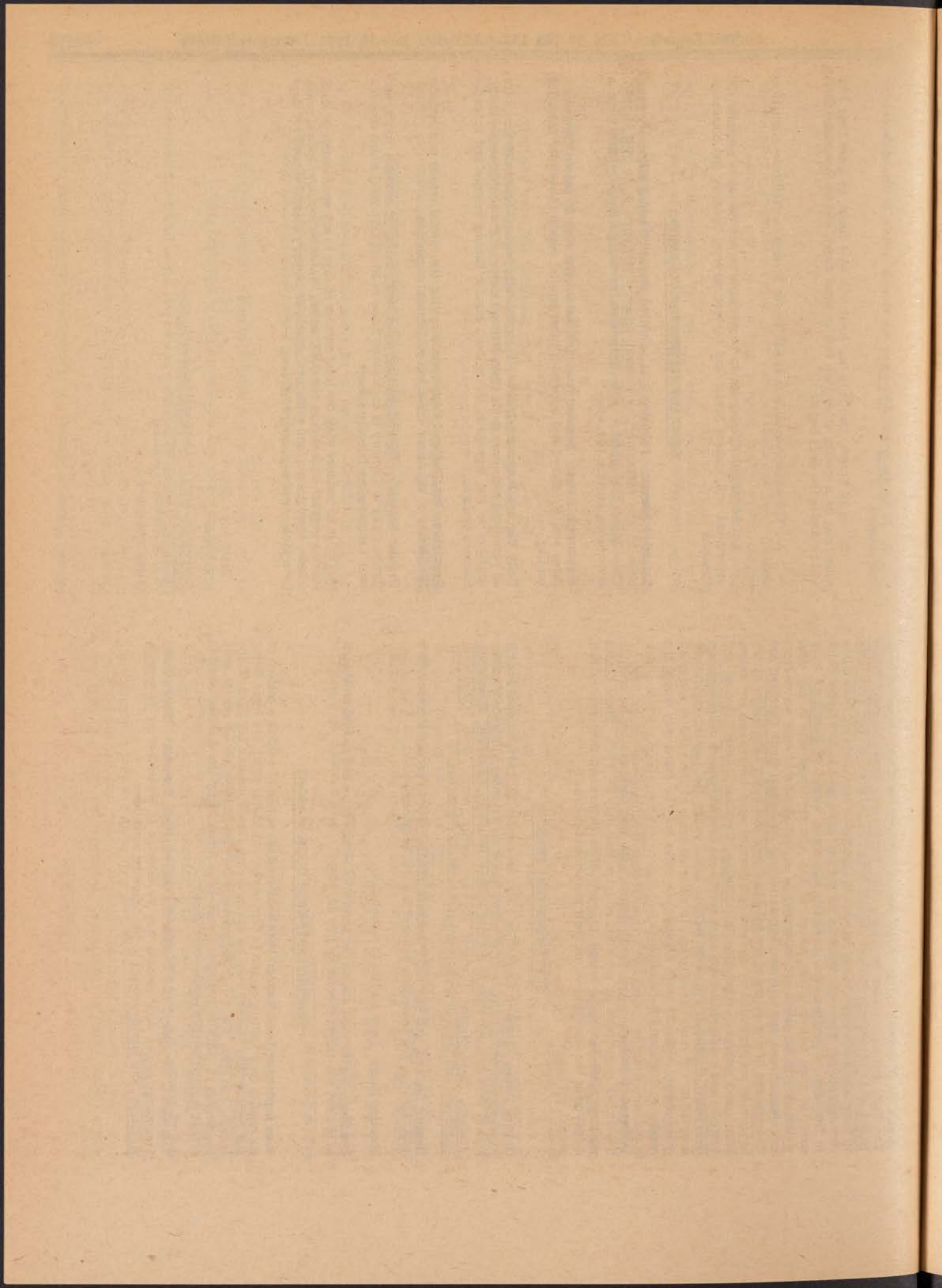
Dated: July 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-18620 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-55-C



Estuaries

Monday
July 12, 1982

Part III

Department of Transportation

Coast Guard

Drawbridge Operation Regulations; Navigable Waterways of the United States

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 82-025]

Drawbridge Operation Regulations;
Navigable Waterways of the United
States

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing changes to its drawbridge regulations which are contained in Part 117. The purpose of the revision is to consolidate and clarify requirements that are common to many drawbridges across the navigable waters of the United States. These requirements are presently contained in numerous sections of Part 117. Consolidation of these requirements should simplify as well as shorten the rules for the use of the reader.

DATE: Comments must be received on or before September 7, 1982.

ADDRESS: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC), Room 4402, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC).

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR), Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a self-addressed stamped postcard or envelope.

The Chief, Office of Navigation, U.S. Coast Guard Headquarters, Washington, D.C., will evaluate all communications received before taking final action on this proposal. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposed regulations may be changed in light of comments received. No public

hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

In addition to publication in the Federal Register, copies of the printed proposal will be mailed to a list of persons and organizations who have expressed a continued interest in drawbridge operation regulations and have requested that copies of proposed changes in rules and regulations be furnished them. After the supply of copies of this printed document is exhausted, copies will be available for reading purposes in Room 2418, Coast Guard Headquarters, and at the offices of the Coast Guard District Commanders.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, and LT Michael Tagg, Project Attorney.

Discussion of the Proposed Regulations

The purpose of these proposed regulations is to consolidate and clarify requirements common to many drawbridges across navigable waters of the United States. These requirements are presently set forth in numerous sections of Part 117. For example, in the 1980 edition of 33 CFR Parts 1-199, the requirement that regulations be posted appears in 145 sections; the requirement that vehicles not be stopped to delay the openings in 47 sections; and the requirement that drawtenders be present and machinery be operational in 55 sections. Consolidation of these common types of requirements in the general regulations should greatly simplify the use of 33 CFR Part 117 for the reader.

In some instances, the mileage designating the location of a bridge has been omitted. Where the waterway is covered by an official mileage system, efforts are being made to obtain this information for insertion in the final rule.

Regulatory Evaluation

These proposed regulations have been determined to be nonsignificant under the criteria established by the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The Order requires a review of the estimated costs of the regulations to the private sector, consumers, and governments as well as the anticipated benefits and impacts of the regulations. These proposed regulations will impose no costs on the public or bridge owners and operators and should facilitate the use

of the drawbridge operation regulations by boaters and bridge operators. The regulations have also been found to be nonmajor under Executive Order 12291 under the same analysis.

Since this proposal merely consolidates and clarifies existing regulations it is certified under section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges, Coast Guard.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be reissued to read as follows:

PART 117—DRAWBRIDGE
OPERATION REGULATIONS

Subpart A—General Regulations

- Sec.
- 117.1 General requirements.
 - 117.3 Discontinuance of drawtender service.
 - 117.5 Operation.
 - 117.7 Public vessels, commercial vessels and vessels in distress.
 - 117.9 Unnecessary delay prohibited.
 - 117.11 Signals.
 - 117.13 Special signal rules.
 - 117.15 Installation of radiotelephone stations.
 - 117.17 Natural disaster or civil disorders.
 - 117.19 Closure of draws.
 - 117.21 Posting of regulations.
 - 117.23 Advance notice.
 - 117.25 Clearance gauges.
 - 117.27 Removable span bridges.
 - 117.29 Federal preemption of drawbridge operation regulations.

Subpart B—Special Operation Regulations

- 117.100 Alabama.
- 117.105 Alaska.
- 117.110 Arkansas.
- 117.115 Arizona.
- 117.120 California.
- 117.125 Colorado.
- 117.130 Connecticut.
- 117.135 Delaware.
- 117.140 District of Columbia.
- 117.145 Florida.
- 117.150 Georgia.
- 117.155 Hawaii.
- 117.160 Idaho.
- 117.165 Illinois.
- 117.170 Indiana.
- 117.175 Iowa.
- 117.180 Kansas.
- 117.185 Kentucky.
- 117.190 Louisiana.
- 117.195 Maine.
- 117.200 Maryland.
- 117.205 Massachusetts.
- 117.210 Michigan.
- 117.215 Minnesota.
- 117.220 Mississippi.
- 117.225 Missouri.

Sec.	
117.230	Montana.
117.234	Nebraska.
117.240	Nevada.
117.245	New Hampshire.
117.250	New Jersey.
117.255	New Mexico.
117.260	New York.
117.265	North Carolina.
117.270	North Dakota.
117.275	Ohio.
117.280	Oklahoma.
117.285	Oregon.
117.290	Pennsylvania.
117.295	Rhode Island.
117.300	South Carolina.
117.305	South Dakota.
117.310	Tennessee.
117.315	Texas.
117.320	Utah.
117.325	Virginia.
117.330	Vermont.
117.335	Washington.
117.340	West Virginia.
117.345	Wisconsin.
117.350	Wyoming.

Authority: 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)

Subpart A—General Regulations

§ 117.1 General requirements.

(a) Owners, operators and tenders of drawbridges shall operate the draw in accordance with the regulations contained in Part 117.

(b) Except as specified in Subpart B, signals must conform with the requirements established in § 117.11.

(c) Unless otherwise permitted in Subpart B, the owners or operators of drawbridges shall provide the necessary drawtenders for the safe and prompt opening of the draw for the passage of vessels.

(d) The owners or operators of drawbridges shall maintain the operating machinery in a serviceable condition, and the draws shall be operated at sufficient intervals to insure the satisfactory operation of the draw.

§ 117.3 Discontinuance of drawtender service.

(a) Upon application by the owner or operator of a drawbridge, the District Commander may permit a drawbridge to be untended due to the infrequency of use of the draw by vessels. The District Commander may condition such permission upon the continued maintenance of the operating machinery.

(b) When drawtender service is discontinued without permission as provided in paragraph (a), the draw shall be maintained in the fully open position so as to permit the passage of vessels. The draw shall remain in this position until tender service is restored or the District Commander permits the draw to remain closed to navigation.

§ 117.5 Operation.

Except as provided in Subpart B, the draw shall be opened to the fullest extent with the least possible delay upon receipt of an opening signal from a vessel.

§ 117.7 Public vessels, commercial vessels and vessels in distress.

(a) Except as provided in Subpart B, public vessels of the United States, vessels owned or operated by state, county or local governments in use for public safety purposes, tugs with tows, regularly scheduled sightseeing and passenger vessels, or any vessel in a life or property endangering emergency, shall be passed through the draw as soon as possible.

(b) The opening signal for such vessels shall be five short blasts.

§ 117.9 Unnecessary delay prohibited.

Vessel traffic shall promptly pass through the draw so as to prevent the delay of vehicular traffic. The passage shall be made at a speed that will prevent wake damage.

§ 117.11 Signals.

(a) Sound signals. Sound signals shall be the primary signals for use by vessel operators and drawtenders. The signals may be made by whistle, horn or other device capable of producing the signals described in this section. On vessels not required by the Inland Navigation Rules (33 U.S.C. 2001) to have a whistle or a horn, signals may be made by a megaphone, loud hailer, or other device capable of producing a sound loud enough to be heard by the drawtender.

(1) A prolonged blast shall be of four to six seconds duration, and a short blast shall be of approximately one second duration.

(2) Except as provided in Subpart B, the following sound signals shall be used:

(i) A signal to request the opening of a draw shall be one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast.

(ii) The acknowledging signal by the drawtender shall be:

(A) When the draw will open immediately, one prolonged blast, followed by one short blast.

(B) When the draw will not open immediately or is open and must be closed promptly, five short blasts sounded in rapid succession, repeated at regular intervals until acknowledged by the same signal from the vessel.

(b) Visual Signals. Visual signals shall be used when sound signals will not suffice to alert the drawtender or vessel.

Visual signal may be used along with sound signals.

(I) Except as provided in Subpart B, the following visual signals shall be used:

(i) The signal to request the opening of a draw shall be a white flag of sufficient size to be readily visible by day or a white or green light of sufficient intensity to be readily visible by night, raised and lowered vertically in full sight of the drawtender. The signal shall be repeated until acknowledged by the drawtender. Mechanical devices producing essentially the same signal using fixed and/or flashing lights may be used.

(ii) The acknowledging signal by the drawtender shall be:

(A) When the draw will open immediately, the same signal as used to request the opening, displayed not more than 30 seconds after the vessel's opening signal.

(B) When the draw cannot open immediately or is open and must be closed immediately, a red flag of sufficient size to be readily visible, or a red light of sufficient intensity to be readily visible. The flag or light will be displayed not more than one minute after the vessel's signal and will be swung back and forth horizontally in full sight of the vessel. The signal will be repeated until acknowledged by the vessel with the same signal.

(c) Radiotelephones. When the request for draw opening and the answering acknowledgments are given by radiotelephone, sound or visual signals need not be used. Both the vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw. When radiotelephone contact cannot be maintained, sound or visual signals as provided in this Part shall be used.

§ 117.13 Special rules.

(a) Contiguous drawbridges. When a vessel must pass two or more drawbridges close together, the opening signal shall be given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal shall be given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

(b) Vessels approaching a drawbridge.

(i) When two or more vessels are approaching the same drawbridge at nearly the same time from the same or opposite directions each shall signal independently for the opening of the

draw and the drawtender shall reply in turn to the signal of each vessel.

(ii) When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no response is received, the vessel may proceed through the open draw.

§ 117.15 Installation of radiotelephone stations.

(a) When the District Commander deems it necessary to the operation of any drawbridge for safety or navigation, he may require the installation and operation of radiotelephone stations. The bridge owner or operator shall be given written notice of the proposed requirement by the District Commander, and the owner or operator shall have 30 days in which to submit comments or objections to the proposal. Upon a determination by the District Commander that a radiotelephone station is necessary, the bridge owner or operator shall have a reasonable time, to be not more than six months, in which to install a radiotelephone station and commence operation.

§ 117.17 Natural disaster or civil disorders.

Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless specifically provided for in Subpart B or directed to do so by the appropriate District Commander.

§ 117.19 Closure of draws.

(a) When the draw will be inoperative for scheduled repairs or maintenance work, the drawbridge owner or operator shall notify the appropriate District Commander at least 30 days prior to the date of the intended closure. The notice shall include a brief description of the nature of the work to be performed and the times and dates of such closure.

(b) When the draw is inoperative for repairs, in cases of emergency, damage to the structure, or for vital maintenance which cannot be delayed, the drawbridge owner or operator shall immediately notify the appropriate District Commander. The notice shall give the reasons for the closure and the expected date of completion of the repairs.

(c) In situations where the public interest, health, or safety so requires, including the holding of public functions or events such as street parades and marine regattas, the District commander may authorize the closure of a drawbridge. A request for the closure of a drawbridge for such an event must include a brief description of the proposed event, or reason why the

closure is required, and the time and date of the closure. Approval will depend upon the necessity for the closure, the reasonableness of the times and dates, and the overall effect on navigation. The request shall be made not less than 30 days prior to the desired closure.

§ 117.21 Posting of regulations.

The owners or operators of drawbridges contained in Subpart B, or drawbridges which may be unattended for certain periods, shall conspicuously post a brief statement of the operating regulations both upstream and downstream of the drawbridge. The posted statements shall be placed in such a manner that they may be easily read at any time from an approaching vessel.

§ 117.23 Advance notice.

(a) The owners or operators of drawbridges requiring advance notice to open the draw shall include notice of this requirements in the statement required by § 117.21. The notice shall state to whom or where advance notice is to be given and how contact may be made.

(b) The owners or operators of such drawbridges shall use all reasonable means to open the draw at the requested time.

§ 117.25 Clearance gauges.

The District Commander may require the owner or operator of a drawbridge to install clearance gauges when necessary for navigation.

§ 117.27 Removable span bridges.

Owners or operators of removable span bridges may be required to remove the span upon order of the District Commander. Vessels desiring passage through such a bridge shall make application to the District Commander stating the desired passage. In emergencies, the span shall be ordered removed as soon as possible.

§ 117.29 Federal preemption of drawbridge operation regulations.

The authority to issue regulations governing the operation of drawbridges over navigable waters is vested in the Secretary of Transportation by 33 U.S.C. 499. This authority has been delegated to the Commandant, U.S. Coast Guard, and has been redelegated to Coast Guard District Commanders. Laws, ordinances, regulations, rules, or orders governing such drawbridges which are not issued through the Secretary of Transportation have neither force nor effect.

Subpart B—Special Operation Regulations

§ 117.100 Alabama.

The following navigable waters in Alabama are listed alphabetically and are crossed by drawbridges that have certain periods when the draw need not open for the passage of vessels or have other special operation regulations. All other drawbridges across navigable waters in Alabama are required to operate as provided by Subpart A.

§ 117.100 Alabama River.

(a) The draw of the Burlington Northern (St. Louis-San Francisco) railroad bridge, mile 105.3, at Coy shall open on signal if at least 48 hours notice is given.

(b) The draw of the Illinois Central Gulf railroad bridge, mile 277.8, shall open on signal if at least 24 hours notice is given.

(c) The draw of the US31 and 82 bridge, mile 278.2, near Montgomery shall open on signal if at least 24 hours notice is given.

(d) The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 293.3, shall open on signal if at least 24 hours notice is given.

§ 117.100-3 Bayou LaBatre.

The draw of the S188 bridge, mile 2.3, at Bayou LaBatre shall open on signal, except that the draw need not open from 7:30 a.m. to 8:30 a.m., and 3 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

§ 117.100-5 Bayou Sara.

The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 0.1, at Saraland, shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

§ 117.100-7 Chattahoochee River.

(a) The draws of the Southern Railway (Central of Georgia) railroad bridge, mile 49.4, at Columbia shall open on signal if at least six hours notice is given.

(b) The draws of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 117.1 near Omaha, Ga, shall open on signal if at least six hours notice is given.

§ 117.100-9 Coosa River.

The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 175.0, shall open on signal if at least six hours notice is given.

§ 117.100-11 Mobile River and Chickasaw Creek.

The draw of the US90 bridge, mile 2.9, Mobile River, and the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 0.0, Chickasaw Creek, both at Mobile shall open on signal, however, the following special signals shall be used to request openings.

(a) Vessels preceeding either up or down the Mobile River and desiring the US90 bridge to open shall sound three prolonged blasts.

(b) Vessels proceeding down the Mobile River and desiring to proceed up Chickasaw Creek, requiring an opening of both bridges, shall sound one prolonged blast, wait one minute, and then sound three prolonged blasts.

(c) Vessels proceeding up the Mobile River and desiring to proceed up Chickasaw Creek, requiring an opening of both bridges, shall sound three prolonged blasts, wait one minute, and then sound one prolonged blast followed by three prolonged blasts.

§ 117.100-13 Tensaw River.

The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 15.0, at Hurricane, shall open on signal from 8 a.m. to midnight. The draw need not open from midnight to 8 a.m. During periods of severe storms or hurricanes, from the time the national Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

§ 117.100-15 Three Mile Creek.

(a) The draw of the US90 bridge, mile 1.0, at Mobile, need not open from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily. At all other times the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the Southern railroad bridge, mile 1.1, at Mobile, shall open on signal if at least five days notice is given.

§ 117.100-17 Tombigbee River.

(a) The draw of the US80 bridge, mile 201.6, at Bellamy, shall open on signal from December 1 through April 30. From May 1 through November 30 the draw shall open on signal if at least 12 hours notice is given. When so directed by the Coast Guard District Commander, the bridge owner or operator shall maintain

a drawtender in constant attendance and the draw shall open on signal.

(b) The draw of the Southern Railroad bridge, mile 226.8, near Epes shall open on signal from 8 a.m. to 4 p.m., Monday through Friday, if at least 24 hours notice is given. The draw need not open at all other times.

§ 117.105 Alaska.

There are no known or authorized drawbridges in Alaska.

§ 117.110 Arkansas.

The following navigable waterways in Arkansas are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have other special operation regulations. All other drawbridges in Arkansas are required to operate as provided by Subpart A.

§ 117.110-1 Arkansas River.

The draw of the Missouri Pacific Railroad bridge, mile 23.1, near Yancopin, shall open on signal if at least 96 hours notice is given. When so directed by the Commander, Second Coast and Guard District, the bridge owner shall provide a drawtender in constant attendance and the draw shall open on signal.

§ 117.110-3 Arkansas and White Rivers—Automated Railroad Bridges.

(a) The draws of the Burlington Northern (St. Louis-San Francisco) railroad bridge, mile 300.8, Arkansas River, at Van Buren, and the Missouri Pacific railroad bridge, mile 7.5, White River, at Benzal, are maintained in the open position (a minimum vertical clearance of 52 feet is provided).

(1) When a train approaches either bridge, amber lights attached to the bridge begin to flash and an audible signal on the bridge sounds. At the end of six minutes the amber light continues to flash, however, the audible signal stops and the draw lowers and locks, if the photoelectric boat detection system detects no obstruction under the span. If there is an obstruction, the draw will raise to its full height until the obstruction is cleared.

(2) After the train clears the bridge, the draw will raise to its full height, the amber flashing light will stop, and the midchannel lights will change from red to green indicating the navigation channel is open for the passage of vessels.

(b) Across the Arkansas River the draws of the Cotton Belt railroad (Rob Roy) bridge, mile 67.4, the Chicago, Rock Island, and Pacific railroad (Junction) bridge, mile 118.2, at Little Rock, and the Missouri Pacific Railroad (Baring

Crossing) bridge, mile 118.7, at Little Rock, are maintained in the closed position.

(1) The opening signal from the vessel for each of these bridges is three short blasts.

(2) The acknowledging signal is flashing white lights visible upstream and downstream. When the operator of the vessel sights the acknowledging signal, one prolonged blast shall be sounded.

(3) This signal is acknowledged by the bridge controller when the draw is to open by changing the flashing white lights to continuous white lights, and sounding one blast on a horn. When the span is fully raised to a maximum clearance of 52 feet, the navigation light at midchannel shall be changed from red to green, indicating that the draw is ready for passage.

(4) If the draw cannot open, flashing amber warning lights shall start and four blasts will sound, indicating that a train is approaching or that maintenance work is in progress.

(5) The vessel shall acknowledge that there will be a delay by sounding five blasts.

(6) When the draw will open (after the train crosses or when maintenance work permits), the amber lights are turned off, the continuous white lights turned on, and one blast sounded, to indicate the draw is ready for passage.

(7) The vessel acknowledges with one blast and, after the draw is fully open, shall proceed through the draw.

(8) When the vessel clears the draw the midchannel light will change from green to red, the amber warning lights will flash, and, after one minute, the draw will lower and lock.

§ 117.110-5 Black River.

The following draws need not open for the passage of vessels:

(a) Missouri Pacific railroad bridge, mile 3.4, at Paroquet.

(b) Burlington Northern (St. Louis-San Francisco) railroad bridge, mile 68.4, at Black Rock.

(c) Arkansas State Highway Department bridge, mile 90.1, at Pocahontas.

(d) Burlington Northern (St. Louis-San Francisco) railroad bridge, mile 90.4, at Pocahontas.

(e) Missouri Pacific railroad bridge, mile 144.4, at Corning.

(f) Arkansas State Highway Department bridge, mile 152.2, at Corning.

§ 117.110-7 Current River.

The draws of the Arkansas Highway bridge, mile 10.2, and the Burlington

Northern (St. Louis-San Francisco) railroad bridge, mile 12.2, both at Biggers, need not open for the passage of vessels.

§ 117.110-9 Little Red River.

The draws of the Missouri Pacific railroad bridge, mile 25.0, at Judsonia and Arkansas highway bridge, mile 25.2, Judsonia, need not open for the passage of vessels.

§ 117.110-11 Little River.

The draw of the Louisville and Arkansas railway bridge, mile —, near Red Bluff need not open for the passage of vessels.

§ 117.110-13 Ouachita River.

(a) The draw of the Chicago, Rock Island and Pacific railroad bridge, mile 291.7, at Calion, shall open on signal if at least 24 hours notice is given. Any vessel that requires the opening of the draw and that intends to return within 24 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(1) When the pool stage is above 21 feet on the upper gauge at Lock and Dam No. 8, the Commander, Second Coast Guard District will notify the bridge owner, who will then have one day in which to place a drawtender in constant attendance.

(b) The draw of the St. Louis Southwestern railroad bridge, mile 331.4, near Camden, shall open on signal if at least 48 hours notice is given.

§ 117.110-15 Red River.

The draws of the bridges from mile 66.0 through mile 283.1 shall open on signal if at least 49 hours notice is given. The draws of any of these bridges need not open for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

§ 117.110-17 St. Francis River.

(a) The draw of the Arkansas highway bridge, mile 29.6, at Cody, shall open on signal if at least 72 hours notice is given. Any vessel that requires the opening of the draw and that intends to return within 72 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(b) The draws of the Chicago, Rock Island and Pacific railroad bridge, mile 59.7, at Madison, and all drawbridges above that point, need not open for the passage of vessels.

§ 117.110-19 White River.

(a) The draws of the St. Louis Southwestern railroad bridge, mile 98.9, at Clarendon, the US70 highway bridge, mile 121.7, at Duvalls Bluff; the Chicago, Rock Island and Pacific Railroad bridge, mile 122.0, at Duvalls Bluff, the Missouri Pacific railroad bridge, mile 196.3, at Augusta; and the Missouri Pacific railroad bridge, mile 254.8, at Newport; shall open on signal if at least eight hours notice is given. When a vessel has failed to arrive within two hours after the time specified in the notice, at any of these bridges, a second eight-hour notice is required.

(b) The draws of the Arkansas highway bridge, mile 300.1, at Batesville, and Missouri Pacific Railroad Company bridge, mile 401.9, at Cotter, need not open for the passage of vessels.

§ 117.115 Arizona.

There are no known or authorized drawbridges in Arizona.

§ 117.120 California.

The following navigable waterways in California are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have other special operation regulations. All other drawbridges in California are required to operate as provided by Subpart A.

Note.—The Rio Vista bridge, on the Sacramento River, mile 12.8, is equipped with radiotelephone and serves as the contact point for the advance notice required for several bridges listed in this section.

§ 117.120-1 American River.

The draws of the Jiboon Street bridge, mile 0.1, at Sacramento need not open for the passage of vessels.

§ 117.120-3 Burns Cutoff.

The draw of the Daggett Road bridge, mile 3.0, at Stockton, shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station at Stockton.

§ 117.120-5 Cerritos Channel.

(a) The draws of the Commodore Schuyler F. Heim highway bridge, mile 4.5, and the Henry Ford Avenue highway and railroad bridge, mile 4.4, at Long Beach, shall open on signal, except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels.

(b) The draw of the Henry Ford Avenue bridge shall be maintained in the open to navigation position except when a train is crossing or when maintenance work is being performed.

(c) the opening signal for the Commodore Schuyler Heim bridge is three prolonged blasts. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately, and five short blasts when the draw cannot open immediately.

(d) If the draw of the Henry Ford bridge is in the closed position, the opening signal is two short blasts followed by one prolonged blast. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately, and five short blasts when the draw cannot open immediately.

(e) Radiotelephones are installed to enable the drawtenders at the Commodore Schuyler Heim bridge and the Henry Ford bridge to communicate with vessels on a radiotelephone frequency 156.65 megahertz (Channel 13), or such other frequency as may be assigned by the Federal Communications Commission.

§ 117.120-7 Cordelia Slough (a tributary of Suisun Bay).

The draws of the Southern Pacific railroad bridge, mile 1.5, at Suisun, shall open on signal if at least 24 hours notice is given.

§ 117.120-9 Corte Madera Creek.

The draw of the Northwestern Pacific railroad bridge, mile 0.5, near Greenbrae, shall open on signal if at least 24 hours notice is given. However, from May 1 through October 31 on Saturdays, Sundays, and holidays that are observed on Monday and Friday during this period, the draw shall open on signal from 8 a.m. on the first day of the holiday or weekend until 10 p.m. on the last day of the weekend or holiday. If no drawtender is present during these periods the draw shall be maintained in the fully open position.

§ 117.120-11 Eureka Slough.

The draws of the Northwestern Pacific railroad bridge, mile 0.5, at Eureka, shall open on signal if at least 24 hours notice is given.

§ 117.102-13 Georgiana Slough.

(a) The draws of the Sacramento County highway bridges, mile 4.5, near Isleton, and mile 12.4, near Walnut Grove, shall open on signal from 6 a.m. to 10 p.m. from May 1 through October 31. The draws shall open on signal from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws of these bridges shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

(b) The draws of the Southern Pacific railroad bridge, mile 5.8, near Isleton, will normally be maintained in the open position and a drawtender need not be present; except that the draw may close for the passage of trains or for maintenance. When the draw is closed and visibility from the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is reopened, the drawtender shall sound one prolonged blast followed by one short blast.

§ 117.120-15 Grant Line Canal.

The draw of the San Joaquin County highway bridge, mile 5.5, at Tracy, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.120-17 Honker Cut.

The draw of the San Joaquin County bridge, mile 0.3, between Empire Tract and King Island at Stockton, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.120-19 King Island Cut.

The draw of the San Joaquin County highway bridge, mile 1.0, between King Island and Bishop Tract, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.120-21 Lindsey Slough.

The center span of the Hastings Farms highway bridge, mile 2.0, between Egbert and Lower Hastings Tracts, shall be removed for the passage of maintenance vessels if a least 72 hours notice is given to the Hastings Farms Office at San Francisco.

§ 117.120-23 Little Potato Slough.

The draw of the California highway bridge, mile 0.1, at Terminus, shall open on signal from July 1 through September 30 from 8 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.120-25 Mare Island Strait, Napa River, and their tributaries.

(a) The draw of the U.S. Navy bridge (Mare Island Causeway), mile 2.8, at Vallejo:

(1) Shall open on signal from 7:30 a.m. to 3:45 p.m., and 4:45 p.m. to 10 p.m., Monday through Friday, except Federal holidays, and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays, and holidays.

(2) Need not open for the passage of vessels, other than public vessels of the United States, from 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 4:45 p.m., except Saturdays, Sundays, and Federal holidays.

(3) Shall open on signal from 10 p.m. to 6:30 a.m. daily, if at least two hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 7.8, at Brazos, will normally be maintained in the open position. The owner of or agency controlling this bridge need not keep a drawtender in attendance except when the draw is in the closed position. When the draw is closed and visibility at the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is fully opened again the drawtender shall sound three prolonged blasts to indicate the draw is in the fully open position.

(c) The draw of the Maxwell highway bridge, mile 14.8, near Imola, shall open on signal if at least 72 hours notice is given to the California Department of Transportation office at Napa.

§ 117.120-27 Middle River and the Woodward Canal.

(a) The draw of the San Joaquin County highway bridge, mile 5.6, between Bacon Island and Lower Jones Tract, shall open on signal from May 15 through September 15 from 9 a.m. to 5 p.m. From September 16 through May 14 the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(b) The draw of the Atchison, Topeka and Santa Fe railroad bridge, mile 6.8, near Middle River Station, shall open on signal if at least 12 hours notice is given to the Atchison, Topeka and Santa Fe Railway Yardmaster at Stockton.

(c) Drawbridges above Woodward Canal need not open for the passage of vessels.

§ 117.120-29 Miner Slough.

The draw of the California highway bridge, mile 5.5, between the northerly end of Ryer Island and Holland Tract shall open on signal if at least 12 hours notice is given to the drawtender at the Rio Vista bridge.

(a) The draw of the California highway bridge, mile 3.0, at East Isleton, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four

hours notice is given to the drawtender at the Rio Vista bridge.

(b) The draw of the Sacramento and San Joaquin Counties highway bridge, mile 12.1, over the North Fork of the Mokelumne River near Walnut Grove shall open on signal from May 1 through October 31, from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(c) The removable span of the San Joaquin County highway bridge over the South Fork of the Mokelumne River, mile 18.0, at New Hope Landing shall be operated as provided for in Section 117.27.

(d) The draws of the bridges above New Hope Landing need not open for the passage of vessels.

§ 117.120-31 Mud Slough.

The draw of the Southern Pacific Railroad bridge, mile 0.7, near Alviso, shall open on signal if at least 24 hours notice is given.

§ 117.120-33 Newark Slough.

The draw of the Southern Pacific railroad bridge, mile 0.5, near Newark, shall open on signal if at least 24 hours notice is given to the Superintendent, Southern Pacific Transportation Company, at Oakland.

§ 117.120-35 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway bridges at Park Street, mile 7.3; Fruitville Avenue, mile 7.7; and High Street, mile 8.1; and the U.S. Army Corps of Engineers railroad bridge, mile 7.7, all at Fruitville, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels.

§ 117.120-37 Old River.

The draw of the California highway bridge, mile 14.8, between Victoria Island and Byron Tract, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.120-39 Pacheco Creek.

The draw of the Contra Costa County highway bridge, mile 0.5, and Southern Pacific railroad bridge, mile 0.5, both near Martinez, shall open on signal if at least 24 hours notice is given.

§ 117.120-41 Petaluma River.

(a) The draw of the Northwestern Pacific railroad bridge, mile 0.8, at Blackpoint and Haystack Landing, will normally be maintained in the open position. The owner of or agency controlling these bridges need not keep a drawtender in constant attendance except when the draw is in the closed position. When the draw is closed and visibility at the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is fully opened again, the drawtender shall sound three blasts once to indicate the draw is in the fully open position.

(b) The draw of the Petaluma highway bridge at "D" Street, mile 13.7, at Petaluma, shall open on signal if at least four hours notice is given.

§ 117.120-43 Sacramento River.

(a) The draws of each bridge from Isleton to American River junction shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista Bridge.

(b) The draws of each bridge from the American River junction to Chico Landing shall open on signal if at least 12 hours notice is given to the owners' agents as follows:

(1) California highway bridge at Knights Landing—State Division of Highways Office at Woodland.

(2) California highway bridge at Meridian—State Division of Highway office at Marysville.

(3) California highway bridge at Butte City—California Department of Transportation Office at Gridley.

(4) The draws of the bridges above Chico Landing need not open for the passage of vessels.

§ 117.120-45 San Joaquin River.

(a) The draws of the bridge from Stockton to Old River junction shall open on signal if at least 12 hours notice is given to the owners' agents at Stockton as follows:

(1) Port District railway bridge at Stockton—Port Director.

(2) U.S. Navy highway bridge at Stockton—U.S. Naval Communications Station at Stockton.

(3) Atchison, Topeka and Santa Fe railroad bridge at Stockton—Atchison, Topeka and Santa Fe Railway Yardmaster at Stockton.

(4) State of California highway bridge (Garwood Bridge) near Stockton—California Department of Transportation Office at Stockton.

(b) All drawbridges above the Old River junction need not open for the passage of vessels.

§ 117.120-47 San Leandro Bay.

The draw of the California highway bridge, mile 0.0, between Alameda and Bayfarm Island, shall open on signal from 8 a.m. to 5 p.m. From 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m. the draw shall open on signal if at least 12 hours notice is given. Notice shall be given to the drawtender of the Bayfarm Island bridge from 8 a.m. to 5 p.m., and to the drawtender of the Park Street bridge at Alameda at all other times. The draw need not open for the passage of vessels from 9 p.m. to 5 a.m.

§ 117.120-49 Snodgrass Slough.

(a) The draw of the Southern Pacific railroad bridge, mile 3.5, at Walnut Grove, will normally be maintained in the open position and a drawtender will not be present. When the draw is closed, a drawtender shall be present and the draw shall open on signal, as provided by Subpart A.

(b) The draw of the Sacramento County bridge, mile 4.4, at Walnut Grove, shall open on signal if at least 24 hours notice is given to the Sacramento County Highway Office at Sacramento.

§ 117.120-51 Sonoma Creek.

The draw of the Northwestern Pacific railroad bridge, mile 5.4, at Wingo, shall open on signal if at least 24 hours notice is given.

§ 117.120-53 Steamboat Slough.

The draw of the California highway bridge, mile 11.2, at the head of Grand Island, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge.

§ 117.120-55 Sutter Slough.

The draw of the Sacramento County highway bridge, mile 6.4, near Courtland need not open for the passage of vessels.

§ 117.125 Colorado.

There are no known or authorized drawbridges in Colorado.

§ 117.130 Connecticut.

The following navigable waterways in Connecticut are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have other special operation regulations. All other drawbridges in Connecticut are required to operate as provided by Subpart A.

§ 117.130-1 Housatonic River.

(a) The draw of the US 1 bridge, mile 3.5, at Stratford, shall open on signal except that from 7 a.m. to 9 a.m. and 4

p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(b) The draw of the CONRAIL bridge, mile 3.9, at Stratford, shall open on signal from 5 a.m. to 9 p.m. except that:

(1) The draw need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays or an emergency.

(2) The draw need not open more than once in any 60-minute period from 5:30 a.m. to 7 a.m.; and from 5:45 p.m. to 8:15 p.m., except on Saturdays, Sundays, and Federal holidays.

(3) The draw shall open on signal from 9 p.m. to 5 a.m. if notice is given before 4 p.m. on the day of the intended passage.

(4) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

§ 117.130-3 Johnson River.

The draw of the highway bridge, mile 0.0, at Bridgeport, shall open on signal if at least 24 hours notice is given.

§ 117.130-5 Mianus River.

The draw of the CONRAIL bridge, mile 1.0, at Greenwich, shall open on signal from 5 a.m. to 9 p.m. The draw need not open from 9 p.m. to 5 a.m.

§ 117.130-7 Mill River.

The draw of the Chapel Street bridge, mile 0.4, at New Haven, shall open on signal, except that from 7:30 a.m. to 8:30 a.m., 12 noon to 12:15 p.m., 12:45 p.m. to 1 p.m., and 4:45 p.m. to 5:45 p.m., the draw need not open for the passage of vessels.

§ 117.130-9 Mystic River.

(a) The draw of the Connecticut highway bridge, mile 1.2, at Mystic, shall open on signal from April 1 through October 31. From November 1 through March 31 from 5 a.m. to 9 p.m., the draw shall open on signal and from 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hours notice is given.

(b) The draw of the AMTRAK railroad bridge, mile 2.4, at Mystic, shall open on signal from April 1 through October 31 and November 1 through March 31 from 5 a.m. to 9 p.m. The draw shall open on signal from November 1 through March 31 from 9 p.m. to 5 a.m. if at least eight hours notice is given.

Note.—A delay of up to 20 minutes may be experienced.

(c) The draw of the US 1 bridge, mile 2.8, at Mystic, shall open on signal on the quarter hour from 8:15 a.m. to 7:15 p.m., and the draw shall open on signal from May 1 through October 31 from 7:15 p.m. to 8:15 a.m. The draw shall

open on signal from November 1 through April 30 from 7:15 p.m. to 8:15 a.m. if at least one hours notice is given.

§ 117.130-11 Niantic River.

(a) The draw of the CONRAIL bridge, mile 0.0, at Niantic, shall open on signal, except that from April 1 through October 31 from 6 p.m. to 4 a.m., and from November 1 through March 31 from 6 p.m. to 6 a.m., the draw shall open on signal if at least one hours notice is given.

(b) The draw of the S156 bridge, mile 0.1, at Niantic shall open on signal, except that from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational vessels.

§ 117.130-13 Norwalk River.

(a) The draw of the Washington Street S136 bridge, mile 0.0, at Norwalk shall open on signal, except that from 7 a.m. to 8:45 a.m., 11:45 a.m. to 1:15 p.m., and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels that draw less than 14 feet of water. The opening signal is three short blasts of a whistle, horn or by shouting. Vessels drawing 14 feet of water or more shall add one prolonged blast after the three short blasts.

(b) The draw of the CONRAIL bridge, mile 0.1, at Norwalk shall open on signal, except that from 7 a.m. to 9 a.m., and 4 p.m. to 6 p.m., the draw need not open for the passage of vessels that draw less than 14 feet of water, unless low tide is predicted in the tide tables publishes by the U.S. Coast and Geodetic Survey to occur within one hour before or after the time when the opening signal is given; in this case the opening of the draw may not be delayed for more than 20 minutes. The opening signal is one prolonged blast followed by one short blast. Vessels drawing 14 feet or more of water shall add one prolonged blast after the one short blast.

§ 117.130-15 Pequonnock River.

(a) The draws of the Stratford Avenue bridge, mile 0.1, the CONRAIL bridge, mile 0.3, Congress Street bridge, mile 0.4 and the East Washington Street bridge, mile 0.6, all at Bridgeport shall open on signal, except that the draws of these bridges need not open for passage of vessels from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m.

(b) The draw of the Grand Street bridge, mile 0.9, at Bridgeport need not open for the passage of vessels.

§ 117.130-17 Quinpiac River.

The draws of the Tomlinson bridge, mile 0.0, the Ferry Street bridge, mile 0.7, and the Grand Avenue bridges, mile 1.3, all at New Haven, shall open on signal, except that the draws need not open for the passage of vessels from 7:30 a.m. to 8:30 a.m., 12 noon to 12:15 p.m., 12:45 p.m. to 1 p.m., and 4:45 p.m. to 5:45 p.m.

§ 117.130-19 Saugatuck River.

The draw of the CONRAL bridge, mile 1.1, at Saugatuck shall open on signal from June 1 through September 30 from 5 a.m. to 9 p.m. and from October 1 through May 31 from 8 a.m. to 4 p.m. The draw shall open on signal from October 1 through May 31 from 5 a.m. to 8 a.m., and from 4 p.m. to 9 p.m., if at least eight hours notice is given. The draw need not open at all other times.

§ 117.130-21 Shaws Cove.

The draw of the CONRAIL bridge, mile 0.0, at New London shall open on signal from December 1 through March 31 from 8 a.m. to 5 p.m., Monday through Friday. From December 1 through March 31 from 5 p.m. to 8 a.m. and on Saturdays and Sundays, the draw shall open on signal if at least eight hours notice is given. From April 1 through November 30, from 5 a.m. to 10 p.m., the draw shall open on signal, and from 10 p.m. to 5 a.m. the draw shall open on signal if at least one hour notice is given.

§ 117.130-23 Yellow Mill Channel.

The draw of the Stratford Avenue bridge, mile 0.3, at Bridgeport shall open on signal if at least 24 hours notice is given.

§ 117.135 Delaware.

The following navigable waterways in Delaware are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Delaware are required to operate as provided by Subpart A.

§ 117.135-1 Appoquinimink River.

The draw of the Delaware highway bridge, mile 3.5, at Fennimore shall open on signal if at least 24 hours notice is given.

§ 117.135-3 Brandywine River.

(a) The draw of the Seventh Street bridge, mile 0.1, at Wilmington shall be maintained in the open to navigation position at all times.

(b) The draws of the CONRAIL bridge, mile 1.1, the Church Street bridge, mile 1.3, and the Sixteenth Street bridge, mile 1.7 at Wilmington need not open for the passage of vessels.

§ 117.135-5 Broad Creek River.

(a) The draws of the CONRAIL bridge, mile 8.0, the Poplar Street bridge, mile 8.2, and the US13A bridge, mile 8.2, all at Laurel shall open on signal if at least four hours notice is given.

(b) The draw of the Delaware Avenue bridge, mile 8.3, at Laurel need not open for the passage of vessels.

§ 117.135-7 Chesapeake and Delaware Canal.

(a) The draw of the CONRAIL bridge, mile 7.7, shall open on signal.

(b) The signals listed in Section 117.11 shall be supplemented by the following light signals in the center of the drawspan on both sides of the bridge.

(1) When the drawspan is to be opened immediately; one fixed amber light.

(2) When the drawspan is not ready to be opened; one flashing red light.

§ 117.135-9 Christina River.

(a) The draws of the CONRAIL bridge, mile 1.4, the CONRAIL bridge, mile 4.1, the Reading railroad bridge, mile 4.2, and the CONRAIL bridge, mile 5.4, all at Wilmington shall open on signal from 6 a.m. to 8 p.m., if at least 24 hours notice is given. From 8 p.m. to 6 a.m. the draws need not open for the passage of vessels.

(b) The draws of the Third Street bridge, mile 2.3, the Walnut Street bridge, mile 2.8, and the Market Street bridge, mile 3.0, all at Wilmington shall open on signal except that from 7 a.m. to 8 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels. Any vessel which has passed through one or more of these three bridges immediately prior to a closed period and which requires passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of such bridge or bridges without delay. In times of flood or other emergency the closed periods may be suspended or modified by the Coast Guard District Commander.

§ 117.135-11 Lewes and Rehoboth Canal.

The draw of the Delaware highway bridge, mile 7.0, at Rehoboth shall open on signal from May 1 through October 31 from 7 a.m. to 8 p.m. and from 8 p.m. to 7 a.m. if at least two hours notice is given. From November 1 through April 30 the draw shall open on signal if at least 24 hours notice is given.

§ 117.135-13 Mispillion River.

The draw of the S14 bridge, mile 11.0, at Milford shall open on signal if at least two hours notice is given.

§ 117.135-15 Nanticoke River.

The draw of the CONRAIL bridge, mile 39.4, at Seaford shall open on signal from May 1 through September 30 from 8 a.m. to 8 p.m., and need not open from 8 p.m. to 8 a.m. From October 1 through April 30 the draw shall open on signal if at least four hours notice is given.

§ 117.135-17 Smyrna River.

The draw of the Delaware highway bridge, mile 4.0, at Fleming Landing shall open on signal if at least 24 hours notice is given to the New Castle County Division Engineer, Delaware State Highway Department at Bear.

§ 117.135-19 St. Jones River.

The draws of the Delaware highway bridge, mile 4.5, at Barkers Landing, and the Delaware highway bridge, mile 8.0, at Lebanon shall open on signal if at least 24 hours notice is given.

§ 117.140 District of Columbia.

The following navigable waterways in the District of Columbia are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have other special operation regulations.

§ 117.140-1 Anacostia River.

(a) The draw of the Frederick Douglas Memorial (South Capitol Street) bridge, mile 1.2, shall open signal if at least 24 hours notice is given. The draw will be closed on each Presidential Inauguration Day and may occasionally be closed to the passage of vessels, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(b) The draw of the CONRAIL bridge, mile 3.4 shall:

(1) Open on signal on Saturdays, Sundays, and Federal holidays, and on weekdays from 10 a.m. to 8 p.m. from April 1 through September 30.

(2) Open on signal on the hour from April 1 through September 30, Monday through Friday, except Federal holidays, from 8 p.m. to 10 a.m. and from October 1 through March 31, on Saturdays, Sundays, and Federal holidays, from 10 a.m. to 6 p.m.

(3) At all other times, the draw shall open on signal if at least two hours notice is given.

§ 117.140-3 Potomac River.

(a) The draw of the Woodrow Wilson (I-495) bridge, mile 103.8, shall open on signal except that from 6:30 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

(b) The draws of all other bridges need not open for the passage of vessels.

§ 117.145 Florida.

The following navigable waterways in Florida are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have other special operation regulations. All other drawbridges in Florida are required to operate as provided by Subpart A.

§ 117.145-1 Atlantic Intracoastal Waterway (AIWW) from Jacksonville to Miami.

(a) The draw of the Bridge of Lions bridge SR A-1-A, mile 777.9, Matanzas River, at St. Augustine, shall open on signal, except that:

(1) From 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half-hour, however, the draw need not open at 8 a.m., 12 noon, and 5 p.m.

(2) From 7 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half-hour.

(b) Daytona Beach Area.

(1) The draws of the Granada Avenue bridge, mile 824.9, Halifax River at Ormond Beach, the Seabreeze Boulevard bridge, mile 829.1, Halifax River at Daytona Beach, and the SR A-1-A bridge, mile 835.5, Halifax River at Port Orange shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, the draws need not open for the passage of vessels. However, the draws shall open at 8 a.m. and 5 p.m. if any vessels are waiting to pass.

(2) The draw of the Memorial bridge, mile 830.6, Halifax River at Daytona Beach shall open on signal, except that from 7:45 a.m. to 8:45 a.m. and 9:45 p.m. to 5:45 p.m., Monday through Saturday, except Federal holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:15 p.m. if any vessels are waiting to pass.

(3) During periods when storm signals are displayed in the Daytona Beach area, the draw of these bridges shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected.

(c) The draw of the Harris Saxon bridge, mile 896.5, at New Smyrna Beach shall open on signal, except that from March 15 through October 15 on Saturdays, Sundays, and Federal holidays from 3 p.m. to 6 p.m., the draw need open only on the hour and half hour.

(d) The draw of the Florida East Coast railroad bridge, mile 876.6, Indian River near Jay Jay shall open as follows:

(1) The bridge will not be manned by a regular attendant.

(2) The bascule span will normally be in the open position, displaying flashing green signals, to allow the movement of water traffic.

(3) When a train approaches the bridge, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(4) After an eight-minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(e) The draw of the SR402 bridge, mile 878.9, Indian River at Titusville shall open on signal except that from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(f) The draw of the SR518 bridge, mile 914.4, Indian River at Eau Gallie shall open on signal, except that from 6:45 a.m. to 8:15 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels. The draws shall open at 8:15 a.m. and 4:15 p.m. if any vessels are waiting to pass. From 8:45 a.m. to 3:45 p.m., Monday through Friday, except Federal holidays, the draw need open only on the quarter and three-quarter hour.

(g) The draw of the SR516 bridge, mile 918.2, Indian River at Melbourne shall open on signal, except that from 6:45 a.m. to 8:15 a.m. and 4:14 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(h) The draw of the John F. Kennedy Space Center, NASA, SR405 bridge, mile 885.0, Indian River at Addison Point shall open on signal except that from 6:45 a.m. to 8 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(i) The draw of the SR60 bridge, mile 951.9, Indian River at Vero Beach shall open on signal, except that from 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m. and 4 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels; however, the draw shall open at 8:30 a.m., 12:30 p.m., and 4:30 p.m. if any vessels are waiting to pass.

(1) During periods when storm signals are displayed in the Vero Beach area,

the draw shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected.

(j) The draw of the Parker bridge, mile 1013.7, at North Palm Beach shall open on signal except that from November 1 through April 15, from 7 a.m. to 7 p.m., the draw need open only on the hour and half-hour.

(k) The draw of the SR A-1-A Flagler Memorial bridge, mile 1021.9, Lake Worth at Palm Beach shall open on signal, except that from November 1 to May 31, Monday through Friday, except Federal holidays, the draw need not open from 8 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m.; however, the draw shall open at 8:30 a.m. and 4:45 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 4 p.m., the draw need open only on the hour and half hour. At all other times the draw shall open on signal.

(l) The draw of the SR704 Royal Park bridge, mile 1022.6, Lake Worth at Palm Beach shall open on signal, except that from November 1 through May 31, Monday through Friday, except Federal holidays, the draw need not open from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m.; however, the draw shall open at 8:45 a.m., at 4:15 p.m. and 5 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter and three-quarter hour. At all other times the draw shall open on signal.

(m) The draw of the Southern Boulevard bridge SR700/80, mile 1024.7, Lake Worth, at Palm Beach, shall open on signal, except that from November 1 through May 31, Monday through Friday, except Federal holidays, the draw need not open from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 6:30 p.m.; however, the draw shall open at 8:15 a.m. and 5:30 p.m. if any vessels are waiting to pass.

(n) The draw of the Atlantic Avenue bridge SR806, mile 1039.6, at Delray Beach shall open on signal except that from November 1 to May 31 from 10 a.m. to 6 p.m., Monday through Friday, the draw need open only on the hour and half hour.

(o) The draw of the N.E. 14th Street bridge, mile 1055.0, at Pompano shall open on signal, except that from 7 a.m. to 6 p.m. the draw need open only on the quarter and three-quarter hour.

(p) The draw of the Atlantic Boulevard bridge SR814, mile 1056.0, at Pompano, shall open on signal, except that from 7 a.m. to 6 p.m. the draw need open only on the hour and half hour.

(q) The draw of the Commercial Boulevard bridge, mile 1059.0, at Lauderdale-by-the-Sea shall open on signal, except that from November 1 through May 15 from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday, the draw need open only on the hour, quarter-hour, half hour, and three-quarter hour.

(r) The draw of the Sunrise Boulevard bridge SR838, mile 1062.6, New River Sound at Fort Lauderdale shall open on signal, except that from November 15 through May 15 from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter and three-quarter hour.

(s) The draw of the S.E. 17th Street, Brooks Memorial bridge, mile 1065.9, Stranahan River at Fort Lauderdale shall open on signal, except that from 7 a.m. to 7 p.m. the draw need not reopen for a period of 15 minutes after each closure. The owner of or agency controlling the bridge will display on both sides thereof a time clock acceptable to the District Commander, which will indicate to approaching vessels the number of minutes remaining before the draw will be available for opening.

(t) The draw of the Hollywood Beach Boulevard bridge SR820, mile 1072.2, at Hollywood shall open on signal except that:

(1) From November 15 through May 15 from 10 a.m. to 6 p.m. the draw need open only on the hour and half hour and;

(2) From May 16 through November 14 on Saturdays, Sundays, Memorial Day, Independence Day, Labor Day and Veterans Day from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour.

(u) The draw of the Hallandale Beach Boulevard bridge SR824, mile 1074.0, at Hallandale shall open on signal, except that from 7:15 a.m. to 6:15 p.m. the draw need open only on the quarter and three-quarter hour.

(v) The draw of the N.E. 163rd Street bridge SR826, mile 1078.0 Biscayne Creek at Sunny Isles shall open on signal, except that from 7 a.m. to 6 p.m., Monday through Friday, and 10 a.m. to 6 p.m., Saturdays, Sundays, and Federal holidays the draw need open only on the quarter and three-quarter hour.

(w) Biscayne Bay.

(1) The draw of the Broad Causeway bridge, mile 1081.4, at Bay Harbor Islands shall open on signal, except that from 8 a.m. to 6 p.m. the draw need open only on the hour and half hour.

(2) The draw of the West Span of the Venetian Causeway, mile 1088.6, at Miami shall open on signal, except that from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draw need open only on the hour and half hour. The draw shall open on signal at any time on Thanksgiving,

Christmas, New Year's Day, and Washington's birthday.

(3) The draw of the MacArthur Causeway bridge, mile 1088.8, at Miami shall open on signal, except that from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draw need open only on the hour and half hour.

(4) The draws of the Dodge Island bridges, mile 1089.4, Biscayne Bay at Miami shall open on signal, except that from 7:15 a.m. to 5:45 p.m., Monday through Saturday, except Federal holidays, the draws need open only on the quarter and three-quarter hour.

(5) The draw of the Rickenbacker Causeway bridge, mile 1091.6, at Miami shall open on signal except, that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, and 11 a.m. to 6 p.m. on Saturdays, Sundays, and holidays the draw need open only on the hour and half hour. However, during the display of small craft warnings or warnings for winds of greater force by the National Weather Service affecting the area, the draw shall open for the passage of vessels at any time.

§ 117.145-3 Banana River.

The draw of the NASA Causeway bridge, mile 27.8, at Cape Kennedy shall open on signal if at least four hours notice is given to the NASA Security Office by telephone or in person.

§ 117.145-5 Bayou Chico.

The draw of the highway bridge, mile 0.3, at Pensacola shall open on signal, except that from 7:30 a.m. to 8:30 a.m., 3:30 p.m. to 4:30 p.m., and 5 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays the draw need not open for the passage of vessels.

§ 117.145-7 Big Carlos Pass.

The draw of the SR865 bridge, mile 0.0, between Estero Island and Black Island shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

§ 117.145-9 Biscayne Bay.

The draw of the East Span of the Venetian Causeway bridge, mile 1088.6, between Miami and Miami Beach shall open on signal, except that from November 1 through April 30 from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m., Monday through Friday, except Federal holidays, the draw need not open; however, the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m. and 5:45 p.m., if any vessels are waiting to pass.

§ 117.145-11 Blackwater River.

The draw of the SR10 bridge, mile 0.8, at Milton shall open on signal if at least 12 hours notice is given.

§ 117.145-13 Boca Ciega Bay, GIWW.

(a) The draw of the Corey Causeway bridge SR693, mile 117.7, at South Pasadena shall open on signal except that from 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and Federal holidays, the draws need not open on the hour, 20 minutes after the hour and 40 minutes after hour.

(b) The draw of the Treasure Island Causeway bridge, mile 119.0, at Central Avenue shall open on signal, except that from 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and Federal holidays, the draw need not open except on the hour, quarter-hour, half hour, and three-quarter hour.

(c) The draw of the Welch Causeway bridge SR699, mile 122.8, at Madiera Beach shall open on signal, except that from 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour.

§ 117.145-15 Canaveral Harbor Barge Canal.

The draw of the SR A-1-A bridge, mile 1.0, near Indianola on Merritt Island shall open on signal, except that from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

§ 117.145-17 Canaveral Harbor.

The draw of the SR401 bridge, mile 5.5, near Cape Canaveral shall open on signal, except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 10 p.m. to 6 a.m. the draws shall open on signal if at least three hours notice is given.

§ 117.145-19 Choctawhatchee River.

The draw of the SR20 bridge, mile 20.0, at Ebro shall open on signal if at least 12 hours notice is given.

§ 117.145-21 Clearwater Harbor GIWW.

The draw of the Clearwater Memorial Causeway SR60 bridge, mile 136.0, at Clearwater shall open on signal except that from 9 a.m. to 6 p.m., the draw need not open except on the hour, 20 minutes past the hour, and 40 minutes past the hour. From 2 p.m. to 6 p.m. Saturdays,

Sundays, and Federal holidays, the draw need open only on the hour and half hour. At all other times, the draw shall open on signal.

§ 117.145-23 Clearwater Pass.

The draw of the SR699 bridge, mile 0.0, at Clearwater Beach shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected.

§ 117.145-25 Coffee Pot Bayou.

The draw of the Snell Isle Boulevard bridge, mile 0.4, at St. Petersburg, need not open for the passage of vessels.

§ 117.145-27 Dead River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 0.3, at Tavares shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw need not open for the passage of vessels.

§ 117.145-29 Dunns Creek.

The draw of the US 17 bridge, mile 0.9, near Satsuma shall open on signal if at least three hours notice is given.

§ 117.145-31 Gasparilla Sound.

The southerly draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 1.3, between Placida and Gasparilla shall open on signal from 6 a.m. to 6 p.m. From 6 p.m. to 6 a.m. the draw need not open for the passage of vessels.

§ 117.145-33 Hatchett Creek.

The draw of the US 41 bridge, mile 56.9, GIWW, at Venice shall open on signal from 6 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

§ 117.145-35 Hillsboro Inlet.

The draw of the SR A-1-A bridge, mile 0.3, at Hillsboro Beach shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. and 6 p.m. the draw need only on the hour, quarter-hour, half hour, and three-quarter hour.

§ 117.145-37 Hillsborough River.

(a) The draws of the highway bridges at Platt Street, mile 0.0, Brorein Street, mile 0.1, and Kennedy Boulevard, mile 0.4, all at Tampa, shall open on signal from 6 a.m. to 10 p.m., except that from 7:30 a.m. to 9 a.m. and 4 p.m. to 6:16 p.m., Monday through Saturday, the draws need not open for the passage of vessels. From 10 p.m. to 6 a.m. the draws shall open on signal if at least two hours notice is given.

(b) The draws of the Cass Street bridge, mile 0.7, and the Laurel Street bridge, mile 1.0, shall open on signal

from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m., the draws shall open on signal if at least two hours notice is given.

(c) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 0.7, shall open on signal from 4 p.m. to 12 midnight. At all other times, the draw shall be maintained in the open to navigation position.

(d) The draws of the West Columbus Drive bridge, mile 2.3, and the Hillsborough Avenue bridge S 580-US 41-92, mile 4.8, both at Tampa shall open on signal from 8 a.m. to 6 p.m. From 6 p.m. to 8 a.m. the draws shall open on signal if at least a one hour notice is given.

§ 117.145-39 Hudson Bayou.

The draw of the Orange Avenue bridge, mile 0.2, at Sarasota need not open for the passage of vessels.

§ 117.145-41 Indian Creek.

The draw of the 63rd Street bridge, mile 4.0, at Miami Beach shall open on signal except that from December 1 through April 15 from 11 a.m. to 6 p.m. the draw need open only on the hour.

§ 117.145-43 Kissimmee River.

(a) The removable span of the SR 78 bridge, mile 0.5, and the removable span of the SR 70 bridge, mile 19.5, both at or near Okeechobee shall be removed if at least 72 hours notice is given.

(b) The draw of the Seaboard Coast Line railroad bridge, mile 37.0, at Fort Bassinger shall open, if at least 72 hours notice is given, for passage of floating equipment employed in flood control work under the jurisdiction of the Central and South Florida Water Management District or the U.S. Army Corps of Engineers. The draw need not open for other vessels.

(c) The removable span of the SR 98 bridge, mile 39.0, at Fort Bassinger shall be removed if at least 96 hours notice is given.

§ 117.145-45 Little Manatee River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 2.4, at Ruskin shall open on signal if at least three hours notice is given.

§ 117.145-47 Longboat Pass.

The draw of the SR789 bridge, mile 0.0, between Longboat Key and Anna Marie Key near Bradenton Beach shall open on signal from 6 a.m. to 6 p.m. The draw shall open on signal from 6 p.m. to 6 a.m. if at least three hours notice is given.

§ 117.145-49 Manatee River.

The draw of the US41 bridge, mile 4.3, at Manatee, shall open on signal from 6 a.m. to 7 a.m. and 9 a.m. to 4 p.m. The draw need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The draw shall open at 6 p.m. if any vessels are waiting to pass. From 6 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

§ 117.145-51 Matlacha Pass.

The draw of the SR78 bridge, mile 6.0, at Fort Myers shall open on signal from 8 a.m. to 7 p.m. From 7 p.m. to 8 a.m. the draw need not open for the passage of vessels.

§ 117.145-53 Miami River.

The draw of each bridge from the mouth (mile 0.0) to and including the bridge at N.W. 27th Avenue, mile, shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels. During the period of a hurricane alert issued by the Hurricane Center all bridges shall open on signal.

§ 117.145-55 Miami River, North Fork.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 5.3, at Hialeah shall open on signal from 8:30 a.m. to 5:30 p.m., Monday through Friday. At all other times the draw shall open on signal if at least three hours notice is given.

§ 117.145-57 Moser Channel, Seven Mile bridge, near Marathon.

The draw need not open for the passage of vessels.

§ 117.145-59 Myakka River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 3.1, between El Jobean and Charlotte Beach, shall open on signal from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m. the draw shall open on signal if at least six hours notice is given.

§ 117.145-61 Nassau Sound.

The draw of the Fernandina Port Authority bridge, SR A-1-A, mile 0.4, between Amelia Island and Talbot Island, shall open on signal from 6 a.m. to 6 p.m. if at least six hours notice is given. The draw need not open from 6 p.m. to 6 a.m.

§ 117.145-63 New Pass.

The draw of the SR789 bridge, Sarasota County, shall open on signal from 6 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half hour and three-quarter hour.

§ 117.145-65 New River.

(a) The draw of the S.E. Third Avenue Bridge, mile 1.4, at Fort Lauderdale, shall open on signal except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(b) The draw of the Andrews Avenue bridge, mile 2.3, at Fort Lauderdale, shall open on signal, however, the draw need not open for an upbound vessel when the draws of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 2.5, are in the closed to navigation position to allow the passage of a train.

§ 117.145-67 New River, South Fork.

(a) The draw of the Southwest 12th Street Bridge, mile 0.9, at Fort Lauderdale shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, the draws need not open for the passage of vessels.

(b) The draw of the SR84 bridge, mile 4.4, at Fort Lauderdale shall open on signal if at least 24 hours notice is given.

§ 117.145-69 Okeechobee Waterway.

(a) The draw of the Belle Glade Dike bridge, SR717, mile 60.7, between Torry Island and Lake Shore near Belle Glade, shall open on signal from 7 a.m. to 6 p.m., Monday through Thursday, and from 7 a.m. to 7 p.m., Friday through Sunday. At all other times the draw need not open for the passage of vessels.

(b) The draws of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 78.3, Caloosahatchee Canal at Moorehaven, shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw need not open for the passage of vessels.

(c) The draw of the US27 bridge, mile 78.4, at Moorehaven; the SR29 bridge, mile 103.0, at LaBelle; the SR78A bridge, mile 108.2, at Denaud; the SR78A bridge, mile 116.0, at Alva; and the SR78A bridge, mile 126.3, near Olga; all across the Caloosahatchee Canal and River, shall open on signal from 6 a.m. to 10 p.m. The draws shall open on signal from 10 p.m. to 6 a.m. if at least three hours notice is given.

(d) The draw of the Edison Memorial bridge US41, mile 134.5, Caloosahatchee River at Fort Myers, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and from 5 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

(e) The draws of the Florida East Coast railroad bridges across the Loxahatchee River, mile 1.2, at Jupiter; the St. Lucie River, mile 7.5, at Stuart;

and the St. Lucie Canal, mile 38.0, at Port Mayaca; shall open as follows:

(1) The bridges will not be manned by a regular attendant.

(2) The spans will normally be in the open to navigation position, displaying flashing green signals, to allow the movement of water traffic.

(3) When a train approaches one of the bridges, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(4) After an eight-minute time delay, the bridge will lower and lock, providing the scanning equipment reveals nothing under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 28.5, St. Lucie Canal, at Indiantown shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

(g) The draw of the Roosevelt bridge US 1, mile 7.5, St. Lucie River at Stuart shall open on signal, except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need open only on the hour and half hour.

§ 117.145-71 Oklawaha River.

The draws of the Sharpes Ferry bridge SR 40, mile 55.1; Muclan Farms bridge, Southwest Florida Water Management District, mile 63.9; Moss Bluff bridges, SR 464, mile 66.0; and the Starkes Ferry bridge, SR 42, mile 73.0; shall open on signal if at least three hours notice is given.

§ 117.145-73 Orange River.

The draw of the SR 80 bridge, mile 0.9, between Fort Myers Shores and Tice shall open on signal if at least 24 hours notice is given.

§ 117.145-75 Peace River.

The draw of the Barron Collier bridge US 41, mile 2.0, at Punta Gorda, shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draws shall open on signal if at least two hours notice is given.

§ 117.145-77 Ringling Causeway.

The draw of the SR 780 bridge, mile 73.6, at Sarasota, shall open on signal from 6 p.m. at 7:30 a.m. From 7:30 a.m. to 6 p.m. the draw need open only on the hour and half hour.

§ 117.145-79 Santa Rosa Sound.

The draw of the Santa Rosa Island Authority bridge SR 399, mile . . . at Santa Rosa Sound, shall open on signal except that from Memorial Day through Labor Day from 3 p.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need not open for the passage of vessels.

§ 117.145-81 St. Johns River.

(a) The draws of the Main Street bridge, US 17, mile 24.7; the Acosta bridge, mile 24.9; and the Fuller Warren bridge, I 95-I 10, mile 24.5, at Jacksonville, shall open on signal, except that from 7:30 to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Saturday, except Federal holidays, the draw need not open for the passage of vessels.

(b) The draw of the Florida East Coast automated railroad bridge, mile 24.9, shall be operated as follows:

(1) The bridge shall be constantly manned by a bridge supervisor who has a mechanical override capability for the automated operation.

(2) The bridge will normally be in the open position displaying flashing green lights to indicate that water traffic may pass.

(3) When a train approaches the bridge, large signs on both the upstream and downstream sides of the bridge will flash "bridge coming down," the navigational lights will go to flashing red, and the siren signals will sound.

(4) After an eight-minute delay, the bridge will lower and lock if there are no vessels under the bridge. Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(5) After the train has cleared, the bridge will open and the light signals will return to flashing green.

(6) A radiotelephone will be maintained at the bridge for the safety of navigation.

§ 117.145-83 St. Marks River.

The draw of the US 98 bridge, mile 9.0, at St. Marks, shall open on signal if at least 48 hours notice is given to the State Road Department Maintenance Office at Tallahassee.

§ 117.145-85 Steinhatchee River.

The draw of the SR 358 bridge, mile 2.3, at Stevensville shall open on signal if at least three hours notice is given.

§ 117.145-87 Suwanee River.

The draw of the Family Lines Rail System (Seaboard Coast Lines) railroad bridge, mile 35.0, at Old Town shall

open on signal if at least five days notice is given.

§ 117.145-89 Taylor Creek.

The draw of US 90-SR 15-SR 7000 bridge, mile 0.3, at Okeechobee shall open on signal if at least two hours notice is given.

§ 117.145-91 Trout River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 0.9, at Panama Park shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least 12 hours notice is given.

§ 117.145-93 West Palm Beach Canal.

The draw of the US 441 bridge, mile 0.1, at West Palm Beach shall open on signal if at least 24 hours notice is given.

§ 117.145-95 Whitcomb Bayou.

The draw of the highway bridge, mile 0.5, at Tarpon Springs shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. The draw shall open on signal if at least two hours notice is given at all other times.

§ 117.150 Georgia.

The following navigable waterways in Georgia are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All drawbridges in Georgia are required to operate as provided by Subpart A.

§ 117.150-1 Altamaha River.

The draws of all bridges except the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 59.4, at Doctortown shall open on signal if at least 24 hours notice is given. The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge at Doctortown shall open on signal if at least seven days notice is given.

§ 117.150-3 Black River.

The draw of the Torras Causeway bridge, mile 1.5 near Brunswick shall open on signal, except that from 6 a.m. to 9 a.m. and 4 p.m. to 6 p.m. the draw need not open for the passage of vessels; however the draw shall open at 7 a.m., 8 a.m., and 5 p.m., if any vessels are waiting to pass.

§ 117.150-5 Flint River.

The draws of the Family Lines System (Seaboard Coast Line) railroad bridges, miles 28.0 and 28.7, both at Bainbridge shall open on signal if at least 15 days notice is given.

§ 117.150-7 Frederica River.

The draw of the Torras Causeway bridge, mile 675.5, AIWW, Near St. Simons, shall open on signal, except that from 7:30 a.m. to 9:30 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half hour.

§ 117.150-9 Ocmulgee River.

The draws of each bridge shall open on signal if at least 24 hours notice is given.

§ 117.150-11 Oconee River.

The draw of the SR 46 bridge, mile 44.3, near Soperton shall open on signal if at least 24 hours notice is given.

§ 117.150-13 Ogeechee River.

(a) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 30.7, at Richmond Hill shall open on signal if at least 15 days notice is given.

(b) The draw of the highway bridge, mile 37.8, near Richmond Hill need not open for the passage of vessels.

§ 117.150-15 Satilla River.

(a) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 25.7, at Woodbine shall open on signal if at least 24 hours notice is given.

§ 117.150-17 Savannah River.

(b) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 60.9, at Clyo shall open on signal from 6 a.m. to 11 a.m. and from 12 noon to 3 p.m. At all other times the draw shall open on signal if at least three hours notice is given. Contact may be made by VHF radiotelephone maintained at the bridge tender's house and the dispatcher's office in Savannah.

(a) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 135.4, near Augusta shall open on signal if at least three hours notice is given.

§ 117.150-19 St. Marys River.

The draws of the US17 bridge, mile 23.0, and the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 23.1, both at Kingsland shall open on signal if at least 48 hours notice is given.

§ 117.150-21 Wilmington River.

(a) The draw of the Causton Bluff SR26 bridge, mile 579.9, near Causton Bluff shall open on signal, however, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not

open, except at 8:10 a.m. and 5:20 p.m., if any vessels are waiting to pass.

(b) The draw of the SR80 bridge, mile 582.8, at Thunderbolt shall open on signal, however, from 7:45 a.m. to 9:15 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open, except at 8:30 a.m. and 5:45 p.m., if any vessels are waiting to pass.

§ 117.155 Hawaii.

The following drawbridge in Hawaii has certain periods when the draw need not open for the passage of vessels and has special regulations. There are no other drawbridges in Hawaii.

§ 117.155-1 Honolulu Harbor, Sand Island.

The draw of the Slattery (Kalihi Channel) bridge, mile 1.8, shall open on signal from 5 a.m. to 6 a.m. and 6 p.m. to 7 p.m., Monday through Friday, except Federal holidays. On Saturdays, Sundays, and Federal holidays from 5 a.m. on Saturdays through 5 a.m. on Mondays or on Federal holidays, the draw shall open on signal if at least six hours notice is given to the Honolulu Harbor Control Unit at Aloha Tower. In the event of emergencies during the closed periods specified above, the Control Unit will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances upon orders of the Harbor Master, Port of Honolulu. Emergency ship movements or imminence of wave arrival may require the bridge to be opened even though all persons have not evacuated the Sand Island area. Every effort shall be made to keep the bridge in the down position as long as reasonably possible; however, the Harbor Master may open the bridge within thirty (30) minutes of estimated time of wave arrival if he deems it necessary to protect life and property. In addition to the visual signals, two amber lights in a vertical line, six feet apart, will be mounted on the bridge control tower. The upper amber light shall be flashing and, when exhibited, shall indicate incoming traffic only. The lower amber light shall be fixed and, when exhibited, shall indicate outgoing traffic only. When both harbor lights are exhibited, the harbor is closed to all traffic. Vessels longer than 150 feet shall not pass through the opened bridge span at the same time whether moving in the same direction or approaching each other from opposite directions. When vessels less than 150 feet long are approaching the bridge from opposite directions, the vessels approaching from seaward shall have the right-of-way.

§ 117.160 Idaho.

The following navigable waterways in Idaho are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Idaho are required to operate as provided by Subpart A.

§ 117.160-1 Clearwater River.

The draws of the Union Pacific (Camas Prairie) railroad bridge, mile 0.6, at Lewiston shall open on signal if at least three hours notice is given to the Camas Prairie Railroad in Lewiston.

§ 117.160-3 Pend Oreille River.

The draw of the Burlington Northern railroad bridge, mile 111.3, near Sandpoint need not open for the passage of vessels.

§ 117.160-5 Snake River.

(a) The draw of the US12 bridge, mile 140.0, between Lewiston, Idaho and Clarkston, Washington, shall open at the following times if at least two hours notice is given to the Washington State Department of Highways.

(1) From March 15 through November 15—6 a.m., 10 a.m., 3 p.m., 7 p.m., and 9 p.m.

(2) From November 16 through March 14—9 a.m., 10 a.m., 2 p.m., and 3 p.m.

(3) The draw need not open at all other times.

§ 117.165 Illinois.

The following navigable waterways in Illinois are listed alphabetically and are crossed by drawbridges that have certain periods when the draw need not open for the passage of vessels or have special operation regulations. All other drawbridges in Illinois are required to operate as provided by Subpart A.

§ 117.165-1 Calumet River.

The draws of the Conrail bridges, mile 1.4 and 1.5, at Chicago shall open on signal. However, the draws need not open if either one of the bridges is inoperable because of equipment breakdown.

§ 117.165-3 Chicago River.

(a) The draws of the bridges across the Chicago River from its mouth to the junction of the North and South Branches; the South Branch from the junction to and including the West Roosevelt Road; and the North Branch to and including North Kinzie Street and the Northwest Expressway Feeder Bridge; shall open on signal, except that from Monday through Friday, from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m. the draws need not open for the passage of vessels.

(b) The draws of the bridges across the North Branch of the Chicago River at Grand Avenue and all bridges north of the Northwest Expressway Feeder Bridge to and including North Halsted Street; and the bridges across the South Branch of the Chicago River south of South Halsted Street; shall open on signal, except that from 7 a.m. to 8 a.m., and 5:30 p.m. to 6:30 p.m. the draws need not open for the passage of vessels.

(c) From January 1 through March 31, the draws of the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given.

(d) The Randolph Street, Cermak Road, Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal from April 1 through December 31.

(e) The draw of the Milwaukee Line railroad bridge across the North Branch Canal shall open on signal if at least one hour notice is given.

(f) Constant attendance is not required at the following City of Chicago bridges:

Chicago River, South Branch

Washington Street
Madison Street
Monroe Street
Adams Street
Jackson Boulevard
Van Buren Street
Congress Street (Eisenhower Expressway)
Harrison Street
Roosevelt Road
Eighteenth Street
Canal Street
South Halsted Street

West Fork of the South Branch

South Ashland Avenue
South Damen Avenue

Chicago River, North Branch

Grand Avenue
Chicago Avenue
North Halsted Street
Ogden Avenue
Division Street

North Branch Canal

Ogden Avenue
Division Street

Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Director's Office.

(g) The draws of bridges across the North Branch Canal that have a vertical clearance of less than 17 feet above Low Water Datum for Lake Michigan shall

open at any time to permit the passage of tugs and tugboats.

(h) The draws of any of the bridges listed in this section shall be opened as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States.

(i) The draw of the Lake Shore Drive Bridge across Ogden Slip need not open for passage of vessels.

(j) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern Railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels.

§ 117.165-5 Illinois River.

(a) The draw of the automated Burlington Northern railroad bridge, mile 88.8, at Beardstown, Illinois will normally be maintained in the open position, providing a minimum vertical clearance of 68.4 feet above normal pool.

(b) When a vessel is approaching, and the liftspan is in the open position, contact shall be established by radiotelephone to assure that the liftspan will remain open until passage has been completed.

(c) When a vessel is approaching and the liftspan is in the closed position, contact shall be established by radiotelephone with the remote operator. If the liftspan CANNOT open promptly, alternate flashing red lights shall be displayed. If the liftspan will open promptly, flashing amber lights shall be displayed.

(d) When a train approaches the bridge and the liftspan is in the open position, alternate flashing red lights on top of the drawspan shall commence flashing and a horn shall sound four short blasts. The remote operator shall scan the river on radar to determine whether any vessels are approaching the bridge. The remote operator shall also broadcast his intentions to lower the liftspan. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the liftspan remain the fully open position until such vessels or vessels have cleared the bridge. If no vessels are approaching the bridge or are beneath the liftspan, the alternate flashing red lights shall continue to flash and the liftspan shall be lowered and locked in place.

(e) After the train has cleared the bridge, the draw shall be raised to its

full height and locked in place; the red flashing lights will stop and drawspan lights changed from red to green indicating the navigation channel is clear for the passage of vessels.

§ 117.165-7 Illinois Waterway.

The draws of the highway bridges in Joliet listed below shall open on signal except that they need not open from 7:30 a.m. to 8 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday: McDonough Street, Mile 287.3, Jefferson Street, Mile 287.9, Cass Street, Mile 288.1, Jackson Street, Mile 288.4.

§ 117.165-9 Wabash River.

The draws of each bridge across the Wabash River shall open on signal if at least 72 hours notice is given.

§ 117.170 Indiana.

The following navigable waterways in Indiana are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Indiana are required to operate as provided by Subpart A.

§ 117.170-1 Ohio River.

The draw of the Kentucky and Indiana railroad bridge, mile 607.4, at New Albany need not open for the passage of vessels.

§ 117.170-3 Trail Creek.

The draw of the CONRAIL bridge, mile 0.9, at Michigan City shall open on signal from 6:30 a.m. to 2:30 p.m. daily, except Sunday, from February 16 through December 14. The draw will not be manned at all other times. If passage is desired, the Chief Dispatcher, CONRAIL at Chicago shall be notified by collect telephone and he shall arrange to have the draw open within 20 minutes.

§ 117.170-5 Wabash River.

The draws of each bridge shall open on signal if at least 72 hours notice is given.

§ 117.175 Iowa.

The following navigable waterways in Iowa are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Iowa are required to operate as provided by Subpart A.

§ 117.175-1 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City, shall open on signal from March 1

through December 15. The draws shall open on signal from December 16 through the last day of February, if at least 24 hours notice is given.

§ 117.180 Kansas.

The following navigable waterways in Kansas are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Kansas are required to operate as provided by Subpart A.

§ 117.180-1 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City, Iowa, shall open on signal from March 1 through December 15. The draws shall open on signal from December 16 through the last day of February, if at least 24 hours notice is given.

§ 117.185 Kentucky.

The following navigable waterways in Kentucky are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Kentucky are required to operate as provided by Subpart A.

§ 117.185-1 Green River.

(a) The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 8.3, at Spottsville shall open on signal when there is 40 feet or less of vertical clearance beneath the draw. When the vertical clearance is more than 40 feet at least four hours notice shall be given. During this period if a vessel Captain informs the drawtender during his passage through the draw that the vessel will return within four hours, the drawtender shall remain on duty until the vessel returns but shall not be required to remain for longer than four hours.

(b) The draws of the Family Lines Rail System (Louisville and Nashville) railroad bridges, miles 71.2 and 79.6, at Livermore and Smallhouse are normally maintained in the fully open position and a vessel may pass through the draw without further signals. When the draws are in the closed position they shall open on signal.

(c) The owners of or agencies controlling the Family Lines Rail System (Louisville and Nashville) railroad bridges at miles 8.3 and 71.2, shall arrange for ready telephone communication with the authorized representative at any time from the

bridges or their immediate vicinity. Brief resumés of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

(d) The Illinois Central Gulf railroad bridge, mile 95.8, at Rockport is operated as follows:

(1) When the stage of the river permits a vertical clearance of 34 feet or more under the closed draw, as determined from gauges suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridge, the draw shall open on signal if at least eight hours notice is given. If for any reason the vessel is delayed and cannot arrive for passage at the time specified, the authorized representative shall be promptly notified of the estimated delay for opening the draw.

(2) When the stage of the river does not permit a vertical clearance of 34 feet or more under the closed draw, the draw will normally be maintained in the open to navigation position. Automatic closing for passing of trains will be in effect. The owner of the bridge shall arrange for ready telephone communication with the authorized representative at any time from the bridge or its immediate vicinity. A brief resume of these regulations and the automatic operating procedure shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3 and 4.

§ 117.185-3 Ohio River.

The draw of the Kentucky and Indiana Terminal railroad bridge, mile 607.4, at New Albany, Indiana need not be open for the passage of vessels.

§ 117.190 Louisiana.

The following navigable waterways in Louisiana are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Louisiana are required to operate as provided by Subpart A.

§ 117.190-1 Amite River.

(a) The draw of the S22 bridge, mile 6.0, at Clio shall open on signal from 9 a.m. to 5 p.m. From 5 p.m. to 9 a.m., the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the S22 bridge, mile 21.4, near French Settlement shall open on signal if at least 48 hours notice is given.

§ 117.190-3 Black Bayou.

(a) The draw of the Morgan's Louisiana and Texas Railroad and Steamship Company bridge at

Southdown, mile —, shall open on signal if at least 24 hours notice is given.

(b) The draws of the US 90—S20 bridge, mile 7.0, near Gibson and Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7, and 22.5, between Gibson and Houma, and the Shell Oil bridge, mile 15.7, at Humphreys shall open on signal if at least 24 hours notice is given.

§ 117.190-5 Boeuf Bayou.

The draw of the S307 bridge, mile 7.3, at Kraemer shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-7 Boeuf River.

The draw of the Louisiana highway bridge, mile 32.3, near Mason shall open on signal if at least 48 hours notice is given.

§ 117.190-9 Bonfouca Bayou.

The draw of the S433 bridge, mile 7.9, at Slidell shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-11 Caddo Lake.

The draw of the Kansas City Southern railroad bridge mile 26.4, near Mooringsport shall open on signal if at least 24 hours notice is given.

§ 117.190-13 Choupique Bayou.

The draw of the S27 bridge, mile 4.5, near Calcasieu shall open on signal if at least 48 hours notice is given.

§ 117.190-15 Colyell Bayou.

The Louisiana highway removable span bridge, mile 1.0, near Port Vincent shall be removed for the passage of a vessel if at least 48 hours notice is given.

§ 117.190-17 Des Allemands Bayou.

The draws of the S631 bridge, mile 13.0, Des Allemands shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-19 D'Inde Bayou.

The draw of the Southern Pacific railroad bridge, mile 4.3, Defense Plant Corporation, Cities Service Refining Corporation Agent, shall open on signal if at least 72 hours notice is given.

§ 117.190-21 DuLarge Bayou.

The draw of the S315 bridge, mile 23.2, near Theriot shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-23 Franklin Canal.

The draw of the Chatsworth bridge, mile 4.8, at Franklin shall open on signal.

(a) From 5 a.m. to 9 p.m.

(b) From October 1 through January 31 from 9 p.m. to 5 a.m., if at least three hours notice is given.

(c) From February 1 through September 30 from 9 p.m. to 5 a.m., if at least 12 hours notice is given.

§ 117.190-25 Grand Bayou.

The draw of the S70 bridge, mile 7.6 near Paincourtville shall open on signal if at least 24 hours notice is given.

§ 117.190-27 Grosse Tete Bayou.

(a) The draw of the Texas and Pacific railroad bridge, mile 14.7, at Grosse Tete need not open for the passage of vessels.

(b) The draw of S377 bridge, mile 15.3, near Rosedale shall open on signal if at least 48 hours notice is given.

§ 117.190-29 Gulf Intracoastal Waterway.

The draw of the Louisiana highway bridge, mile 243.8, west of Harvey Canal Locks shall open on signal when more than 50 feet vertical clearance is required, if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer at Lake Charles.

§ 117.190-31 Houma Canal.

The draw of the US90 bridge, mile 1.7, at Houma shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-33 Houston River

The draw of the Kansas City Southern Railroad bridge, mile 5.2, near Lake Charles shall open on signal if at least 24 hours notice is given.

§ 117.190-35 Inner Harbor Navigation Canal, New Orleans.

The New Seabrook bridge, mile 3.4 and the Danziger bridge, mile 5.4, at Chef Menteur Highway (US90) need not open for the passage of vessels from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, at all other times the draws shall open on signal.

§ 117.190-37 Lacassine Bayou.

The draws of S14 bridge, mile 17.0, the Southern Pacific railroad bridge, mile 20.4, and the Calcasieu and Jefferson Davis Parishes bridge, mile 21.5, all near Hayes shall open on signal if at least 24 hours notice is given.

§ 117.190-39 Lacombe Bayou

The draw of the US190 bridge, mile 6.8 at Lacombe shall open on signal if at least 48 hours notice is given.

§ 117.190-41 Lafourche Bayou.

(a) The draws of the US90 bridge, mile 58.2, US90 bridge and S307 bridge, mile 58.7, all at Raceland; and the S18 bridge, mile 66.1, Lafourche shall open on signal if at least six hours notice is given.

(b) The draws of the Southern Pacific railroad bridge, mile 69.0 at Lafourche shall open on signal if at least 48 hours notice is given.

(c) The draws of the S20 bridge, mile 73.4, at Thibodaux need not open for the passage of vessels.

§ 117.190-43 Lake Pontchartrain.

(a) The draws of the S11 and the Norfolk Southern (Southern) railroad bridges near New Orleans, miles —, —, and —, shall open on signal if at least 48 hours notice is given. In case of emergency, as provided by 117.17, the draws shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

(b) The draws of the Greater New Orleans Expressway Commission causeway, north bascule spans, mile —, and —, shall open on signal if at least three hours notice is given.

§ 117.190-45 Liberty Bayou.

The draw of the S433 bridge, mile 2.0, at Slidell shall open on signal from 5 a.m. to 9 p.m., and from 9 p.m. to 5 a.m. if at least 12 hours notice is given.

§ 117.190-47 Little Black Bayou.

The draw of the Southern Pacific railroad bridge, mile —, at Southdown need not open for the passage of vessels.

§ 117.190-49 Little River.

The draw of the Louisiana and Arkansas Railroad bridge, mile 12.1, at Archie shall open on signal if at least 12 hours notice is given. During highwater periods the District Commander may require the constant attendance of a drawtender.

§ 117.190-51 Little (Petit) Caillou Bayou.

The draws of the S58 bridge, mile 25.7, at Sarah, the S56 (Smith River) bridge, mile 26.6, near Montegut, the S56 (Duplantis) bridge, mile 29.9, near Bourg, and the S24 bridge, mile 33.7, at Petit Caillou shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

§ 117.190-53 Lower Atchafalaya River.

The draw of the S182 bridge, mile 26.8, at Patterson shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9

p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-55 Macon Bayou.

The draw of the S555 bridge, mile 44.8 near Winnsboro shall open on signal if at least 24 hours notice is given.

§ 117.190-57 Nezpique Bayou.

The draw of the Louisiana highway bridge, mile 7.0, near Jennings shall open on signal if at least 48 hours notice is given.

§ 117.190-59 Patout Bayou.

The draw of the S83 bridge, mile 0.4, at Weeks shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-61 Plaquemine Bayou.

The draws of the Texas and Pacific railroad bridge, mile 10.5, at Plaquemine and S1 bridge, mile 10.5, at Plaquemine, need not open for the passage of vessels.

§ 117.190-63 Plaquemine Brule Bayou.

(a) The draw of the Southern Pacific railroad bridge, mile 5.1, near Midland shall open on signal if at least 24 hours notice is given.

(b) The draw of the S91 bridge, mile 8.0, at Estherwood shall open on signal from 5 a.m. to 9 p.m. if at least four hours notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-65 Red River.

The draws of all bridges from mile 66.0 through mile 283.1 shall open on signal if at least 48 hours notice is given. The draws of the bridges need not open for a vessel that arrives at any of these bridges more than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

§ 117.190-67 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3, near Echo, the Kansas City Southern railroad bridge, mile 36.2, near Ruliff, and the S7 bridge, mile 40.8, at Starks shall open on signal if at least 24 hours notice is given.

§ 117.190-69 Superior Oil Canal.

The draw of the S82 bridge, mile 6.3, in Cameron Parish shall open on signal from 5 a.m. to 9 p.m., and from 9 p.m. to 5 a.m., if at least 12 hours notice is given.

§ 117.190-71 Stumpy Bayou.

The draw of the Louisiana highway bridge, mile 1.0, near Weeks Island shall

open on signal if at least six days notice is given.

§ 117.190-73 Tante Phine Pass.

The draw of the Tidewater Associated Oil Company bridge, mile 7.6, near Venice shall open on signal if at least 24 hours notice is given.

§ 117.190-75 Bayou Teche.

(a) The draws of all drawbridges, except those listed in subparagraph (d) below, shall open on signal from 5 a.m. to 9 p.m.

(b) The bridges listed in this subparagraph shall open on signal from October 1 through January 31 from 9 p.m. to 5 a.m., if at least three hours notice is given and from February 1 through September 30, if at least 12 hours notice is given.

S182 bridge, mile 3.9 at Calumet
S87 bridge, mile 11.8, at Centerville
S3069 bridge, mile 17.2, at Franklin
S322 bridge, mile 19.8, at Sterling
S323 bridge, mile 22.3, at Oaklawn
S87 bridge, mile 27.0, at Baldwin
S324 bridge, mile 32.5, at Charenton
S670 bridge, mile 37.0, at Adeline
S318 bridge, mile 38.9, at Sorell
S671 bridge, mile 41.8, at Jeanerette
S671 bridge, mile 43.5, at Jeanerette
S320 bridge, mile 48.7, at Oliver
S37 bridge, mile 52.5, at New Iberia
S86 bridge, mile 53.0, at New Iberia
S3156 bridge, mile 53.3, at New Iberia
S344 bridge, mile 56.7, at New Iberia

(c) The bridges listed in this subparagraph shall open on signal from 9 p.m. to 5 a.m., if at least 12 hours notice is given.

S330 bridge, mile 2.3, at Delcambre
S353 bridge, mile 58.0, at New Iberia
S94 bridge, mile 60.0, at Loreauville
S344 bridge, mile 61.0, at Loreauville
S86 bridge, mile 62.5, at Daspit
Missouri Pacific railroad bridge, mile 69.0, at Loreauville
St. Martin Sugar Cooperative railroad bridge, mile 77.7, at Loreauville

(d) The draws of the S31 bridge, mile 87.5, at Ruth, and the S31 bridge, mile 90.5, at Breaux, and the Southern Pacific railroad bridge, mile 91.0, at Breaux shall open on signal if at least 48 hours notice is given.

§ 117.190-77 Tensas River.

(a) The draw of the Missouri Pacific railroad bridge, mile 17.2, at Clayton shall open on signal from May 1 through December 31 during normal river stages if at least 12 hours notice is given to the Dispatcher, Missouri Pacific Railroad, Little Rock, Arkansas. During high-water periods the District Commander may require the constant attendance of a drawtender. The draw shall open on signal during such periods.

(b) The draw of the S15 bridge, mile 27.3, at Clayton shall open on signal if at least 48 hours notice is given.

§ 117.190-79 Terrebonne Bayou.

(a) The draw of the S24 bridge, mile 28.8, near Presquille Isle open on signal if at least 24 hours notice is given.

(b) The draw of the S3087 bridge, mile 33.9, at Prospect shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.190-81 Vermilion River.

(a) The draws of the bridges listed below shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given:

S82 bridge, mile 22.4, at Perry
S14 bridge, mile 25.4, at Abbeville
S14 bridge, mile 26.0, at Abbeville
S82 bridge, mile 34.2, three miles south of Milton
S92 bridge, mile 37.6, at Milton
S733 bridge, mile 41.0, at Elroi Broussard

(b) The draw of the US167 bridge, mile 44.9, at Lafayette shall open on signal if at least 48 hours notice is given.

§ 117.190-83 West Pearl River.

(a) The draw of the New Orleans and Northeastern railroad bridge, mile 22.1, at Pearl River Station shall open on signal if at least six hours notice is given.

(b) The draw of the US 90 bridge, mile 7.9, near Pearlinton shall open on signal from 5 a.m. to 9 a.m., and from 9 p.m. to 5 a.m. if at least 12 hours notice is given.

§ 117.195 Maine.

The following navigable waterways in Maine are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Maine are required to operate as provided by Subpart A.

§ 117.195-1 Back Cove.

The draw of the Canadian National railroad bridge, mile 0.2, at Portland shall open on signal from June 1 through September 30 from 8 a.m. to 12 midnight. At all other times the draw shall open on signal if at least 12 hours notice is given to the General Agent, Grand Trunk Railway, 1 India Street at Portland.

§ 117.195-3 Back River.

The draw of the Maine highway bridge, mile 4.6, between Hodgdon and Barter Island at Boothbay shall open on signal from June 1 through October 31 from 8 a.m. to 5 p.m. From 5 p.m. to 8

a.m. the draw shall open on signal if notice was given to the drawtender from 8 a.m. to 5 p.m. From November 1 through May 31 the draw shall open on signal if at least 24 hours notice is given to the drawtender or to the Maine State Highway Commission at Augusta.

§ 117.195-5 Kennebec River.

(a) The draw of the highway-railroad bridge, mile 14.0, between Bath and Woolwich shall open on signal:

(1) Except that from 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m., Monday through Friday, except Federal holidays, the draw need not open. However, loaded commercial fishing vessels proceeding upstream shall be passed at any time.

(2) From 3 a.m. to 7 p.m., from April 15 through June 15 and from October 1 through November 15; and at all times from June 16 through September 30.

(3) From April 15 through June 15 and October 1 through November 15 if at least four hours notice is given from 7 p.m. to 3 a.m.

(4) From February 15 through April 14 and November 16 through December 15 if at least four hours notice is given.

(5) From December 16 through February 14 if at least 24 hours notice is given.

(b) The draws of the Maine highway bridges, mile 27.1, between Richmond and Dresden, and mile 37.6 between Gardiner and Randolph shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw shall open on signal if notice is given to the drawtender from 5 a.m. to 9 p.m.

§ 117.195-7 Kennebunk River.

The draw of the Maine Dock Square highway bridge, mile 1.0, between Kennebunk and Kennebunkport shall open on signal from 7 a.m. to 5 p.m. From 5 p.m. to 7 a.m. the draw shall open on signal if notice is given to the drawtender from 7 a.m. to 5 p.m.

§ 117.195-9 Narraguagus River.

The draw of the highway bridge, mile 1.8, at Milbridge shall open on signal if at least 24 hours notice is given to the Maine State Highway Commission, Division Office at Ellsworth.

§ 117.195-11 Presumpscot River.

The draw of the US 1 bridge, mile 0.0, between Portland and Falmouth need not open for the passage of vessels.

§ 117.195-13 Sheepscot River.

The draws of the Maine highway bridge, mile 14, and the Maine Central railroad bridge, mile 15.0, both between Wiscasset and North Edgcomb need not open for the passage of vessels.

§ 117.195-15 Taunton River.

The draw of the Maine highway bridge, mile 4.3, between Hancock and Sullivan need not open for the passage of vessels.

§ 117.200 Maryland.

The following navigable waterways in Maryland are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Maryland are required to operate as provided in Subpart A.

§ 117.200-1 Baltimore Harbor-Patapsco River.

(a) The draw of the Hanover Street S2 bridge, mile 12.0, across the Middle Branch of the Patapsco River at Baltimore shall open on signal from 5 a.m. to 6:30 a.m., 9:30 a.m. to 4 p.m. and 6 p.m. to 9 p.m. The draw need not open from 6:30 a.m. to 9:30 a.m. and 4 p.m. to 6 p.m. When a vessel desires to pass the draw from 9 p.m. to 5 a.m., notice shall be given to the superintendent of the bridge by telephone or otherwise, either at the bridge before 9 p.m. or at his residence thereafter. If the notice is given between the hours of 5 a.m. and 9 p.m., or if at least one-half hour has elapsed since it was given, the draw shall open promptly at the time specified.

(b) The draw of the Western Maryland railroad bridge, mile 12.5, across the Middle Branch of the Patapsco River at Baltimore shall open on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except Federal holidays. At all other times at least six hours notice is required except for marine firefighting equipment and pollution control vessels which shall be passed as soon as possible but in no event more than 15 minutes after notification that such an opening is required.

§ 117.200-3 Bear Creek.

(a) The draws of the Baltimore County Revenue Authority highway toll bridges, miles 1.5 and 2.1, between Dundalk and Sparrows Point shall open on signal except that from April 16 through November 15 from 12 midnight to 8 a.m., except Saturdays, Sundays, and Federal holidays, at least a one-half hour notice is required.

(b) The draw of the Baltimore County highway bridge, mile 3.4, at Wise Avenue between Dundalk and Sparrows Point shall open on signal if at least four hours notice is given.

§ 117.200-5 Bohemia River.

(a) The draw of the S213 bridge, mile 4.0, at Cayots shall open on signal:

(1) From May 30 through September 30 from sunrise to sunset on Saturdays, Sundays and Federal holidays.

(2) From May 30 through September 30 from sunrise to sunset and from October 1 through May 29 from 7 a.m. Monday through 7 p.m. Friday if at least three hours notice is given.

(3) From October 1 through May 29 from 7 p.m. Friday through 7 a.m. Monday, the draw need not open unless the request was made before 7 p.m. Friday.

§ 117.200-7 Bush River.

The draw of the CONRAIL bridge, mile 6.8, at Perryman shall open on signal from June 1 through September 30 from 10 a.m. to 5 p.m., twice on Saturdays and twice on Sundays if at least 24 hours notice is given to the Bush River Boat Club. The draw need not open at all other times.

§ 117.200-9 Cambridge Harbor.

The draw of the S342 bridge, mile 0.1, at Cambridge shall open on signal from 6 a.m. to 8 p.m., except that from 12 noon to 1 p.m., Monday through Friday, the draw need not open. The draw need not open from 8 p.m. to 6 a.m.

§ 117.200-11 Chester River.

The draw of the S213 bridge, mile 26.8, at Chestertown shall open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other times the draw shall open on signal if at least six hours notice is given.

§ 117.200-13 Choptank River.

(a) The draw of the S404 bridge, mile 50.4, at Denton shall open on signal from 6 a.m. to 6 p.m., and from 6 p.m. to 6 a.m. if at least three hours notice is given.

(b) The draw of the CONRAIL bridge, mile 50.9, at Denton shall open on signal from May 30 through September 30 from sunrise to sunset and at all other times if at least four hours notice is given.

§ 117.200-15 Curtis Creek.

The draw of the I-695 bridge, mile 0.9, at Baltimore shall open on signal if at least a one-hour notice is given to the Maryland Transportation Authority in Baltimore.

§ 117.200-17 Dorsey Creek.

The draws of the Naval Academy highway bridge, mile 0.3, at Annapolis, and the Maryland highway bridge, mile 0.4, at Annapolis need not open for the passage of vessels.

§ 117.200-19 Kent Island Narrows.

(a) The draw of the US301 bridge, mile 1.0, at Kent Island Narrows shall open on signal from November 1 through April 30 from 6 a.m. to 6 p.m. The draw need not open from 6 p.m. to 6 a.m.

(b) From May 1 through October 31:

(1) The draw shall open for vessel traffic on the hour from 7 a.m. to 7 p.m. every day.

(2) The draw need not open from 7 p.m. to 7 a.m.

(3) If a vessel is approaching the drawbridge and cannot reach the draw exactly on the hour the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

§ 117.200-21 Marshyhope Creek.

The draw of the S14 bridge, mile 5.8, at Brookview need not open for the passage of vessels.

§ 117.200-23 Miles River.

(a) The draw of the S370 bridge, mile 10.0, at Easton shall open on signal from sunrise to sunset. A vessel wishing to pass the bridge between sunset and sunrise will notify the drawtender of the time at which it is desired to pass and the draw of the bridge shall open as soon as practicable thereafter.

§ 117.200-25 Patuxent River.

The draw of S231 bridge, mile 24.4, at Benedict shall open on signal from 6 a.m. to 6 p.m. From 6 p.m. to 6 a.m. the draw shall open on signal if notice is given to the Toll Captain at the Administration Building at the east end of the bridge before 6 p.m.

§ 117.200-27 Pocomoke River.

(a) The draw of the US 113 bridge, mile 15.6, at Pocomoke City shall open on signal from 6 a.m. to 10 p.m. The draw need not open from 10 p.m. to 6 a.m.

(b) The draw of the S12 bridge, mile 29.9, at Snow Hill shall open on signal if at least five hours notice is given.

§ 117.200-29 Sinepuxent Bay.

(a) The draw of the US 50 bridge, mile 0.5, at Ocean City shall open on signal, except that:

(1) From October 1 through April 30 at least three hours notice is required from 6 p.m. to 6 a.m.

(2) From May 25 through September 15, from 9 a.m. to 10 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to permit accumulated vessels to pass.

§ 117.200-31 South River.

(a) The draw of the S2 bridge, mile 5.7, at Edgewater shall open on signal:

(1) From April 1 through November 30, Monday through Friday, except Federal holidays, except that the draw need not open from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m.

(2) From April 1 through November 30, on Saturdays, Sundays and Federal holidays, from 9 p.m. to 9 a.m., and on the hour and half hour from 9 a.m. to 9 p.m., if any vessels are waiting to pass.

(3) From December 1 through March 31, if at least three hours notice is given.

§ 117.200-33 Spa Creek.

(a) The draw of the S181 bridge, mile 0.4, at Annapolis shall open on signal except that:

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

(2) From May 1 through November 1, from 10 a.m. to 5 p.m. on Saturdays and Sundays, the draw need not open except on the hour and half hour if any vessels are waiting to pass.

§ 117.200-35 Stoney Creek.

The draw of the S173 bridge, mile 0.9, at Riviera Beach shall open on signal except that from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal and State holidays, the draw need open only at 7:30 a.m. and 5 p.m. if any vessels are waiting to pass.

§ 117.200-37 Weems Creek.

The draw of the S437 bridge, mile 0.7, at West Annapolis shall open on signal from sunrise to sunset from May 1 through September 30. At all other times the draw shall open on signal if at least five hours notice is given.

§ 117.200-39 Wicomico River (North Prong).

The draw of the Main Street (US 50) bridge, mile 22.4, at Salisbury shall open on signal except that from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m. the draw need not open for the passage of vessels.

§ 117.205 Massachusetts.

The following navigable waterways in Massachusetts are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels have special operation regulations. All other drawbridges in Massachusetts are required to operate as provided in Subpart A.

§ 117.205-1 Achushnet River.

The draws of the US 6 bridge, mile 0.0, between New Bedford and Fairhaven shall open on signal except that from 6:30 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m., and 4 p.m. to 6 p.m. on all days other than Sundays and Federal holidays, the draws need not open for vessels drawing less than 15 feet of water. From May 1 through September 30 from 9 p.m. to 5 a.m. and from October 1 through April 30 from one hour after sunset to one hour before sunrise the draw shall open on signal if at least two hours notice is given.

§ 117.205-3 Apponaganset River.

The draw of the Padanarum highway bridge, mile 1.0, at South Dartmouth shall open on signal from May 1 through October 31 from sunrise to 7:30 a.m., 9:30 a.m., 11:30 a.m., 1 p.m., 4:30 p.m., 6:30 p.m. and one hour after sunset. At all other times the draw shall open on signal if at least six hours notice is given.

§ 117.205-5 Cape Cod Canal.

(a) The lift span of the Buzzards Bay railroad bridge, mile 0.7, at Bourne will normally be kept in the raised (open) position except for the passage of trains or for maintenance. No signal is required if the lift span is raised.

(b) If the lift span is in other than the raised position, the opening signal shall be one prolonged and one short blast.

(c) Signals to be sounded from the bridge are:

(1) Immediately preceding the raising of the drawspan: One prolonged blast.

(2) Immediately preceding the lowering of the drawspan: Two prolonged blasts.

(3) When a vessel has sounded the opening signal and the drawspan cannot be raised immediately: Five short blasts in a rapid succession.

(4) When the draw is closed and visibility is reduced in foggy weather: Five short blasts in rapid succession every two minutes.

§ 117.205-7 Charles River.

(a) The draw of the Charlestown bridge, mile 0.4, at Boston need not open for the passage of vessels.

(b) The draws of the Boston & Maine railroad bridge, mile 0.8, and the Metropolitan Transit Authority railroad bridge, mile 1.0, both at Boston shall open on signal except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 7:40 p.m., except Sundays and Federal holidays, the draws need not open for the passage of vessels.

(c) The draws of the Cambridge Viaduct bridge, mile 1.5, at Boston need not open for the passage of vessels.

(d) The draw of the Commercial Avenue bridge across Lechmere Canal, mile 0.0, at Boston need not open for the passage of vessels.

(e) The draw of the First Street bridge across Broad Canal, mile 0.0, at Boston shall open on signal from October 1 through May 31, except that from Monday through Friday, except Federal holidays, from 7:30 a.m. to 9 a.m., and 4:30 p.m. to 6 p.m. the draws need not open. From June 1 through September 30 the draw shall open on signal if at least 12 hours notice is given.

(f) The draws of the bridges across Broad Canal need not open for the passage of vessels.

§ 117.205-9 Danvers River.

The draws of the US 1 bridge, mile 0.0, the Boston and Maine railroad bridge, mile 0.0, and the Essex County bridge, mile 1.0, all at Salem shall open on signal from 8 a.m. to 12 midnight. From 12 midnight to 8 a.m. the draws shall open as soon as possible after notice is given to the drawtenders, either at the bridges during the time the operators are on duty or at their residences thereafter.

§ 117.205-11 Dorchester Bay.

The draw of the William T. Morrissey Boulevard bridge, mile . , at Boston shall open on signal from April 16 through October 14, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or Federal holidays. From October 15 through April 15, the draw shall open on signal if at least 24 hours notice is given.

§ 117.205-13 Fort Point Channel.

(a) The draws of the Northern Street bridge, mile 0.1, at Boston shall open on signal, except that from 7 a.m. to 9 a.m., and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open except for vessels whose draft is less than 18 feet. From 8 p.m. to 6 a.m. the draw need not open for the passage of vessels.

(b) The draws of the Congress Street bridge, mile 0.3, and the Sumner Street bridge, mile 0.4, both at Boston need not open for the passage of vessels.

(c) The draws of the Dorchester Avenue bridge, mile 0.8, the Conrail railroad bridge, mile 0.8, the Broadway bridge, mile 1.0, and the Dover Street bridge, mile 1.2, all at Boston, need not open for the passage of vessels.

§ 117.205-15 Malden River.

The draw of the US 1 bridge, mile 0.3, between Medford and Everett need not open for the passage of vessels.

§ 117.205-17 Manchester Harbor.

The draw of the Boston and Maine railroad bridge, mile 1.0, at Manchester shall open on signal from April 1 through November 1 from 9 a.m. to 1 p.m., and 2 p.m. to 6 p.m. At all other times at least two hours notice is required from 6:45 a.m. to 3:45 p.m. and at least five hours notice is required from 3:45 p.m. to 6:45 a.m. The notice is to be given to the Chief Dispatcher, Boston and Maine railroad, Boston.

§ 117.205-19 Merrimack River.

(a) The draws of the US 1 bridge, mile 3.4, at Newburyport shall open on signal May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 8 a.m. to 5 p.m. At all other times the draws shall open if at least a one-hour notice is given.

(b) The draw of the Boston and Maine railroad bridge, mile 3.4, at Newburyport will normally be maintained in the open position. When the draw is in the closed position, a drawtender shall be on duty and the draw shall open on signal.

(c) The draws of the Essex County bridge, mile 5.8, at Newburyport, the Essex County bridge, mile 12.6, at Rocks Village, and Groveland bridge, mile 16.5, at Groveland shall open on signal if at least two hours notice is given.

§ 117.205-21 Mystic River.

(a) The draws of the US 1 bridge, mile 1.4, and the Boston and Maine railroad bridge, mile 1.8, both at Boston shall open on signal except that from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m. and 5 p.m. to 6 p.m., except Sundays and on Federal holidays, the draws need not open for the passage of vessels whose draft is less than 18 feet.

(b) The draws of the Wellington bridge, mile 2.5, and the General Lawrence bridge, mile 3.6, both at Boston need not open for the passage of vessels.

§ 117.205-23 Neponset River.

The draw of the Granite Avenue bridge, mile 0.0, at Boston shall open on signal from May 1 through October 31 and from November 1 through April 30 from 8 a.m. to 4 p.m. The draw shall open on signal from November 1 through April 30 from 4 p.m. to 8 a.m. if at least 24 hours notice is given.

§ 117.205-25 North River.

The draws of the S3A bridge, mile 1.6, at Scituate and the Plymouth County bridge, mile 3.0, at Norwell shall open on signal from May 1 through October 31 if at least four hours notice is given.

§ 117.205-27 Plum Island River.

The draw of the US 1 bridge, mile 0.1, between Newburyport and Plum Island shall open on signal from April 1 through November 30 during daylight hours two hours before to two hours after each high tide. Daylight shall begin one-half hour before sunrise and end one-half hour after sunset and high tide shall occur one-half hour later than the time of high tide for Portland as published by the National Oceanic and Atmospheric Administration. At all other times the draw shall open on signal if at least three hours notice is given.

§ 117.205-29 Reserve Channel.

The draw of the Sumner Street bridge, mile 0.2, at Boston shall open on signal from 9:30 a.m. to 4 p.m., Monday through Saturday. At all other times the draw shall open on signal if at least 10 hours notice is given.

§ 117.205-31 Taunton River.

The draw of the Bristol County bridge, mile 10.3, at Berkley shall open on signal from May 1 through October 31 from 5 a.m. to 10 p.m. and from November 1 through April 30 from 6 a.m. to 6 p.m. At all other times the draw shall open on signal if at least a one-half hour notice is given.

§ 117.205-33 Weymouth Fore River.

The draw of the S3 bridge, mile 3.5, between Quincy Point and Weymouth shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays.

§ 117.210 Michigan.

The following navigable waterways in Michigan are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Michigan are required to operate as provided in Subpart A.

§ 117.210-1 Black River.

(a) The draws of the Military Street bridge, mile 0.3, and Seventh Street bridge, mile 0.5, both at Port Huron shall open on signal:

(1) From May 1 through October 31 on Sundays and Federal holidays from 5:30 p.m. to 9 a.m.

(2) From May 1 through October 31, from 9 a.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, only on the hour and half hour.

(3) From November 1 through November 30 and April 1 through April 30 from 8 a.m. to 4 p.m., and from 4 p.m.

to 8 a.m., if at least three hours notice is given.

(4) From December 1 through March 31 if at least 24 hours notice is given.

(b) The draw of the Tenth Street bridge, mile 0.9, at Port Huron shall open on signal:

(1) From May 1 through October 31 from 8 a.m. to 11 p.m. and from 11 p.m. to 8 a.m. if at least one hours notice is given.

(2) From April 1 through April 30 and November 1 through November 30 if at least three hours notice is given.

(3) From December 1 through March 31 if at least 24 hours notice is given.

(c) Notice requesting the opening of any of the Black River bridges may be given to the dispatcher of the Port Huron Police Department.

§ 117.210-3 Cheboygan River.

(a) The draw of the US 23 bridge, mile 0.9, at Cheboygan shall open on signal:

(1) From March 16 through May 15 and September 16 through December 14.

(2) From May 16 through September 15, Monday through Friday, from 6:12 p.m. to 7:18 a.m.; from 5:12 p.m. to 11:18 a.m. on Saturdays; and all day on Sundays.

(3) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and on Saturdays from 11:18 a.m. to 5:12 p.m., the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(4) From December 15 through March 15 if at least 24 hours notice is given to the Cheboygan Police Department.

§ 117.210-5 Crooked River.

The draw of the S68 bridge, mile 29.6, at Alanson shall open on signal from May 16 through October 31. From November 1 through May 15 the draw shall open on signal if at least eight hours notice is given. The draw may be left unattended in the open position.

§ 117.210-7 Detroit River (Trenton Channel).

The draw of the Wayne County bridge, mile 5.6, at Detroit shall open on signal from March 16 through December 14 and from December 15 through March 15 the draw shall open on signal if at least five hours notice is given.

§ 117.210-9 Grand River.

(a) The draw of the Grand Trunk Western railroad bridge, mile 2.0, at Grand Haven shall open on signal from March 16 through December 14. From December 15 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(b) The draw of the US31 bridge, mile 2.2, at Grand Haven shall open on signal:

(1) From March 16 through May 14, and from October 15 through December 14.

(2) From May 15 through October 14 from 9:03 p.m. to 6:03 a.m.

(3) From May 15 through October 14 from 6:03 a.m. to 9:03 p.m., from three minutes before to three minutes after the hour and half hour.

(4) From December 15 through March 15 if at least 24 hours notice is given.

(c) The draw of the Grand Trunk Western railroad bridge, mile 0.2, across the mouth of Spring Lake shall open on signal from March 16 through December 14 and from December 15 through March 15 if at least 24 hours notice is given.

§ 117.210-11 Keweenaw Waterway.

The draw of the US41 bridge, mile 16.0, between Houghton and Hancock shall open on signal from March 16 through December 31. From January 1 through March 15 the draws shall open on signal if at least 24 hours notice is given.

§ 117.210-13 Manistee River

The draws of the Maple Street bridge, mile 1.1, the Smith Street bridge, mile 1.4, and the Chessie System railroad bridge, mile 1.5, all at Manistee shall open on signal from April 1 through December 31. From January 1 through March 31 the draws shall open on signal if at least 24 hours notice is given.

§ 117.210-15 Ontonagon River.

The draw of the S64 bridge, mile 0.3, at Ontonagon shall open on signal from March 16 through December 15 from 7 a.m. to 11 p.m., and from 11 p.m. to 7 a.m. if at least one hour notice is given. From December 16 through March 15 the draw shall open on signal if at least 24 hours notice is given.

§ 117.210-17 Pine River.

The draw of the US31 bridge, mile 0.3, at Charlevoix shall open on signal from 6 p.m. to 6 a.m. From 6 a.m. to 6 p.m. the draw shall open on signal on the hour and half hour if any vessels are waiting to pass.

§ 117.210-19 Pine River.

The draw of the S29 bridge, mile 0.1, at St. Clair shall open on signal from April 1 through November 30 from 2 a.m. to 8 a.m. and from 8 a.m. to 2 a.m. on the hour and one-half hour. From December 1 through March 31 the draw shall open on signal if at least 24 hours notice is given.

§ 117.210-21 Rouge River (Short Cut Canal).

(a) The draws of the Jefferson Avenue bridge, mile 1.1, and the Fort Street bridge, mile 2.2, shall open on signal from March 16 through December 14 and from December 15 through March 15 from 8:30 a.m. to 4 p.m., 4:40 p.m. to 5 p.m., and 6 p.m. to 7:30 a.m., Monday through Friday, and on Saturdays, Sundays, and Federal holidays.

(1) From December 15 through March 15 the draws need not open from 7:30 a.m. to 8:30 a.m., 4 p.m. to 4:40 p.m., and 5 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

§ 117.210-23 Saginaw River.

(a) The draws of the Detroit and Mackinac railroad bridge, mile 2.5, at Bay City, the CONRAIL railroad bridge, mile 4.4, at Bay City and the Chessie System railroad bridge, mile 17.2, at Saginaw shall open on signal from March 16 through December 15. From December 16 through March 15 the draws shall open on signal if at least 12 hours notice is given.

(b) The draws of the Belinda Street bridge, mile 3.4, Third Street bridge, mile 4.7, Veterans Memorial bridge, mile 5.0, and Lafayette Street Bridge, mile 6.2, all in Bay City shall open on signal from March 16 through December 15, except that:

(1) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., except Sundays, the draws need not open for the passage of vessels of less than 50 gross tons.

(2) From 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m., except on Sundays and Federal holidays, the draws need not open for the passage of downbound vessels of over 50 gross tons.

(3) From 8 a.m. to 8 p.m., on Saturdays, Sundays, and Federal holidays, the draw of the Belinda Street bridge need not open for the passage of pleasure craft except on the hour and half hour.

(4) From December 16 through March 15 the draws of these bridges shall open on signal if at least 12 hours notice is given to the dispatcher of the Bay City Police Department.

(c) The draw of the I-75 bridge, mile 14.5, at Zilwaukee, shall open on signal from March 16 through December 15, and December 16 through March 15 if at least 12 hours notice is given.

(d) The draw of the Sixth Avenue bridge, mile 16.5, at Zilwaukee shall open on signal from April 1 through November 15 from 7 a.m. to 11 p.m., and at all other times if at least three hours notice is given to the bridge operations officer of the Saginaw Police Department.

(e) The draws of all bridges above the Sixth Avenue bridge shall open on signal if at least three hours notice is given to the bridge operations officer of the Saginaw Police Department.

§ 117.210-25 St. Joseph Harbor.

The draw of the US31 bridge, mile 0.9, at St. Joseph shall open on signal from March 2 through December 14. From December 15 through March 1 the draw shall open on signal if at least 12 hours notice is given.

§ 117.210-27 St. Mary's Falls Canal.

The draw of the Sea Line railroad bridge, mile 1.0, at Sault Ste. Marie shall be maintained in the open position during the navigation season, except when a train is approaching and crossing this bridge or for maintenance.

Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and the vessel is proceeding toward the bridge, nor against a downbound vessel, 1,200 feet or less west of the bridge, unless said vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

§ 117.210-29 Thunder Bay River.

The draw of the US23 bridge, mile 0.3, at Alpena shall open on signal if at least three hours notice is given to the Dispatcher, Police Department, City of Alpena, Michigan.

§ 117.215 Minnesota.

The following navigable waterways in Minnesota are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Minnesota are required to operate as provided in Subpart A.

§ 117.215-1 Duluth Ship Canal (Duluth-Superior Harbor).

(a) The draw of the Duluth Ship Canal bridge, mile 0.1, at Duluth shall open on signal from March 16 through December 31. From January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(1) If the Duluth Ship Canal Bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal.

(2) Vessels must be given precedence over highway or railway traffic at all times.

§ 117.215-3 Minnesota River.

The draws of the bridges from the mouth through LeSueur shall open on signal if at least 24 hours notice is given. The draws of the bridge above LeSueur need not open for the passage of vessels.

§ 117.215-5 Red River of the North.

The draws of the bridges need not open for the passage of vessels.

§ 117.215-7 St. Croix River.

(a) The draws of the bridges from the mouth through Hudson shall open on signal from March 2 through December 14. From December 15 through March 1 the draws shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 bridge, mile 23.4, at Stillwater shall open on signal from May 15 through October 15 as follows:

(1) From 8 a.m. to 2 p.m., and from 9 p.m. to 12 midnight on Saturdays, Sundays and Federal holidays.

(2) From 2 p.m. to 9 p.m. on Saturdays, Sundays, and Federal holidays every hour on the hour.

(3) From 1 p.m. to 9 p.m., Monday through Friday, except Federal holidays.

(4) At all other times the draw shall open on signal if at least two hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7, at Otisville need not open for the passage of vessels.

§ 117.215-9 St. Louis River.

(a) The draws of the Burlington Northern railroad bridges, Minnesota Draw, mile 5.7, and Wisconsin Draw, mile 5.7, the Grassy Point Bridge, mile 8.0, and the Arrowhead Bridge, mile 8.7, shall open on signal from March 16 through December 31. From January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(b) The draws of the Duluth Missabe and Iron Range Railway bridge (Transfer Bridge), mile 16.3, need not open for the passage of vessels.

§ 117.215-11 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 10, mile 615.1, shall open on signal from March 2 through December 14. From December 15 through March 1 the draws shall open on signal if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 1, mile ., and Lock and Dam No. 2, mile 815.2, from March 2 through December 14 shall open on signal. From December 15 through

March 1 the draws shall open on signal if at least 12 hours notice is given.

§ 117.220 Mississippi.

The following navigable waterways in Mississippi are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Mississippi are required to operate as provided in Subpart A.

§ 117.220-1 Back Bay of Biloxi.

The draw of the S15 bridge, mile 3.0, at Biloxi shall open on signal if at least six hours notice is given.

§ 117.220-3 Big Sunflower River.

The draw of the Columbus and Greenville railroad bridge, mile 96.1, at Baird shall open on signal if at least four hours notice is given.

§ 117.220-5 Escatawpa River.

The draw of the S63 bridge, mile 1.0, at Moss Point shall open on signal except that from 6 a.m. to 6:45 a.m., 7 a.m. to 7:30 a.m., 3:25 p.m. to 3:45 p.m., and 4 p.m. to 5 p.m., Monday through Friday, Federal holidays, the draw need not open for the passage of vessels.

§ 117.220-7 Old Fort Bayou.

The draw of the US90 bridge, mile 1.6, at Ocean Springs shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw shall open on signal if at least eight hours notice is given to the Old Fort Bayou drawtender.

§ 117.220-9 Pascagoula River.

The draw of the US90 bridge, mile 1.8, at Pascagoula shall open on signal except that from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, Federal holidays, excepted, the draw need not open for the passage of vessels.

§ 117.220-11 Yazoo River.

(a) The draws of the Illinois Central Gulf railroad bridge, mile 16.7, at Redwood, and the Sartartia highway (S433) bridge, mile 53.3, at Sartartia shall open on signal if at least two hours notice is given. When a vessel has given notice and fails to arrive within the two-hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional two-hour notice is required.

(b) The draws of the bridges upstream from the Sartartia highway (S433) bridge shall open on signal if at least four hours notice is given. When a vessel has given

notice and fails to arrive within the four-hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessels appears. After this, time, an additional four-hour notice is required.

§ 117.225 Missouri.

The following navigable waterways in Missouri are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Missouri are required to operate as provided in Subpart A.

§ 117.225-1 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City, Iowa, shall open on signal from March 1 through December 15. From December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

§ 117.225-3 Osage River.

The draw of the Missouri Pacific Railroad bridge, mile 5.6, at Osage City need not open for the passage of vessels.

§ 117.230 Montana.

The following navigable waterways in Montana are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Montana are required to operate as provided in Subpart A.

§ 117.230-1 Missouri River.

The draw of the Burlington Northern Railroad bridge, mile 1,589.8, near Snowden need not open for the passage of vessels.

§ 117.230-3 Yellowstone River.

The draw of the Burlington Northern Railroad bridge, mile 8.9, at Fremont need not open for the passage of vessels.

§ 117.235 Nebraska.

The following navigable waterways in Nebraska are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Nebraska are required to operate as provided in Subpart A.

§ 117.235-1 Missouri River.

The draw of the Illinois Central Gulf railroad bridge, mile 618.3, at Omaha shall open on signal from March 2

through November 30. From December 1 through March 1 the draw shall open on signal if at least 24 hours notice is given.

§ 117.240 Nevada.

There are no known or authorized drawbridges in Nevada.

§ 117.245 New Hampshire.

The following navigable waterways in New Hampshire are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in New Hampshire are required to.

§ 117.245-1 Bellamy River.

The draw of the state highway bridge, mile 0.2, at Dover shall open on signal from April through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times the draw shall open as soon as possible only for emergencies.

§ 117.245-3 Hampton River.

The draw of the state highway bridge, mile 0.0, at Hampton shall open on signal from April 1 through October 31 for the passage of vessels during the daylight portions of the periods beginning three hours before and ending three hours after each high water. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high water shall be deemed to occur 30 minutes later than the time of high water for Portland, Maine, as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration. At all other times the draw shall open on signal if at least three hours notice is given.

§ 117.245-5 Little Harbor.

The draw of the US1 bridge, mile 1.0, between New Castle and Rye shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times the draw shall open as soon as possible only for emergencies.

§ 117.250 New Jersey.

The following navigable waterways in New Jersey are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in New Jersey are required to operate as provided in Subpart A.

§117.250-1 Alloway Creek.

(a) The draws of the Salem County bridges, miles 5.1 at Hancocks and 6.5 at Upper Hancocks shall open on signal if at least 24 hours notice is given.

(b) The draw of the S49 bridge, mile 9.5, at Quinton need not open for the passage of vessels.

§117.250-3 Bass River.

The draw of the US9 bridge, mile 2.6, at New Gretna shall open on signal from December 1 through the last day of February, and from March 1 through November 30 from 7 a.m. to 11 p.m. From March 1 through November 30, from 11 p.m. to 7 a.m., the draw shall open on signal if at least six hours notice is given.

§117.250-5 Beaver Dam Creek.

The draw of the Ocean County bridge, mile 0.5, at Point Pleasant shall open on signal from April 1 through November 30 from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

§117.250-7 Cape Island Creek.

The draw of the Cape May County bridge, mile 0.3, at Cape May need not open for the passage of vessels.

§117.250-9 Cheesequake Creek.

(a) The draw of the S35 bridge, mile 0.0, at Morgan, South Amboy shall open on signal except that from May 15 through October 15 from 7 a.m. to 7 p.m. the draw need only open on the hour, and from December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not open for the passage of vessels.

(b) The draws of the railroad bridge, mile 0.2, shall open on signal, except at least four hours notice is required:

(1) From January 1 through March 1 from 6 p.m. to 6 a.m.

(2) From April 1 through April 30 and November 1 through November 30, from 10 p.m. to 6 a.m., Monday through Thursday, and midnight Sunday through 6 a.m. Monday.

(3) From December 1 through December 31 from 10 p.m. to 6 a.m.

§117.250-11 Cohansey River.

The draw of the Broad Street bridge, mile 18.2, at Bridgeton need not open for the passage of vessels.

§117.250-13 Cooper River.

(a) The draws of the State Street bridge, mile 0.3, the CONRAIL bridge at North River Avenue, mile 0.9, and the Federal Street bridge, mile 1.0, all at Camden shall open on signal if at least four hours notice is given.

(b) The draw of the Admiral Wilson Boulevard bridge, mile 1.1, at Camden need not open for the passage of vessels.

§117.250-15 Debbies Creek.

The draw of the Monmouth County highway bridge, mile 0.4, at Mansasquan shall open on signal except that from Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need open only on the hour and half hour if any vessels are waiting to pass.

§117.250-17 Delaware River (Back Channel).

The draw of the CONRAIL bridge between Petty Island and Camden need not open for the passage of vessels.

§117.250-19 Elizabeth River.

(a) The draws of the railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1, all at Elizabeth need not open for passage of vessels.

(b) The draws of the South First Street bridge, mile 0.4, at Elizabeth shall open on signal if at least three hours notice is given.

(c) The draw of the South Front Street bridge, mile 0.0, at Elizabeth shall open on signal from 7 a.m. to 12 midnight. From 12 midnight to 7 a.m. the draw shall open on signal if at least three hours notice is given.

§117.250-21 Great Channel.

The draw of the Cape May County bridge, mile 0.7, between Stone Harbor and Nummy Island shall open on signal from May 1 through October 31. From November 1 through April 30 the draw shall open on signal if at least 24 hours notice is given.

§117.250-23 Hackensack River.

(a) The draws of each bridge shall open on signal except that:

(1) The draw of Amtrak's Portal bridge at Snake Hill, mile 5.0, need not open Monday through Friday, except Federal holidays from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:50 p.m. Outside of these closed periods, an opening may not be delayed for more than ten minutes unless the drawtender and the vessel, communicating by radiotelephone, agree to a longer delay.

(2) The draw of the S46 bridge, mile 14.0, at Little Ferry shall open on signal if at least six hours notice is given.

(3) The draw of the Court Street bridge, mile 16.2, at Hackensack shall open on signal if at least two hours notice is given from 8 a.m. to 12 midnight. From 12 midnight to 8 a.m. the draw shall open on signal if at least eight hours notice is given.

(4) The draws of the CONRAIL and New York, Susquehanna and Western railroad bridges, mile 0.0, on Overpeck Creek shall open on signal if at least 24 hours notice is given.

(5) The draws of the New York, Susquehanna, and Western railroad bridge, mile 16.3, at Hackensack and the Midtown bridge, mile 16.5, at Hackensack need not open for the passage of vessels (see 33 CFR 117.3).

§117.250-25 Manantico Creek.

The draw of the highway bridge, mile 0.5, at Millville need not open for the passage of vessels.

§117.250-27 Maurice River.

The draw of the Cumberland County bridge, mile 12.1, at Mauricetown need not open for the passage of vessels.

§117.250-29 New Jersey Intracoastal Waterway.

(a) The draw of the S34 bridge, mile 3.4, across the Manasquan River at Brick township shall open on signal from 7 a.m. to 11 p.m. The draw need not open from 11 p.m. to 7 a.m.

(b) The draw of the S37 bridge, mile 6.3, across Barnegat Bay at Montoloking shall open on signal except that:

(1) From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not open to navigation.

(2) From Memorial Day through Labor Day from 10 a.m. to 2 p.m. Saturdays, Sundays, and Federal holidays, the draw need only open on the hour and half hour, except that it shall open at any time for the passage of vessels with tows during such periods.

(c) The draws of the Pennsylvania-Reading Seashore Lines railroad bridge, mile 68.9, across Beach Thorofare at Atlantic City shall open on signal from 11 p.m. to 6 a.m. The draw shall open on signal from 20 minutes to 30 minutes after each hour from 6 a.m. to 11 p.m. if any vessels are waiting to pass.

(d) The draw of the Albany Avenue (US40-322) bridge, mile 70.0 across the Inside Thorofare at Atlantic City shall open on signal from October 1 through May 30, and from June 1 through September 30 from 9 p.m. to 9 a.m. From June 1 through September 30 from 9 a.m. to 4 p.m., and from 6 p.m. to 9 p.m., the draw shall open on the hour and half hour. From June 1 through September 31 from 4 p.m. to 6 p.m., the draw need not open.

(e) The draw of the Dorset Avenue bridge, mile 71.2, across the Inside Thorofare at Ventnor City shall open on signal from October 1 through May 30 and from June 1 through September 30 from 9:15 p.m. to 9:15 a.m. From June 1 through September 30 from 9:15 a.m. to 9:15 p.m., the draw need open only on the quarter and three-quarter hours for any vessels waiting to pass.

(f) The draw of the Route 52 (Ninth Street) bridge, mile 80.4, across Beach Thoroughfare at Ocean City shall open on signal except that from Memorial Day through Labor Day from 11 a.m. to 5 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half hour if any vessels are waiting to pass.

§ 117.250-31 Oceanport Creek.

The draw of the New York and Long Branch railroad bridge, mile 8.4, near Oceanport shall open on signal if at least four hours notice is given.

§ 117.250-33 Oldmans Creek.

The draws of the US30 bridge, mile 3.1, at Nortonville, the Pennsylvania-Reading Seashore Lines bridge, mile 4.0, at Jumbo and the Salem County bridge, mile 5.1, at Pedricktown need not open for the passage of vessels.

§ 117.250-35 Passaic River.

The draws of each bridge except those listed below shall open on signal except that:

(a) The following bridges need not open during the hours specified, Monday through Friday, except Federal holidays:

(1) Amtrak's Dock bridge, mile 5.0, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6:50 p.m. Outside of these closed periods, an opening of the Dock bridge may be delayed no more than 10 minutes unless the drawtender and the vessel, communicating by radiotelephone, agree to a longer delay.

(2) CONRAIL's Morristown Line bridge, mile 5.8, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m.

(b) The opening of the draw of the following bridges may be delayed as specified:

(1) Route 280 (Stickel Memorial) bridge, mile 5.8. The draw shall open on signal if at least eight hours notice is given. In an emergency the draw shall open as soon as possible but not more than two hours after the opening request.

(2) CONRAIL bridge (West Arlington), mile 8.0, from 7 a.m. to 11 p.m., the draw shall open on signal if at least eight hours notice is given. From 11 p.m. to 7 a.m., the draw need not open.

(3) CONRAIL bridge (Lyndhurst), mile 11.7, from 8 a.m. to midnight, the draw shall open on signal. From midnight to 8 a.m., the draw shall open on signal if at least six hours notice is given.

(4) Route 3 bridge, Rutherford, mile 11.8. The draw shall open on signal if at least six hours notice is given.

(5) Union Avenue bridge, mile 13.2, shall open on signal from 8 a.m. to midnight. From midnight to 8 a.m. the

draw shall open on signal if at least eight hours notice is given.

(c) The draws of the following bridges need not open for the passage of vessels:

- (1) Gregory Avenue bridge, mile 14.0.
- (2) Second Street bridge, mile 14.7.
- (3) West Eighth Street bridge, mile 15.3.

§ 117.250-37 Raccoon Creek.

The draw of the Pennsylvania-Reading Seashore railroad bridge, mile 2.0, at Bridgeport shall open on signal from March 1 through November 30, and from December 1 through the last day of February from 6 a.m. to 10 p.m., Monday through Friday. At all other times at least four hours notice is required.

§ 117.250-39 Rahway River.

The draw of the railroad bridge, mile 2.0, at Linden shall open on signal from April 1 through November 30 from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least four hours notice is given.

§ 117.250-41 Rancocas River (Creek).

The draws of the S543 bridge, mile 1.3, at Riverside, the CONRAIL bridge, mile 1.6, at Delanco, the US130 bridge, mile 3.3, at Bridgeboro and the S38 bridge, mile 7.8, at Centerton shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. From December 1 through March 31 from 7 a.m. to 11 p.m. the draws shall open on signal if at least 24 hours notice is given. From 11 p.m. to 7 a.m. the draws need not open for the passage of vessels.

§ 117.250-43 Raritan River and Arthur Kill and their tributaries.

The draws of all bridges shall open on signal except that from 7:30 a.m. to 10 a.m. and 5 p.m. to 7:30 p.m. the draws may open for the passage of vessels for periods no longer than 10 minutes.

§ 117.250-45 Salem River.

The draw of the S49 bridge, mile 3.5, at Salem shall open on signal if at least 24 hours notice is given.

§ 117.250-47 Shark River.

(a) The draws of S71 bridge, mile 0.8, at Avon, the railroad bridge, mile 0.9, at Avon and the S35 bridge, mile 0.9, at Avon are considered and operate as one unit. The owners shall provide signal systems so connected that the operator of any of the bridges may simultaneously notify the operators of the other two. The operator of the first bridge to be passed shall be responsible for observing the approach of vessels for receiving and acknowledging signals, and for communicating to the operators of the other bridges, the intention of such vessels.

(b) The draws shall open on signal from October 1 through May 14 and from May 15 through September 30, Monday through Friday, except Federal holidays, from 7 p.m. to 4 p.m., and Saturdays, Sundays and holidays, from 9 p.m. to 9 a.m.

(c) From May 15 through September 30 from 4 p.m. to 7 p.m., Monday through Friday, except Federal holidays and from 9 a.m. to 9 p.m. Saturdays, Sundays, and holidays the draw need open only on the hour and half hour if any vessels are waiting to pass.

§ 117.250-49 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 bridge, mile 0.5, at Ocean City shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

§ 117.250-51 Shrewsbury River (South Branch).

The draw of the Monmouth County highway bridge, mile 4.0, at Seabright shall open on signal:

(a) From November 1 through April 14 and from April 15 through October 30 from 8 p.m. to 9 a.m.

(b) From April 15 through October 30, on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, from 9 a.m. to 8 p.m., on the hour and half hour if any vessels are waiting to pass.

(c) From April 15 through October 30 delays of the openings of the draw may be made for a maximum of 10 minutes in order to consolidate vessels or clear road traffic.

§ 117.250-53 Tuckahoe River.

The draw of the State highway bridge, mile 8.0, at Tuckahoe shall open on signal if at least 24 hours notice is given.

§ 117.250-55 Wading River.

The draw of the Burlington County highway bridge, mile 5.0, at Wading River shall open on signal if at least 24 hours notice is given.

§ 117.250-57 Woodbridge Creek.

The draws of the Middlesex County highway bridge, mile 0.5, at Sewaren and the railroad bridge, mile 0.6, at Sewaren shall open on signal if at least four hours notice is given.

§ 117.255 New Mexico.

There are no known or authorized drawbridges in New Mexico.

§ 117.260 New York.

The following navigable waterways in New York are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need

not open for the passage of vessels or have special operation regulations. All other drawbridges in New York are required to operate as provided in Subpart A.

§ 117.260-1 Bronx River.

The draws of the Westchester Avenue highway bridge, mile 1.5, at New York City need not open for the passage of vessels.

§ 117.260-3 Buffalo River.

(a) The draws of the Michigan Avenue bridge, mile 1.3, and the Ohio Street bridge, mile 2.1, both at Buffalo shall open on signal, except that from 7:30 a.m. to 9 p.m. and from 4 p.m. to 5:45 p.m., Monday through Saturday, except Federal holidays, the draws need not open for the passage of vessels.

(b) The draws of the South Park Avenue bridge, mile 5.3, at Buffalo shall open on signal, except that from 7 a.m. to 8:30 a.m., and from 4 p.m. to 5:45 p.m., Monday through Saturday, except Federal holidays, the draws need not open for the passage of vessels.

§ 117.260-5 Coney Island Creek.

The draws of the Cropsey Avenue bridge, mile 0.4, and the New York City Transit Authority bridges near Stillwell Avenue, mile 0.7, both at New York City need not open for the passage of vessels.

§ 117.260-7 Dutch Kills.

(a) The draws of the Hunters Point Avenue, mile 1.2, and the Borden Avenue bridge, mile 1.4, both at New York City shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(b) The draws of the Long Island Railroad bridge, mile 1.1, at New York City shall open on signal if at least six hours notice is given to the Long Island Railroad Movement Bureau.

§ 117.260-9 Eastchester Bay (Arm of).

The draw of the highway bridge, mile 2.2, between Rodman Neck and City Island at New York City need not open for the passage of vessels.

§ 117.260-11 East River.

The draw of the Roosevelt (Welfare) Island bridge, mile 6.4, at New York City shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.260-13 Flushing Creek.

The draws of the Whitestone Parkway bridge, mile 0.2, the Roosevelt Avenue bridge, mile 0.8, and the Long Island Railroad bridge, mile 1.0, all at New

York City need not open for the passage of vessels.

§ 117.260-15 Genesee River.

(a) The draw of the CONRAIL bridge, mile 0.9, at Rochester shall open on signal from April 1 through December 15. From December 15 through March 31, the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the Stutson Street bridge, mile 1.2, at Rochester shall open on signal from April 1 through December 15, however, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m., Monday through Friday, except Federal holidays, and from 7 a.m. to 11 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour and half hour. From December 16 through March 31 the draw shall open on signal if at least 12 hours notice is given.

§ 117.260-17 Gowanus Canal.

The draws of the Third Street bridge, mile 1.3, the Carroll Street bridge, mile 2.0, and the Union Street bridge, mile 2.1, all at New York City shall open on signal from October 1 through April 30. From May 1 through September 30, the draws shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.260-19 Harlem River.

(a) The draws of each bridge need not open from 5 p.m. to 10 a.m.

(b) The draws of each bridge shall open on signal from 10 a.m. to 5 p.m., if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.260-21 Hudson River.

(a) The draws of the CONRAIL bridge, mile 146.2, between Albany and Rensselaer shall open on signal from April 1 through December 15. From December 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(b) The draws of the state highway bridge, mile 150.2, between Troy and Menands need not open for the passage of vessels.

(c) The draws of the highway bridge, mile 152.7, between Troy and Green Island:

(1) Need not open from December 16 through March 31.

(2) Shall open on signal from April 1 through December 15, from 9 a.m. to 4 p.m. and from 6 p.m. to 7 a.m., if notice

is given, before 4:30 p.m., of the time the vessel is expected to pass.

(3) Need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. from April 1 through December 15.

(d) The draws of the 112th Street bridge, mile 155.4, between Troy and Cohoes:

(1) Shall open on signal from 9 a.m. to 4 p.m. and from 6 p.m. to 7 a.m., if notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(2) Need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(3) During the period that the Federal Lock at Troy is inoperative, the draw need not open for the passage of vessels.

§ 117.260-23 Hutchinson River.

The draws of the Hutchinson River Parkway bridge, mile 0.9, and the New England Thruway (I-95) bridge, mile 2.2, both at New York City shall open on signal if at least six hours notice is given.

§ 117.260-25 Jamaica Bay and connecting waterways.

(a) The draws of the New York City Transit Authority bridge, mile 10.6, across the North Channel, at Hamilton Beach and the New York City highway bridge, mile 10.0, across the North Channel (Grassy Bay) at Jamaica Bay Boulevard shall open on signal if at least 24 hours notice is given.

(b) The draws of the New York City highway bridge, mile 0.8, across Mill Basin on Belt Parkway need not open for the passage of vessels from noon to 9 p.m. on the following days: Sundays, from May 15 to September 30, Memorial Day, Independence Day, and Labor Day. However, on these days, during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall open on signal.

Note.—For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the National Oceanic and Atmospheric Administration. The time stated in the tables is eastern standard time and one hour should be added thereto to convert to eastern daylight saving time.

§ 117.260-27 Lake Champlain.

(a) The draw of the Vermont highway bridge, mile 105.9, across the entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg shall open on signal if at least 24 hours notice is given.

(b) The draw of the Central Vermont railroad bridge, mile 105.6 shall open on signal from June 15 through September

15 from 7 a.m. to 11 p.m. The draw shall open on signal at all other times if at least 24 hours notice is given.

(c) The draws of the Vermont highway bridge, mile 91.8, between Sandy Point, Grand Isle (South Hero Island) and Knights Point, North Hero Island:

(1) Shall open on signal from May 15 through October 15 from 7 a.m. to 9 p.m.

(2) Shall open on signal from May 15 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given.

(3) Shall open on signal from October 16 through May 14 if at least 24 hours notice is given.

§ 117.260-29 Lemon Creek.

The draw of the Bayview Avenue bridge, mile 0.1, at New York City shall open on signal from November 1 through March 31, except from 4 p.m. to 8 a.m. and from April 1 through May 15 and from October 16 through October 31 from 10 p.m. to 6 a.m. the draw need not open.

§ 117.260-31 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

(a) The draw of the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, shall open on signal:

(1) From October 1 through May 14.
(2) From May 15 through September 30 the draw shall open on signal except that it need open only on the hour and half-hour:

(i) From 4 p.m. to 7 p.m. on weekdays; and

(ii) From 11 a.m. to 9 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day.

(3) From May 15 through September 30 the draw shall open on signal from two hours before to one hour after predicted high tide (predicted high tide for this bridge shall be 10 minutes earlier than that predicted for Sandy Hook as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration).

(b) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal:

(1) From October 1 through May 14.

(2) From May 15 through September 30 the draw shall open on signal except that from 3 p.m. to 8 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day the draw need open only on the hour and half hour.

(3) From midnight to 7 a.m. the draw shall open on signal if at least four hours notice is given.

(c) The draw of the Loop Parkway Bridge across Long Creek, mile 0.7, shall open on signal:

(1) Every other hour on the even hour except that from April 1 through

October 31 on Saturdays, Sundays, and Federal holidays, the draw shall open on signal every three hours beginning at 3 a.m.

(2) If an opening is desired at other than a scheduled time, notice may be given from the telephone located on either side of the bridge or via marine radiotelephone.

(d) The draws of the Meadowbrook State Parkway across Sloop Channel, mile 12.8, Wantagh State Parkway across Goose Creek, mile 16.1 and Captree State Parkway across State Boat Channel at Captree Island, mile 30.7 shall open on signal if at least one-half hour notice is given to the Jones Beach State Park, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays the draw of the Meadowbrook State Parkway Bridge across Sloop Channel, mile 12.8, shall open on signal every three hours beginning at 1:30 a.m.

(3) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays the draws of the Wantagh State Parkway Bridge across Goose Creek, mile 16.1, and Captree State Parkway Bridge across State Boat Channel at Captree Island, mile 30.7, every three hours beginning at 3 a.m.

(4) Notice may be given from the telephone located at the moorings on each side of each bridge or by marine radiotelephone.

(e) The draws of the Smith Point bridge, mile 6.1 across Narrow Bay, Potunk Point bridge, mile 0.1, across Quantuck Canal, Beach Lane bridge, mile 1.1, across Quantuck Canal, Quoque bridge, mile 1.1 across Quoque Canal, and Ponquoque Point bridge, mile 78.0, across Shinnecock Bay:

(1) Shall open on signal from October 1 through April 30 from 8 a.m. to 4 p.m. and from May 1 through September 30 from 6 a.m. to 10 p.m.

(2) At all other times during these periods the draws shall open as soon as possible but no more than one hour after a request to open is received.

§ 117.260-33 Newtown Creek (English Kills).

The draw of the Grand Street (Montrose Avenue) Bridge, mile 3.8, at New York City shall open on signal except that Monday through Saturday, except holidays, the draw need not open from 6:45 a.m. to 7 a.m., 7:15 a.m. to 7:30 a.m., 4:30 p.m. to 4:45 p.m., and 5 p.m. to 5:15 p.m.

§ 117.260-35 Niagara River.

The draw of the Canadian National Railway bridge, mile 3.8, need not open for the passage of vessels.

§ 117.260-37 Peekskill (Annsville) Creek.

The draw of the CONRAIL bridge, mile 0.0, at Peekskill need not open for the passage of vessels.

§ 117.260-39 Richmond Creek.

The draw of the Richmond Avenue bridge, mile 2.0, at New York City need not open for the passage of vessels.

§ 117.260-41 Tonawanda Creek.

(a) The draw of the CONRAIL bridge, mile 0.1, at Tonawanda shall:

(1) Open on signal from April 1 through December 15.

(2) Open on signal from December 16 through March 31 if at least 12 hours notice is given.

§ 117.260-43 Tonawanda Harbor.

The draw of the CONRAIL bridge, mile 0.2, at Tonawanda shall open on signal if at least 24 hours notice is given.

§ 117.260-45 Wappinger Creek.

The draw of the CONRAIL bridge, mile 0.0, at New Hamburg shall open on signal from May 15 through October 15 from 11:30 a.m. to 7:30 p.m. At all other times the draw shall open on signal if at least 12 hours notice is given.

§ 117.260-47 Westchester Creek.

The draws of each bridge shall open on signal, except that from 7 a.m., to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the draws need not open for the passage of vessels.

§ 117.265 North Carolina.

The following navigable waterways in North Carolina are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in North Carolina are required to operate as provide in subpart A.

§ 117.265-1 Bogue Sound.

The draw of the S58 bridge, mile 206.7, at Atlantic Beach shall open on signal except that from March 15 through October 15 the draw need open only on the hour from 8 a.m. to 8 p.m. for the passage of pleasure craft. However, if a pleasure craft is approaching the draw and cannot reach the draw exactly on the hour, the drawtender may delay the opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting.

§ 117.265-3 Neuse River.

(a) The draw of the US 17 bridge, mile 33.7, at New Bern shall open on signal except that the draw need not open from

6:30 a.m. to 7:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Friday. From May 24 through September 8, on Sundays and Federal holidays, the draw need not open from 2 p.m. to 7 p.m., however, the draw shall open at 4 p.m. and 6 p.m. if any vessels are waiting to pass.

(b) The draws of the Atlantic and East Carolina Railway bridge, mile 80.0, at Kinston shall open on signal if a least 24 hours notice is given.

§ 117.265-5 Newport River.

The draw of the Atlantic and East Carolina Railway bridge, mile 13.0, at Newport need not open for the passage of vessels.

§ 117.265-7 New River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 21.1, at Jacksonville shall open on signal if at least 24 hours notice is given.

§ 117.265-9 Northeast River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 27.0, at Castle Hayne shall open on signal only from 7:30 a.m. to 4:30 p.m., Monday through Friday. The draw shall open on signal from 4:30 p.m. to 7:30 a.m. for tugs with tows if at least 24 hours notice is given.

§ 117.265-11 Pamlico and Tar Rivers.

The draws of the US 17-264 bridge, mile 37.2, at Washington and the Boyds Ferry bridge, mile 44.8, at Grimesland shall open on signal if at least 24 hours notice is given.

§ 117.265-13 Roanoke River.

The draw of the US 17 bridge, mile 37.5, at Williamson shall open on signal if at least 24 hours notice is given.

§ 117.265-15 Smiths Creek.

The draw of the S133 bridge, mile 1.5, at Wilmington shall open on signal if at least 24 hours notice is given.

§ 117.265-17 Trent River.

(a) The draws of the US 70 bridge, mile 0.0, at New Bern shall open on signal except that the draw need not open from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday. From May 24 through September 8, on Sundays and Federal holidays, the draw need not open from 2 p.m. to 7 p.m., however, the draw shall open at 4 p.m. and 6 p.m., if any vessels are waiting to pass.

(b) The draws of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 18.0, near Pollocksville need not open for the passage of vessels.

§ 117.265-19 Wrightsville Beach (AIWW).

The draw of the highway bridge, mile 283.1, Atlantic Intracoast Waterway, at Wrightsville Beach shall open on signal from November 1 through April 30, and from 7 p.m. to 7 a.m. from May 30 through October 31. From May 30 through October 31 from 7 a.m. to 7 p.m. the draw need not open only on the hour.

§ 117.270 North Dakota.

There are no known or authorized drawbridges in North Dakota that are required to open on signal.

§ 117.275 Ohio.

The following navigable waterways in Ohio are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Ohio are required to operate as provided by Subpart A.

§ 117.275-1 Ashtabula River.

(a) The draw of the Fifth Street bridge, mile 1.4, at Ashtabula shall open on signal on the hour and half hour.

(b) The draw of the CONRAIL bridge, mile 2.2, at Ashtabula shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m., from April 1 through November 30. At all other times the draw shall open on signal if at least 24 hours notice is given.

§ 117.275-3 Portage River.

(a) The draws of the Monroe Street bridge, mile 1.1, at Port Clinton shall open on signal:

(1) From May 1 through May 14 and from November 1 through December 1.

(2) From May 15 through October 31 from 12 midnight to 6 a.m. From 6 a.m. to 12 midnight the draw shall open on signal from three minutes before to three minutes after the hour and half-hour.

(3) From December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

§ 117.275-5 Sandusky Bay.

(a) The draw of the CONRAIL bridge, mile 3.5, at Sandusky shall open on signal from April 1 through October 31 and from November 1 November 30 from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given to the Chief Dispatcher, Central Union Terminal, Toledo.

(b) The draw of the CONRAIL bridge, mile 7.7, at Sandusky shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given to the Sandusky Post, State Highway Patrol.

(c) The draw of the Ohio Highway 269 bridge, mile 8.2, at Sandusky shall be maintained in the fully opened position from March 16 through December 31, except that it may be closed five minutes in advance of the time a train is expected to cross the bridge, when the drawtender shall signal boat operators that the draw is to be closed by hoisting a four-foot by six-foot white pennant on a staff located at the northerly end of the bridge, clearly visible from Sandusky Bay and East Cove, and by sounding five short blasts of a whistle, horn, or by ringing a bell continuously for five seconds. From January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

§ 117.280 Oklahoma.

There are no known or authorized drawbridges in Oklahoma that are required to open on signal.

§ 117.285 Oregon.

The following navigable waters in Oregon are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges across navigable waters in Oregon are required to operate as required by Subpart A.

§ 117.285-1 Blind Slough.

The draws of the Burlington Northern railroad bridge, mile 1.1, at Knappa shall open on signal if at least one hour's notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

§ 117.285-3 Catching Slough.

The draw of the secondary highway bridge, mile 1.0, near Eastside shall open on signal if at least 48 hours notice is given.

§ 117.285-5 Clatskanie River.

The draw of the Burlington Northern railroad bridge, mile 0.7, at Clatskanie shall open on signal if at least one hour's notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River

Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

§ 117.285-7 Coalbank Slough.

(a) The draws of the Southern Pacific railroad bridge, mile 0.1, at Coos Bay shall open on signal if at least 24 hours notice is given.

(b) The draw of the US101 bridge, mile 0.2, at Coos Bay need not open for the passage of vessels.

§ 117.285-9 Columbia River.

(a) The draw of the Interstate 5 bridge, mile 106.5, at Vancouver shall open on signal, except that from 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessels.

(b) The draw of the Port of Hood River bridge, mile 169.8, at Hood River shall open on signal if at least 12 hours notice is given.

§ 117.285-11 Coos Bay.

The draw of the Southern Pacific railroad bridge, mile 9.0, at North Bend shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan. During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds. Any time during foggy weather, when the draw is closed and the passage is not clear for vessels, there shall be sounded continuously a siren which may be heard at a distance of one mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of vessels.

§ 117.285-13 Coos River.

The draw of the secondary highway bridge, mile 2.2, near Eastside shall open on signal if at least 12 hours notice is given.

§ 117.285-15 Coquille River.

(a) The draws of the Oregon highway bridge, mile 3.5, at Bandon shall open on signal if at least two hours notice is given to the Coos Bay South Slough bridge attendant.

(b) The draws of the US101 Highway bridge, mile 24.0, at Coquille shall open on signal if at least 48 hours notice is given.

§ 117.285-17 Isthmus Slough.

The draw of the Oregon secondary highway bridge, mile 1.0, at Coos Bay shall open on signal if at least four hours notice is given.

§ 117.285-19 John Day River.

(a) The draw of the Burlington Northern railroad bridge, mile 0.0, near Astoria shall open on signal if at least one hour's notice is given. However, the draws shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

(b) The draw of the US30 bridge, mile 1.0, near Astoria shall open on signal if at least 48 hours notice is given.

§ 117.285-21 Nehalem River.

The draw of the Oregon highway bridge, mile 6.5, at Nehalem need not open for the passage of vessels.

§ 117.285-23 Oregon Slough.

The draw of the Burlington Northern railroad bridge, mile 3.2, at Portland shall open on signal if at least a one-half hour notice is given.

§ 117.285-25 Siuslaw River.

(a) The draw of the US101 bridge, mile 5.0, at Florence shall open on signal if at least two hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 8.0, at Florence shall open on signal if at least 24 hours notice is given.

§ 117.285-27 Skipanon River.

(a) The draw of the Burlington Northern railroad bridge, mile 1.9, at Warrenton shall open twice weekly no closer apart than three days if at least 12 hours notice is given.

(b) The draw of the Oregon highway bridge, mile 2.5, above Warrenton need not open for the passage of vessels.

§ 117.285-29 Umpqua River.

(a) The draw of the Oregon highway bridge, mile 11.1, at Reedsport shall open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times the draw shall open on signal if at least four hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 11.5, at Reedsport shall be kept fully open at all times except when actually required for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed. During foggy weather, when the draw is closed and the channel is not clear for the passage of vessels, there shall be sounded a fog horn with an audible range of one-half mile from the drawspan. The fog horn shall emit two clear signals of approximately six

seconds duration each, repeated at intervals of sixty seconds from completion of the second signal to commencement of the next signal. The fog horn shall be sounded repeatedly from commencement of closure to full opening of the drawspan. When the drawspan is again in the open position, the fog horn shall be stopped, indicating that the channel is clear for the passage of vessels.

(c) Umpqua River (side channel). The draw of the Oregon Highway bridge, mile 11.1, near Reedsport need not open for the passage of vessels.

§ 117.285-31 Walluski River.

The draw of the secondary highway bridge, mile 1.0, at Astoria shall open on signal if at least 48 hours notice is given.

§ 117.285-33 Willamette River.

(a) The draws of the following bridges shall open on the designated signal listed below except that from 7 a.m. to 8:30 a.m., and 4 p.m. to 5:30 p.m., except Saturdays, Sundays, and Federal holidays, the draws need not open for the passage of vessels:

Bridge	Mile	Opening and acknowledging signals
(1) Broadway Bridge, Portland.	11.7	Two prolonged followed by one short blast.
(2) Steel Bridge, Portland.	12.1	One prolonged followed by one short blast.
(3) Burnside Bridge, Portland.	12.4	One prolonged followed by two short blasts.
(4) Morrison Bridge, Portland.	12.8	One prolonged followed by three short blasts.
(5) Hawthorne Bridge, Portland.	13.1	One prolonged followed by four short blasts.

The acknowledging signals from the drawtender shall be those set forth in § 117.11(b)(ii).

Note.—The closed periods do not include harbor patrol or fire boats answering calls and for the Broadway Bridge only, oceangoing vessels of 750 gross tons or over.

(b) Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(c) In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way.

(d) The draw of the Southern Pacific railroad bridge, mile 84.3, at Salem shall open on signal except that when river stages are below 28 feet, Corps of Engineers gauge, at least 24 hours notice

is given to the Southern Pacific railroad agent at Portland or to the Southern Pacific railroad agent at Salem.

(e) The draw of the Southern Pacific railroad bridge, mile 119.6, at Albany shall open on signal if at least six hours notice is given.

(f) The draw of the Oregon highway bridge, mile 132.1, at Corvallis shall open on signal if at least seven days notice is given, however, the draw need not open on Saturdays, Sundays, and Federal holidays.

(g) The draw of the Southern Pacific railroad bridge, mile 164.3, near Harrisburg need not open for the passage of vessels.

§ 117.290 Pennsylvania.

The following navigable waterways in Pennsylvania are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Pennsylvania are required to operate as provided by Subpart A.

§ 117.290-1 Chester Creek.

The draw of the Front Street bridge, mile 0.1, at Chester shall open on signal if at least 24 hours notice is given.

§ 117.290-3 Darby Creek.

(a) The draws of the CONRAIL railroad bridge, mile 0.3, at Essington and the Reading railroad bridge, mile 0.3, at Essington shall open on signal from May 15 through October 15 at 7:15 a.m., 10:30 a.m., 1 p.m., 3 p.m., 7:30 p.m., and 10:30 p.m., and at other times during this period if an opening will not unduly delay railroad operations. Any vessel which may have passed through one of these bridges shall be passed through the draw of the other bridge without delay. When once opened for the passage of any vessel these bridges shall remain open sufficiently long to permit the passage through both bridges of all vessels waiting to pass.

(b) From 11 p.m. to 7 a.m. from May 15 through October 15 the draws need not open for the passage of vessels.

(c) From October 16 through May 14 the draws shall open on signal if at least 24 hours notice is given.

§ 117.290-5 Schuylkill River.

(a) The draw of the University Avenue bridge, mile 6.2, at Philadelphia shall open on signal from 8 a.m. to 4 p.m., and 8 p.m. to 4 a.m., Monday through Friday. At all other times the draw shall open on signal if at least two hours notice is given.

(b) The draws of the CONRAIL bridge, mile 6.4, near Christian Street, at

Philadelphia shall open on signal if at least two hours notice is given.

§ 117.295 Rhode Island.

The following navigable waterways in Rhode Island are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Rhode Island are required to operate as provided in subpart A.

§ 117.295-1 Providence River.

The draw of the USI (Point Street) bridge, mile 7.5, at Providence, need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Director of Public Works, City Hall, Providence.

§ 117.300 South Carolina.

The following navigable waterways in South Carolina are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in South Carolina are required to operate as provided in Subpart A.

§ 117.300-1 Ashepoo River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 32.0, at Ashepoo need not open for the passage of vessels.

§ 117.300-3 Ashley River.

(a) The draws of the US17 highway bridges, miles 2.4 and 2.5, at Charleston, shall:

(1) Open on signal from 9 a.m. to 4 p.m. and from 7 p.m. to 7 a.m.

(2) Open on signal from 7 a.m. to 9 a.m., Monday through Friday, and 4 p.m. to 7 a.m. daily, if at least 12 hours notice is given.

(b) The draw of the Family Lines System (Seaboard Coast Line) railroad bridge, mile 12.0, near Drayton Hall shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least three hours notice is given.

§ 117.300-5 Battery Creek.

The draw of the state highway bridge, mile 2.1, between Beaufort and Parris Island, shall open on signal if at least 24 hours notice is given.

§ 117.300-7 Beaufort River (Atlantic Intracoastal Waterway).

The draw of the Ladies Island bridge, mile 536.0, at Beaufort shall open on signal except that the draw need not

open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Saturday, except Federal holidays, provided that the draw shall open at 8 a.m. and 5 p.m., if any vessels are waiting to pass.

§ 117.300-9 Black River.

The draw of the US17 highway bridge, mile 8.0, near Georgetown shall open on signal if at least 12 hours notice is given.

§ 117.300-11 Broad River.

(a) The draw of the S170 bridge, mile 14.0, near Beaufort shall open on signal if at least 24 hours notice is given.

(b) The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 17.0, near Whale Branch shall open on signal if at least 24 hours notice is given.

§ 117.300-13 Congaree River.

The draw of the Norfolk Southern (Southern) railroad bridge, mile 4.3, at Moye's Station shall open on signal if at least 24 hours notice is given.

§ 117.300-15 Cooper River.

The draw of the Family Line Rail System (Seaboard Coast Line) railroad bridge, mile 42.8, near Cordesville shall open on signal from 7 a.m. to 12 noon, and 1 p.m. to 4 p.m. At all other time the draw shall open on signal if at least 24 hours notice is given.

§ 117.300-17 Coosaw River (Whale Branch).

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 5.3, at Seabrook and the draw of the US21 bridge, mile 7.0, at Beaufort shall open on signal from 6 a.m. to 8 p.m., Monday through Friday, if at least 24 hours notice is given. At all other times the draw need not open for the passage of vessels.

§ 117.300-19 Durham Creek.

The removable span of the South Carolina Electric & Gas Co., railroad bridge, mile 1.7, at Bushy Park shall be removed to allow the passage of dredges and construction equipment if at least 20 days notice is given. When notified by the City of Charleston of an emergency in the Bushy Park Reservoir the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

§ 117.300-21 Harbor River.

The draw of the S285 bridge, mile 0.5, at Hunting Island shall open on signal if at least 24 hours notice is given.

§ 117.300-23 Pee Dee River.

The draws of the Family Lines Rail System (Seaboard Coast Line) railroad

bridges, miles 72.6 and 107.2, near Poston need not open for the passage of vessels.

§ 117.300-25 Rantowles Creek.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 1.1, near Rantowles need not open for the passage of vessels.

§ 117.300-27 Sullivans Island Narrows (Atlantic Intracoastal Waterway).

The draw of the Ben Sawyer, S703 bridge, mile 462.2, between Sullivan's Island and Mount Pleasant shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday; and on Saturdays, Sundays, and Federal holidays from 2 p.m. to 6 p.m., the draw need open only on the hour and one-half hour.

§ 117.300-29 Wando River.

The draw of the state highway bridge, mile 10.0, near Cainho shall open on signal if at least 12 hours notice is given.

§ 117.300-31 Wappoo Creek (Atlantic Intracoastal Waterway).

The draw of the S171/700 bridge, mile 470.8, at Charleston shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday; and on Saturdays, Sundays, and Federal holidays from 2 p.m. to 6 p.m., the draw need open only on the hour and one-half hour.

§ 117.305 South Dakota.

§ 117.305-1 Missouri River.

The draws of the US81 bridge, mile 805.7, at Yankton and the Chicago Northwestern railroad bridge, mile 1066.5, at Pierre need not open for the passage of vessels.

§ 117.310 Tennessee.

The following navigable waterways in Tennessee are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Tennessee are required to operate as provided by Subpart A.

§ 117.310-1 Cumberland River.

The draw of the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 126.5, at Clarksville shall open on signal when the vertical clearance under the navigational span is 47 feet or less. The draw shall open on signal if at least two hours advance notice has been given when the vertical clearance is greater than 47 feet. The draw need not open for a vessel that

arrives at the bridge more than 30 minutes after the time specified in the advance notice, unless a second two hours notice has been given. A resumé of these regulations shall also be conspicuously posted at the Kentucky and Pickwick Locks on the Tennessee River and at the Barkley and Cheatham Locks on the Cumberland River.

§ 117.310-3 Hatchie River.

The draws of the Illinois Central Gulf railroad bridge, mile 35.0, at Covington and the Family Lines Rail System (Louisville and Nashville) railroad bridge, mile 71.0, at Brownsville need not open for the passage of vessels.

§ 117.310-5 Obion River.

The draws of all bridges need not open for the passage of vessels.

§ 117.310-7 Tennessee River.

The draws of the Chief John Ross bridge, mile 464.1, at Chattanooga, and the Norfolk Southern (Southern) railroad bridge, mile 470.7, at Hixon, shall open on signal when the vertical clearance beneath the draw span is 50 feet or less. When the vertical clearance beneath the draw is more than 50 feet at least eight hours advance notice is required. Whenever any vessel that requires the opening of the draw will return through the draw within four hours and informs the drawtender of the probable time of its return, the drawtender shall return one-half hour before the time specified and the draw shall be promptly opened on signal for the passage of the vessel on the return trip without further advance notice. When a vessel has given advance notice and fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice shall be required. Notices of these regulations shall be posted at the Nickajack and Watts Bar Locks on the Tennessee River.

§ 117.315 Texas.

The following navigable waterways in Texas are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Texas are required to operate as provided by Subpart A.

§ 117.315-1 Arroyo-Colorado River.

The draw of the S106 highway bridge, mile 22.5, at Rio Hondo shall open on signal if at least 12 hours notice is given.

§ 117.315-3 Brazos River (Diversion Channel).

(a) The draw of the S36 highway bridge, mile 4.4, at Freeport shall open

on signal if at least 12 hours notice is given.

(b) The draw of the Missouri Pacific railroad bridge, mile 22.6, at Brazoria need not open for the passage of vessels.

§ 117.315-5 Buffalo Bayou.

(a) The draw of the Southern Pacific railroad bridge and all drawbridges upstream, except the Houston Belt and Terminal railroad bridge, mile 4.3, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Houston Belt and Terminal railroad bridge, mile 4.3, need not open for the passage of vessels.

§ 117.315-7 Cedar Bayou.

(a) The lift span of the Missouri Pacific automated bridge, mile 7.0, at Baytown shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the lift span.

(b) When a train approaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights shall be turned on, a horn shall be sounded for six minutes, and at the end of six minutes the horn shall be stopped and the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(c) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights shall be stopped, and the navigation lights shall be changed from red to green.

§ 117.315-9 Chocolate Bayou.

The draw of the Missouri Pacific railroad bridge, mile 11.4, at Liverpool need not open for the passage of vessels.

§ 117.315-11 Clear Creek.

(a) The draw of S146 bridge, mile 1.0, between Kemah and Seabrook, shall open on signal except that on Saturdays, Sundays and Federal holidays, from 8 a.m. to 8 p.m., the draw need not open only every other 10 minutes if any vessels are waiting to pass.

(b) The draw of the Southern Pacific railroad bridge, mile 1.0, at Seabrook will be maintained in the open position for the passage of vessels except when it is necessary to close the draw for the passage of trains or for maintenance.

§ 117.315-13 Colorado River.

The draw of the highway bridge, mile 10.7, at Wadsworth shall open on signal if at least 24 hours notice is given.

§ 117.315-15 Cow Bayou.

The draws of the Orange County highway bridge, mile 2.9, at West Orange, and the S87 bridge, mile 4.5, at Bay City shall open on signal if at least six hours notice is given.

§ 117.315-17 Greens Bayou.

The draw of the Port Terminal Railroad Association railroad bridge, mile 2.8, at Houston shall open on signal if at least four hours notice is given. The draw shall open on signal for three hours thereafter if the opening is for returning downbound vessels.

§ 117.315-19 Lavaca River.

The draws of the Missouri Pacific railroad bridge, mile 11.2, and the highway bridge, mile 11.2, both at Vanderbilt shall open on signal if at least 48 hours notice is given.

§ 117.315-21 Neches River.

The draw of the Atchison, Topeka and Santa Fe railroad bridge, mile 53.9, at Evadale need not open for the passage of vessels.

§ 117.315-23 Nueces Bay.

The draw of the US181 bridge, mile 0.5, Corpus Christi need not open for the passage of vessels.

§ 117.315-25 Old Brazos River.

The draw of the Missouri Pacific railroad bridge, mile 4.4, at Freeport shall be maintained in the fully open to navigation position except for the crossing of trains or for maintenance.

§ 117.315-27 Pelican Island Causeway.

The draw of the Pelican Island causeway bridge, mile —, across Galveston Channel at Galveston shall open on signal except that from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday, and Federal holidays, the draw need not open for the passage of vessels.

§ 117.315-29 Sabine Lake.

The draw of the S82 bridge, mile 10.0, at Port Arthur shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw will open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur.

§ 117.315-31 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3, at Echo, the Kansas City Southern railroad bridge, mile 36.2, at Ruliff, and the Texas and Louisiana railroad bridge and the Louisiana S7 bridge, mile 40.8, both at Deweyville shall open on signal if at least 24 hours notice is given.

§ 117.315-33 Sabine River (Old Channel) behind Orange Harbor Island.

The draw of the highway bridge, mile —, at Orange shall open on signal from 7 a.m. to 12 midnight, Monday through Friday, except Federal holidays. The draw shall open on signal at all other times if at least eight hours notice is given.

§ 117.315-35 Taylor Bayou.

The draws of the Southern Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2, both at West Port Arthur need not open for the passage of vessels.

§ 117.315-37 Trinity River.

The draws of the Southern Pacific railroad bridge, mile 41.4, at Liberty, the Missouri Pacific railroad bridges, mile 54.8, at Kenefick, and mile 181.8, at Riverside, and the Atchison, Topeka and Santa Fe railroad bridge, mile 96.2, at Romayor need not open for the passage of vessels.

§ 117.315-39 Victoria Channel.

(a) The draw of the Missouri Pacific railroad automated bridge, mile 29.4, near Bloomington, need not be manned by a regular attendant.

(b) The lift span is normally in the down position, providing a vertical clearance of 22 feet above mean high water.

(c) Three prolonged blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge. If the span is inoperable, these sound signals will activate an alarm to alert bridge maintenance crews.

(d) Interruption of the approach detector beams by a vessel will cause (1) the draw to open to the fully raised position of 50 feet above mean high water for 10 minutes, (2) a navigation warning siren to sound, (3) the navigation light in the center of the lift span to change from red to green, (4) the indicator lights, located one-quarter mile of each side of the bridge, to change from red to yellow. However, if a train is approaching the bridge so closely that the train may not be safely stopped, the light will remain red and the bridge will not open until the train has passed.

(e) Interruption of the detector beam, located at the end of the bridge fender system, will cancel the existing time intervals and start a new 10-minute interval during which the bridge will remain open. The span will not close until the vessel clears the detector located at the opposite end of the fender system, or the 10-minute interval elapses, whichever occurs earlier.

(f) If a vessel is unable to reach the detectors located on the outer ends of the fender system before the span closes, an additional signal of three prolonged blasts of a horn or whistle will cause the span to reopen and initiate a new 10-minute interval.

(g) If the draw is in the open position for the passage of a vessel, and a train enters an approach circuit to the bridge, the bridge will remain open for five minutes if the detector beam has been interrupted. If the detector beam has not been interrupted the span will close at the end of the original 10-minute opening period and will not reopen in response to the additional signal described in paragraph (f) of this section. After the train passes, the span will open on signal for any waiting vessels.

§ 117.320 Utah.

There are no known or authorized drawbridges in Utah.

§ 117.325 Virginia.

The following navigable waterways in Virginia are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Virginia are required to operate as provided by Subpart A.

§ 117.325-1 Albemarle and Chesapeake Canal.

The draw of the S168 bridge, mile 12, at Chesapeake (Great Bridge) shall open on signal from 7 p.m. to 6 a.m. From 6 a.m. to 7 p.m., the draw need open only on the hour. If any vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

§ 117.325-3 Appomattox River.

The draw of the Family Lines Rail System (Seaboard Coast Line) railroad bridge, mile 2.5, at Hopewell shall open on signal if at least 24 hours notice is given to the Family Lines Rail System (Seaboard Coast Line) Agent at Hopewell.

§ 117.325-5 Blackwater River.

The draw of the S189 bridge, mile 9.2, at South Quay shall open on signal if at least 24 hours notice is given.

§ 117.325-7 Cat Point Creek.

The draw of the S634 bridge, mile 0.3, at Naylor's need not open for the passage of vessels.

§ 117.325-9 Chickahominy River.

The draw of the highway bridge, mile 1.5, at Barrets Ferry shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.325-11 Chuckatuck Creek.

The draw of the US17 bridge, mile 1.0, at Crittenden shall open on signal if at least two hours notice is given.

§ 117.325-13 Elizabeth River—Eastern Branch.

The draw of the Campostella bridge, mile 1.8, at Norfolk shall open on signal except that from 7:35 a.m. to 7:50 a.m., Monday through Friday, the draw need not open except for the passage of tugs with tows.

§ 117.325-15 Elizabeth River—Southern branch.

(a) The draw of the Jordan (S337) bridge, mile 2.8, at Portsmouth-Chesapeake shall open on signal except that from 6:30 a.m. to 7:30 a.m. from 3:30 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of pleasure craft.

(b) The draw of the Norfolk Southern (Norfolk and Western) railroad bridge, mile 3.6, at Portsmouth-Chesapeake shall be maintained in the open to navigation position except the draw may close for the crossing of trains and the maintenance of the bridge. When the draw is closed, there shall be a drawtender present and the draw shall open on signal.

(c) The draw of the I-64 bridge, mile 7.1, at Chesapeake shall open on signal if at least 24 hours notice is given.

§ 117.325-17 Elizabeth River—Western branch.

The draw of the S337 bridge, mile 4.7, Hodges Ferry, shall open on signal if at least eight hours notice is given.

§ 117.325-19 Great Wicomico River.

The draw of the S200 bridge, mile 8.0, at Tipters shall open on signal from 6 a.m. to 6 p.m. If an opening is desired from 6 p.m. to 6 a.m., the drawtender on duty must be notified before 6 p.m.

§ 117.325-21 Kinsale Creek.

The draw of the state highway bridge, mile 4.0, at Kinsale need not open for the passage of vessels.

§ 117.325-23 Lafayette River.

The draw of the Granby Street bridge, mile 3.3, at Norfolk need not open for the passage of vessels.

§ 117.325-25 Mattaponi River.

The draws of the Lord Delaware (S33) bridge, mile 0.8, at West Point and the

S629 bridge, mile 28.5, at Walkerton, shall open on signal if at least 24 hours notice is given.

§ 117.325-27 Nansemond River.

The draw of the US 460 bridge, mile 18.2, at Suffolk shall open on signal if at least 12 hours notice is given.

§ 117.325-29 Nansemond River—Western branch.

The draw of the S10 bridge, mile 2.0, at Reids Ferry need not open for the passage of vessels.

§ 117.330 Vermont.

The following navigable waterways in Vermont are listed alphabetically and are crossed by drawbridges that have certain periods when the draw need not open for the passage of vessels or have other special operation regulations. All other drawbridges in Vermont are required to operate as provided by Subpart A.

§ 117.330-1 Lake Champlain.

(a) The draw of the Vermont highway bridge, mile 108.9, between Alburg Tongue and Hog Island at East Alburg shall open on signal if at least 24 hours notice is given.

(b) The draw of the Central Vermont railroad bridge, mile 105.6, across Missiquoi Bay between South Hero Island and North Hero Island shall open on signal from 7 a.m. to 11 p.m. from June 15 through September 15. At all other times the draw shall open on signal if at least 24 hours notice is given.

(c) The draw of the Vermont highway bridge, mile 90.1, between South Hero Island and North Hero Island shall open on signal:

(1) From May 15 through October 15 from 7 a.m. to 9 p.m.

(2) From May 5 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given.

(3) From October 16 through May 14 if at least 24 hours notice is given.

§ 117.335 Washington.

The following navigable waterways in Washington are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Washington are required to operate as provided by Subpart A.

§ 117.335-1 Chehalis River.

(a) The draw of the state highway bridge, mile 0.1, at Aberdeen shall open on signal except that from 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not open for the

passage of vessels of less than 5,000 gross tons.

(b) The draw of the Union Pacific railroad bridge, mile 13.1, at South Montesano shall be maintained in the open to navigation position except the draw may close for the crossing of trains and the maintenance of the bridge.

When the draw is closed, there shall be a drawtender present and the draw shall open on signal.

§ 117.335-3 Columbia and Snake Rivers in the vicinity of Pasco.

(a) The draw of the Burlington Northern railroad bridge across the Columbia River, mile 328.0, between Pasco and Kennewick shall open on signal from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least two hours notice is given through the General Yardmaster, Pasco, Washington.

(b) When two vessels approaching from opposite directions meet near a drawbridge listed in this section, the downbound vessel shall have the right-of-way. When one vessel waits for passage of another, the waiting vessel shall repeat the call signal for the bridge and receive an acknowledging signal from the drawtender before proceeding.

§ 117.335-5 Cowlitz and Lewis Rivers.

(a) The draw of the Burlington Northern railroad bridge, mile 2.0, across the Lewis River at Woodland need not open for the passage of vessels.

(b) The draw of the Allen Street bridge, mile 5.5, across the Cowlitz River at Kelso shall open on signal if at least two hours notice is given. In the event a vessel is delayed, the operator will remain a reasonable time, not to exceed two hours, and open the bridge on signal for the passage of the vessel. If a vessel is expected to be delayed more than two hours the operator will be so advised, and notified of the later time the opening will be required. If a vessel passing through the bridge intends to return through within two hours the vessel shall notify the bridge tender who shall remain at and open the draw upon signal for the vessel's return passage.

§ 117.335-7 Deep River.

The draw of the US 830-S12 bridge, mile 3.5, near Deep River shall open on signal if at least four hours notice is given.

§ 117.335-9 Duwamish Waterway at Seattle.

(a) The draws of each bridge across the Duwamish Waterway shall open on signal except that the draws of the Southwest Spokane Street bridge and the First Avenue South bridge need not

open for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays. However, the draws of these bridges shall open at any time for a vessel of 5,000 tons or more.

(b) The following bridges shall open on the following signals:

(1) Burlington Northern railroad bridge, mile 0.4, and Southwest Spokane Street bridge, mile 0.3. One prolonged blast followed quickly by three short blasts.

(2) Burlington Northern railroad bridge, mile 0.4. One prolonged blast followed quickly by one short blast.

(3) First Avenue South bridge, mile 2.5. Three prolonged blasts.

(4) Fourteenth Avenue South bridge, mile 3.8. One prolonged blast followed quickly by one short blast and one prolonged blast.

(c) During conditions of restricted visibility, as defined in 72 COLREGS, 33 CFR, Subchapter D, the drawtender, after giving the acknowledging signals that the draw will open, shall toll a bell continuously during the approach and the passage of the vessel.

§ 117.335-11 Hood Canal.

(a) The draw of the pontoon highway bridge near Port Gamble shall open on signal if at least one hour's notice is given.

(1) Telephone requests for bridge opening may be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOH, or through other marine wire or radio telephone service.

(2) Sound signals for requesting the opening of the draw shall be one prolonged blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) During unusual or emergency periods, the authorized representative of the owner of or agency controlling the bridge will be required to operate the draw of the bridge on a demand basis for specified periods of time, which will normally not exceed 48 hours, when requested by the Department of the Navy. While on a demand basis the drawtender will be in attendance on the bridge with radio communications equipment in operation.

(4) After receipt of proper advance notice of a required opening of the drawspan, the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all

signals, radio or audio, will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw.

(b) Communication when opening is imminent.

(1) Radio. The drawtender shall monitor and communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13). If radio contact cannot be made on 156.65 megahertz, the drawtender shall monitor and communicate with vessels on 156.80 megahertz (Channel 16). These frequencies are subject to change by the Federal Communications Commission.

(2) Audio. The drawtender will communicate with vessels not equipped with radiotelephones or in instances where radio communication is not satisfactory by use of sound signals as follows:

(i) Vessels wishing to have the draw opened will sound one prolonged blast of a horn or whistle followed quickly by two short blasts.

(ii) If the drawspan cannot be opened immediately, or if open and must close immediately, the drawtender will sound five or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged.

§ 117.335-13 Hoquiam River.

The draw of the Simpson Avenue bridge, mile 0.5, at Hoquiam shall open on signal if at least a one hour notice is given. The State Department of Highways shall accept collect telephone calls from vessels via the local marine telephone operator, or long distance telephone, and shall provide a two-way radiotelephone on the Chehalis River bridge which will be attended at all times. Vessels may place one hour's notice calls for the Hoquiam River Simpson Avenue bridge through the Chehalis River bridge operator. Radio frequencies are 2182Kz and 2738Kz. The bridge tender shall monitor 2182Kz and switch to 2738Kz for communication. These frequencies are subject to change by the Federal Communications Commission.

§ 117.335-15 Lake Washington.

(a) The draw of the pontoon highway bridge between Foster Island and Evergreen Point, shall open on signal if at least one hour's notice is given.

(1) Telephone requests for bridge opening may be directed as collect calls to the Highway Radio. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOH, or through other marine wire or radiotelephone service.

(2) Sound signals shall be one prolonged blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) The draw need not open Monday through Friday from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

§ 117.335-17 Lake Washington Ship Canal.

(a) The draw of the Burlington Northern railroad bridge, mile 0.1, shall open on signal.

(b) The draws of the Ballard (15th Avenue) bridge, mile 1.1, Fremont Avenue bridge, mile 2.6, University bridge, mile 4.3, and Montlake bridge, mile 5.2, all at Seattle shall open on signal except that they:

(1) Need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 6 p.m., Monday through Friday, except federal holidays, for vessels of less than 1,000 tons unless the vessel has a vessel of over 1,000 tons in tow, except under emergency conditions when the Seattle City Engineer is notified.

(2) Shall open on signal from 12 midnight to 8 a.m., if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue drawbridge.

(c) The opening sound signal for each bridge is one prolonged blast followed by one short blast, except that the University bridge opens on one prolonged blast followed by three short blasts.

(d) During conditions of restricted visibility, as defined in the Rules of the Road, the drawtender after giving the acknowledging signals that the draw will open, shall toll a bell continuously during the approach and passage of the vessel.

§ 117.335-19 Skagit River.

The Draws of all bridges across the Skagit River need not open for the passage of vessels.

§ 117.335-21 Skamokawa Creek.

The draw of the Washington State highway bridge at Skamokawa need not be opened for the passage of vessels.

§ 117.335-23 Snohomish River.

(a) The draw of the Burlington Northern railroad bridge, mile 3.5, at Everett shall open on the signal of one prolonged blast followed by one short blast followed by one prolonged blast.

(b) The draws of the US99 bridges, mile 3.6, at Everett, shall open on signal if at least two hours notice is given.

(c) The draw of the US2-S15 bridge, mile 6.9, shall open on signal if at least four hours notice is given.

§ 117.335-25 Steamboat Slough.

(a) The draws of the Burlington Northern railroad bridge, mile 1.0, and the (twin) US99 bridges, mile 1.2, both near Marysville, shall open on signal if at least four hour notice is given.

(b) The opening signals are:

(1) For the railroad bridge—one prolonged blast followed by one short blast followed by one prolonged blast.

(2) Both highway bridges—two prolonged blasts followed by one short blast.

Tacoma Harbor

§ 117.335-27 City Waterway.

(a) The draw of the South 11th Street bridge, mile 0.6, at Tacoma shall open on signal if at least two hours notice is given. However, the draw need not open from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon notification to the city of Tacoma, Department of Public Works.

(b) The draw of the Union Pacific railroad bridge, mile 0.9, at Tacoma shall open on signal except that from 7:15 a.m. to 8 a.m. and 4:15 p.m. to 5 p.m., the draw need not open. (1) The opening signal is one prolonged blast followed by one short blast followed by one prolonged blast.

§ 117.335-29 Puyallup Waterway and River.

The draw of the Milwaukee Road railroad bridge, mile 0.9, at Tacoma shall open on signal if at least 24 hours notice is given.

§ 117.335-31 Blair Waterways.

The draw of the East 11th Street bridge at Tacoma shall open on signal except that the draw need not open from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon

notification to the city of Tacoma, Department of Public Works.

§ 117.335-33 Hylebos Waterway.

The draw of the East 11th Street bridge at Tacoma shall open on signal except that the draw need not open from 6:30 a.m. to 8:30 a.m., and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible upon notification to the city of Tacoma, Department of Public Works.

All Tacoma Harbor Bridges.

Note.—Fog signals. When fog prevails by day or night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

§ 117.335-35 Willapa Harbor.

The draws of the state highway bridge, mile 7.8, North Fork of the Willapa River, at Raymond and the state highway bridge, mile 2.5, Naselle River, at Naselle shall open on signal from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays, if at least two hours notice is given, and at all other times if at least eight hours notice is given.

§ 117.335-37 Wishkah River.

(a) The draws of the Heron Street bridge, mile 0.2, and the Wishkah Street bridge, mile 0.4, both at Aberdeen shall open on the signal of one prolonged blast followed by two short blasts if at least a one-half hour notice is given. The State Department of Highways may accept collect telephone calls from vessels via the local marine telephone operator long distance telephone. The State Department of Highways shall provide a two-way radiotelephone on the Chehalis River bridge which will be attended at all times. Vessels may place calls for the Wishkah River bridges through the Chehalis River operator who shall monitor 21 82 Kz and switch to 27 38 Kz for communication. These frequencies are subject to change by the Federal Communications Commission.

(b) When fog prevails by day or by night the drawtender on giving signal that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

§ 117.340 West Virginia

There are no known or authorized drawbridges in West Virginia.

§ 117.345 Wisconsin.

The following navigable waterways in Wisconsin are listed alphabetically and are crossed by drawbridges that have certain periods when the draws need not open for the passage of vessels or have special operation regulations. All other drawbridges in Wisconsin are required to operate as provided by Subpart A.

§ 117.345-1 Black River.

(a) The draw of the Milwaukee Road railroad bridge, mile 1.0, at La Crosse shall open on signal if at least two hours notice is given.

(b) The draw of the Wisconsin highway bridge, mile 1.9, at North La Crosse shall open on signal if at least 24 hours notice is given.

§ 117.345-3 Duluth-Superior Harbor (St. Louis River).

(a) The draw of the Duluth Ship Canal bridge, mile 0.1 at Duluth shall open on signal from March 16 through December 31. From January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(1) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal.

(2) Vessels must be given precedence over highway or railway traffic at all times.

(b) The draws of the Burlington Northern railroad bridge, mile 5.7, shall open on signal from March 16 through December 31 and shall open on signal from January 1 through March 15 if at least 24 hours notice is given. The following signals shall be used:

Minnesota Draw—One prolonged blast followed by two short blasts
Wisconsin Draw—Two prolonged blasts followed by two short blasts.

(c) The draws of the Grassy Point bridge, mile 8.0, and the Arrow Head bridge, mile 8.7, shall open on signal from March 16 through December 31. From January 1 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(d) The draw of the Duluth Missabe and Iron Range Railway bridge, mile 16.3, need not open for the passage of vessels.

§ 117.345-5 East River.

The draw of the Monroe Street bridge, mile 0.3, at Green Bay need not open for the passage of vessels.

§ 117.345-7 Fox River.

(a) The draws of the Main Street bridge, mile 1.6, Walnut Street bridge, mile 1.8, and Mason Street bridge, mile 1.8, at Green Bay need not open for the passage of vessels, Monday through Saturday, except Federal holidays:

7:45 a.m. to 8 a.m.
12 noon to 12:15 p.m.
12:50 p.m. to 1:10 p.m.
4:55 p.m. to 5:25 p.m.

However, public vessels of the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs, and tugs and fireboats shall be passed at any time.

(1) The opening signals for each bridge are:

Main Street—Two short blasts followed by one prolonged blast
Walnut Street—One prolonged blast followed by two short blasts
Mason Street—One prolonged blast followed by one short blast

(b) The draw of the George Street bridge, mile 7.2, at DePere shall open on signal from 8 a.m. to 6 p.m., during the navigation season. From 6 p.m. to 8 a.m., during the navigation season, the draw shall open on signal if at least two hours notice is given.

§ 117.345-9 Manitowoc River.

(a) The draws of the Eighth Street bridge, mile 0.3, and the Tenth Street bridge, mile 0.5, both at Manitowoc, shall open on signal, Monday through Friday, except Federal holidays, however, the draws need not open:

6:50 a.m. to 7 a.m.
7:50 a.m. to 8 a.m.
11:55 a.m. to 12:10 p.m.
12:45 p.m. to 1 p.m.

(1) The opening signals for each bridge are:

Eight Street—One prolonged blast followed by one short blast
Tenth Street—Two short blasts followed by one prolonged blast

Note.—When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall also open promptly so that such vessel shall not be held between the two bridges.

§ 117.345-11 Menomonee River.

The draw of the Ogden-First Street bridge, mile 0.4, at Marinette, shall open on signal from May 1 through October 31 and shall open on signal from November 1 through April 30 if at least 12 hours notice is given.

§ 117.345-13 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee.

(a) The draws of the North Broadway Street bridge, mile 0.5, North Water

Street bridge, mile 0.6, and Michigan Street bridge, mile 1.1, across the Milwaukee River; the North Plankinton Avenue bridge, mile 0.1, across the Menomonee River, and the Kinnickinnic Avenue bridge, mile 1.5, across the Kinnickinnic River, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, the draws need not open.

(b) The draws of the Milwaukee Road railroad bridge and the Chicago and Northwestern Railway bridges across the Kinnickinnic River, mile 1.5 and mile 1.52, respectively; and the draw of the Milwaukee Road railroad bridge across the Burnham Canal, mile 0.8, shall open on signal if at least two hours notice is given.

(c) The draws of the bridges across the Milwaukee River need not open from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. At all other times the draws shall open on signal if at least two hours notice is given.

(d) All other drawbridges across the Kinnickinnic, and Menomonee Rivers, and the Menomonee and Burnham Canals shall open on signal. However, from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except Federal holidays, the draws need not open, and from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(e) Signals.

(1) The opening signal for all drawbridges except those listed below is one prolonged blast followed by one short blast.

(i) The opening signal for the Chicago and Northwestern drawbridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3, is two prolonged blasts.

(ii) The opening signal for the Broadway Street drawbridge, mile 0.5, is three prolonged blasts followed by one short blast.

(iii) The opening signal for the Water Street drawbridge, mile 0.6, is three prolonged blasts followed by two short blasts.

(iv) The opening signal for the Milwaukee Road railroad drawbridge across the Menomonee River, mile 0.1, is two prolonged blasts followed by two short blasts.

(2) The acknowledging signal when the draw will open is the same as the opening signal.

(3) The acknowledging signal when the draw will not open or is open and must be closed is four short blasts.

§ 117.345-15 Root River.

(a) The draw of the Main Street bridge, mile 0.3, at Racine shall open on

signal, except that Monday through Friday, except Federal holidays, the draw need not open:

7:30 a.m. to 8:10 a.m.
11:50 a.m. to 12:10 p.m.
12:50 p.m. to 1:10 p.m.
3:30 p.m. to 4:10 p.m.
4:30 p.m. to 5:10 p.m.

(b) The draw of the State Street bridge, mile 0.5, at Racine shall open on the signal of three short blasts, except that Monday through Friday, except Federal holidays, the draw need not open:

6:30 a.m. to 7 a.m.
12 noon to 12:15 p.m.
12:45 p.m. to 1 p.m.

§ 117.345-17 Sheboygan River.

The draw of the Eighth Street bridge, mile 0.7, at Sheboygan shall open on signal from May 1 through October 30 from 6 a.m. to 10 p.m. The draws shall open on signal at all other times if at least two hours notice is given.

§ 117.345-19 St. Croix River.

(a) The draws of all bridges from the mouth through Hudson shall open on signal from March 2 through December 14. From December 15 to March 1, the draws shall open on signal if at least 24 hours notice is given.

(b) The draw of the Stillwater bridge, mile 23.3, shall open on signal:

(1) From May 15 through October 15 from Monday through Friday, except Federal holidays, as follows:

8 a.m. to 11 a.m. every hour on the hour
11 a.m. to 3 p.m. every hour and half hour
3 p.m. to 6 p.m. every hour on the hour
6 p.m. to 10 p.m. every hour and half hour
10 p.m. to 8 a.m. if at least two hours notice is given.

(2) On Saturdays, Sundays, and Federal holidays, as follows:

8 a.m. to 11 a.m. every hour and half hour
11 a.m. to 8 p.m. every hour on the hour
8 p.m. to midnight every hour and half hour
Midnight to 8 a.m. if at least two hours notice is given.

(3) From October 16 through May 14 if at least 24 hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7 at Otisville, need not open for the passage of vessels.

§ 117.345-21 Sturgeon Bay.

(a) The draws of the highway bridge, mile 4.3, at Sturgeon Bay shall open on signal:

(1) From March 15 through May 14 and from September 15 through December 31.

(2) From May 15 through September 15, the draw shall open on signal from 6 p.m. to 6:30 a.m.

(3) From May 15 through September 15, from 6:30 a.m. to 6 p.m. the draw shall open on the hour and half hour provided vessels are waiting to pass.

(4) From January 1 through March 14 the draw shall open on signal if at least 12 hours notice is given.

§ 117.345-23 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 10, mile 615.1, shall

open on signal from March 2 through December 14. From December 15 through March 1 the draws shall open if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 1, mile 847.6, shall open on signal from March 2 through December 14. From December 15 through March 1 the draws shall open on signal if at least 12 hours notice is given.

§ 117.345-25 Wisconsin River.

The draws of each drawbridge shall open on signal if at least 48 hours notice is given.

§ 117.350 Wyoming.

There are no known or authorized drawbridges in Wyoming.

Dated: June 25, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-18687 Filed 7-9-82; 8:45 am]

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Test Report Federal Register

Monday
July 12, 1982

Part IV

Department of the Interior

Office of Surface Mining Reclamation and
Enforcement

Coal Exploration and Surface Coal Mining
and Reclamation Operations on Non-
Federal and Non-Indian Lands in Idaho;
Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 912

Surface Mining and Reclamation Operation Under a Federal Program for Idaho

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Idaho. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on September 20, 1982, at the address below. A public hearing will be held on September 7, 1982, at 1:00 p.m. Requests to testify at the hearing should be received by September 2, 1982. If commenters request a hearing date later than that set, the hearing will be rescheduled and the new date announced by a notice in the *Federal Register*.

ADDRESSES: Written comments must be mailed to: Administrative Record Room R&I-23 Office of Surface Mining, Wyoming State Office, P.O. Box 1420, Mills, Wyoming 82644, or hand delivered to Office of Surface Mining, Wyoming State Office, Freden Building, 435 Pendell Blvd., Mills, Wyoming 82644.

The public hearing on the proposed program will be held at the Federal Building, Room 523, 550 West Fort Street, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION:**Availability of Copies**

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above under "ADDRESSES."

Public Comment Period

The comment period on the proposed program will extend until September 20, 1982. All comments must be received at

the location listed above under "ADDRESSES" by the close of business on that date.

All written comments received, a transcript of the public hearing, summaries of public meetings held at the request of any person or organization to receive advice and recommendations concerning the proposed program with representatives of OSM, and other documents comprising the administrative record on the Idaho Federal program will be made available for public review during regular business hours at the location listed above under "ADDRESSES."

OSM appreciates any and all comments on the proposal, but those that would be most useful should be as specific as possible, focus on the issues of this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal. Nor can OSM ensure consideration of comments received after the comment period ends or those delivered to an address other than those specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by September 2, 1982, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, the Secretary is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce, or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980 as the result of litigation. *In re: Permanent Surface Mining Regulation Litigation*, 13 ERC 1447 (July 25, 1979). The date for submission of State programs has now passed.

An additional standard for the promulgation of a Federal program is found in 30 CFR Part 736, which requires the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * *." 30 CFR 736.11(a)(1).

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. The Secretary believes that the requirements of section 505(b) can best be met by identifying State laws and regulations which impose equivalent or more stringent environmental controls and incorporating the requirements of those laws in the Federal program. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations or if the State regulates or protects an aspect of the environment affected by surface mining and reclamation operations which neither the Act nor the

Secretary's regulations protect, OSM would then specifically preserve those State standards in the Federal program.

Also, in promulgating a program for a State, section 504(g) specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, section 504(h) of the Act requires that each Federal program include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the permit review and issuance procedures.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs. In order for a State to have a program approved by the Secretary, section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761 and 765), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and

certification (Subchapter M). In addition, the provision in the permanent program regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who are directly enforcing the Act.

The rules for the permanent program are found in 30 CFR Parts 700-707 and 730-865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323-15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507-53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440-77447 (December 31, 1979); 45 FR 2626-2629 (January 11, 1980); 45 FR 25998-26001 (April 16, 1980); 45 FR 33926-33927 (May 20, 1980); 45 FR 39446-39447 (June 10, 1980); 45 FR 52306-52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780-58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); and 46 FR 52287 (December 7, 1981).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79-1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the *Federal Register* on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447-77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547-51550). In two opinions the court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80-1810, 80-1811, 80-1812, 80-1813 and 80-1823. The Court has granted a stay of the

proceedings pending the revision of regulations as noted below. However, the stay does not apply to Federal programs such as this one.

Idaho Federal Program

The State has identifiable coal reserves, but has failed to submit a program to the secretary to obtain primary regulatory responsibility. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

As mentioned above, when promulgating a Federal program for a State, the Secretary is required by section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed Idaho's laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. OSM is of the opinion that there are statutes which, in certain circumstances, impose stricter environmental controls than are provided under the Act or the Federal regulations. These are listed in § 912.700(e).

Pursuant to section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority" or "the State regulatory authority," which means the Secretary when a Federal program for a State is involved, section 701(22) of the Act. The Secretary has delegated all authority for surface coal mining activities to the director of the Office of Surface Mining. This proposed program for Idaho would not change these responsibilities.

Explanation of Cross-Referencing

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

In January 1981 the Secretary directed that the Department review all existing

regulations in order to eliminate those which are burdensome, excessive and unnecessary. Review of the permanent program regulations was initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1709 (January 13, 1982). See also, e.g., revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981) and OSM's inspection and enforcement regulations, 30 CFR Parts 842, 843, and 845, 46 FR 58464 (December 1, 1981).

In order to take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "the Secretary shall designate lands unsuitable * * * pursuant to the criteria in 30 CFR Part 762" (see proposed § 912.762). One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determined that special conditions were necessary for a particular State. A statement would appear in both the proposed and final permanent program rulemaking notices advising the public that the change in the permanent program rule would also result in a change in this program absent special conditions. The statement for the permanent program proposed rule would invite comment on necessary modifications to accommodate unique or unusual aspects of surface mining in any State and the final rule would be tailored for each State as necessary.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed for an individual State's Federal program which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section of that State's

Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable to a particular State-Federal program and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. However, 30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining would be included in a State program by a cross-reference under Section 912.764, to provide a petition process on non-Federal and non-Indian lands in that State.

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981) (proposed).

Content and Organization of the Program

The content and organization of the proposed Idaho Federal program shall generally follow the permanent program regulations. As discussed above, instead of the full text appearing it is proposed that only a reference to the permanent program part would be made in each section of the Idaho program.

Sections 912.700 (e) and (f) set out more stringent State statutes and regulations and inconsistent State statutes and regulations respectively. Where specific provisions are needed for the proposed Idaho Federal program which are different from the permanent program regulations a separate statement is added to that section of the Federal program.

In order to fulfill the Secretary's obligation under section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of each State, Idaho laws have been reviewed. OSM is of the opinion that there are statutes which, in certain circumstances, impose stricter environmental controls than are provided for under the Act or the Federal regulations. Section 912.700(e) of the proposed Federal program for Idaho

lists the Idaho laws and regulations which OSM has tentatively identified as setting more stringent land use and environmental controls for surface mining. Those more stringent Idaho statutes are summarized as follows:

(a) Section 47-1503(20), operator is defined to include those who engage in surface mining or exploration operations. This definition of operator is not subject to the 250 ton limitation for a twelve month period contained in OSM regulation, 30 CFR 701.5.

(b) Section 47-1509(c), requires that every operator who conducts exploration or surface mining operations which disturb less than 2 acres, return the land to the approximate original contour whenever possible. Section 528(2) of the Act exempts from OSM regulation those surface mining operations affecting two acres or less.

(c) Section 47-1513(c) provides for the assessment against an operator, in certain circumstances, of a civil penalty in the amount of the anticipated cost of reclamation. 30 CFR Part 808 *et seq.* contain no such provision.

(d) Sections 47-1513 (f) and (g) provide for the assessment of civil penalties in the amount of \$100 to \$1,000 per day, in addition to bond forfeiture, in certain circumstances. 30 CFR Part 808 *et seq.* contains no such provision.

(e) Section 47-1301 *et seq.* and the rules promulgated thereunder, rules 1 through 20, regulate the practice of dredge mining, which is not specifically addressed by the Act.

(f) Section 18-4301 provides that interference with ditches, canals or reservoirs used for several uses, including mining, is punishable as a misdemeanor. Neither the Act nor permanent regulations contain such a provision.

(g) Section 18-7019 provides for criminal sanctions for willful or malicious interference with structures used to conduct water for mining and other purposes. Neither the Act nor permanent regulations contain such a provision.

(h) Section 42-1713 requires a fee to be paid for by each owner of a dam, reservoir or mine tailing impoundment structure. 30 CFR 816.49, 816.91-93, 817.49 and 817.91-93 do not require payment of such a fee.

(i) Section 42-1718 (Supp.) provides that the State costs and expenses of work done to render a dam, impounding structure or its appurtenances safe, shall be recoverable from the owner by the State. 30 CFR 816.49, 816.91-93, 817.49 and 817.91-93 contain no such provision.

(j) Section 47-703A (1981 Session Laws) requires that prior to any entry or

exploration with heavy motorized equipment on State lands an operator shall obtain a bond not to exceed \$750 per acre affected. Neither section 512 of the Act nor 30 CFR Part 771 *et seq.* or 30 CFR Part 776 *et seq.* require such bond.

(k) Section 47-718(1)(b) (1981 Session Laws) provides that for a violation of Chapter 345 there may be assessed the reasonable cost of repair and reclamation and provides for the assessment against an operator, where there is an insufficient bond for exploration activities, of the amount in excess of the bond necessary to reclaim the affected State land. Neither the Act nor permanent regulations contain comparable provisions.

(l) Section 47-718(3) (1981 Session Laws) provides for the assessment of a civil penalty, in addition to any other penalties for a violation of Chapter 325, of not less than \$100 or greater than \$1,000 per day. Section 518 of the Act and 30 CFR Part 845 *et seq.* only provide for one civil penalty assessment per notice of violation and/or cessation order. Comment is invited on whether laws identified in § 912.700(e) of the proposed Federal Program, which reflect more stringent Idaho environmental controls, adequately take into consideration the nature of the relevant physical conditions. Comment is also invited concerning any other Idaho laws which establish more stringent land use and environmental controls.

In accordance with 30 CFR 736.23, OSM believes that those Idaho statutes and rules, listed in § 912.700(f) of the proposed Federal Program, interfere with the attainment of the goals and purposes of the Act and the Permanent Program Rules thereunder. Thus, OSM proposes that the following Idaho statutes and rules be preempted and superseded when the proposed Federal Program takes effect:

(a) Idaho Surface Mining Act, Section 47-1501 *et seq.* and Section 47-1512 (Supp.). However, sections 47-1503 (20), 47-1509(c), 47-1513(c), and 47-1513 (f) and (g) listed in § 912.700(e) are not preempted and superseded as they have been found to be more stringent than the Act and Permanent Rules Program thereunder. In addition, OSM proposes that it be the permitting authority for surface mining and exploration.

(b) Sections 42-3801 *et seq.* and 42-3801 *et seq.* (Supp.). OSM proposes to preempt and supersede the sections of Chapter 38, Alteration of Channels of Stream, as they are less stringent than the Act and regulations and would interfere with the attainment of the goals and purposes of the Act and Permanent Rules Program thereunder.

(c) Sections 42-1701, *et seq.* and 42-1701 *et seq.* (Supp.). OSM proposes to preempt and supersede the sections of Chapter 17, Department of Water Resources-Water Resources Board, as they are less stringent than the Act and regulations and would interfere with the attainment of the goals and purposes of the Act and Permanent Program Rules thereunder regarding the construction, maintenance and inspection of dams. However, sections 42-1713 and 42-1718 (Supp.) listed in § 912.700(e) are not preempted and superseded as they have been found to be more stringent than the Act and Permanent Rules Program thereunder.

(d) Section 42-108, (1981 Session Laws). OSM proposes to preempt and supersede, section 42-108, of Chapter 147, Change in Point of Diversion, as it is less stringent than the Act and regulations and would interfere with the attainment of the goals and purposes of the Act and Permanent Rules Program thereunder regarding the diversion of water.

(e) Sections 47-701, 47-702, 47-703, and 47-718 (1981 Session Laws). OSM proposes to preempt and supersede Chapter 345, sections 47-701, 47-702, 47-703 and 47-718, relating to mineral rights in State lands, as it is less stringent than the Act and regulations and would interfere with the attainment of the goals and purposes of the Act and Permanent Rules Program thereunder regarding coal leasing and exploration. However, sections 47-703A, 47-718(1)(b) and 47-718(3) listed in § 912.700(e) are not preempted and superseded as they have been found to be more stringent than the Act and Permanent Rules Program thereunder.

(f) OSM has reviewed the rules and regulations promulgated under section 42-1714 of the Idaho Code: Mine Tailings Impoundment Structures (October 1980); Safety of Dams (October 1980); and the Idaho Water Quality Standards promulgated pursuant to section 39-105 of the Idaho Code. OSM does not believe it is necessary to preempt or supersede these rules and regulations.

The Idaho laws and rules represent the main body of Idaho law relating to the exploration and surface mining of minerals and mined land reclamation. To a limited extent, Idaho requires the reclamation of surface mined lands. A close review of the Idaho statutes and rules indicates that they are not consistent with the Act or the Federal Permanent program Rules and interfere with the attainment of the reclamation goals and purposes expressed in the Act. Thus, OSM proposes that the Idaho statutes and rules, described above, no

longer be applicable to the regulation of coal exploration, surface coal mining operations or the reclamation of surface coal mined lands in the State of Idaho, except as they pertain to operations affecting two acres or less or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

In order to coordinate the Federal Program permitting process with the permitting requirements of Idaho and those imposed by other Federal statutes, § 912.770 of the proposed Federal Program tentatively identifies the various permits, statutes and rules which may, expressly or impliedly, impact on surface coal mining and reclamation and coal exploration under the proposed Federal Program. The pertinent permits, statutes, and rules are:

(a) Sections 47-1317, 47-1318, 47-1319, and 47-1317 (Supp.) provide for the permitting of dredge mining operations.

(b) Section 39-101 *et seq.*, and Section 39-101 *et seq.* (Supp.) Environmental Protection and Health Act of 1972, and regulations promulgated thereunder, addressing issuance and regulation of pollution source permits.

(c) Section 47-704 addressing the leases of mineral rights in State lands.

Copies of the Idaho Surface Mining Act, as amended, and the other Idaho statutes referred to herein are in the administrative record and are available for review at the place listed above under "ADDRESSES."

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only if ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the Federal Register, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic

impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities. Separate determinations of effect will be prepared for all revisions of the permanent program rules and would consider the effects on small entities in the State of Idaho.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

List of Subjects in 30 CFR Part 912

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by William F. Larkin, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals,
June 18, 1982.

OSM proposes to amend 30 CFR Chapter VII by adding Part 912 which would provide as follows:

PART 912—IDAHO

Sec.

912.700 General.

912.701 General.

912.707 Exemption for coal extraction incident to Government-financed highway or other construction.

912.761 Areas designated unsuitable for surface coal mining by Act of Congress.

912.762 Criteria for designating areas as unsuitable for surface coal mining operations.

912.764 Process for designating areas unsuitable for surface coal mining operations.

912.770 General requirements for permits and exploration procedures.

912.771 General requirements for permits and permit applications.

912.776 General requirements for coal exploration.

912.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.

912.779 Surface mining permit applications—minimum requirements for information on environmental resources.

912.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.

Sec.

912.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

912.783 Underground mining permit applications—minimum requirements for information on environmental resources.

912.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

912.785 Requirements for permits for special categories of mining.

912.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.

912.787 Administrative and judicial review of decisions on permit applications.

912.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

912.795 Small operator assistance.

912.800 General requirements for bonding of surface coal mining and reclamation operations.

912.815 Performance standards—coal exploration.

912.816 Performance standards—surface mining activities.

912.817 Performance standards—underground mining activities.

912.818 Special performance standards—concurrent surface and underground mining.

912.819 Special performance standards—auger mining.

912.822 Special performance standards—operations in alluvial valley floors.

912.823 Special performance standards—operations on prime farmland.

912.824 Special performance standards—mountaintop removal.

912.826 Special performance standards—operations on steep slopes.

912.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

912.828 Special performance standards—in situ processing.

912.842 Federal inspections.

912.843 Federal enforcement.

912.845 Civil penalties.

Authority: Pub. L. 95-87, The Surface Mining Control and Reclamation Act of 1977, 130 U.S.C. 1201 *et seq.*

§ 912.700 General.

(a) This part contains all rules that are applicable to surface coal mining operations in Idaho which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Idaho Federal program.

(c) The rules in this part apply to all surface coal mining operations in Idaho

conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in Idaho.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of Idaho laws provide, where applicable, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not be construed to be inconsistent with the Act:

(1) Section 47-1503(20) pertaining to the definition of an operator.

(2) Section 47-1509(c) regarding reclamation of disturbed land less than 2 acres.

(3) Section 47-1513(c) providing for assessment of anticipated costs of reclamation against an operator.

(4) Sections 47-1513 (f) and (g) providing for assessment of civil penalties in addition to bond forfeiture.

(5) Section 47-1301 *et seq.* and rules 1 through 20 promulgated thereunder pertaining to regulations of dredge mining.

(6) Sections 18-4301 and 18-7019 providing for punishment for interference with water sources used in mining operations.

(7) Section 42-1713 requiring a fee to be paid by each owner of a dam, reservoir or mine tailing impoundment structure.

(8) Section 42-1718 (Supp.) providing for assessment against an operator for costs incurred in correcting deficiencies in dams and impoundment structures.

(9) Section 47-703A (1981 Session Laws) requiring a bond, not to exceed \$750 per affected acre, for exploration where heavy motorized equipment is used on State lands.

(10) Section 47-718(1)(b) (1981 Session Laws) providing for assessment against an operator of reasonable costs of repair and reclamation of lands not covered by a bond.

(11) Section 47-718(3) (1981 Session Laws) providing for an assessment of a civil penalty, in addition to any penalties otherwise assessed, for a violation of Chapter 325.

(f) The following Idaho laws interfere with the achievement of the purposes and requirements of the Act and are, in accordance with section 504(g) of the Act, preempted and superseded except as they apply to surface coal mining operations affecting two acres or less or

which otherwise are not regulated by the Surface Mining Control and Reclamation Act:

(1) Sections 47-1501 *et seq.* and section 47-1512 (Supp.), with the exception of sections 47-1503(20), 47-1509(c), 47-1513(c), and 47-1513 (f) and (g) listed in § 912.700(e), *supra*.

(2) Sections 42-3801 *et seq.* and 42-3801 *et seq.* (Supp.).

(3) Sections 42-1701 *et seq.* and 42-1701 *et seq.* (Supp.), excepting sections 42-1713 and 42-1718 (Supp.) listed in § 912.700(e), *supra*.

(4) Section 42-108 (1981 Session Laws).

(5) Sections 47-701, 47-702, 47-703 and 47-718 (1981 Session Laws) excepting sections 47-703A, 47-718(1)(b) and 47-718(3) listed in § 912.700(e), *supra*.

§ 912.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining operations in Idaho.

§ 912.707 Exemption for coal extraction incident to Government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 912.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 912.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations.

§ 912.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after the effective date of this program.

§ 912.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under

State Programs, shall apply to surface coal mining and exploration operations.

(b) Where applicable, no person shall conduct surface coal exploration operations which result in the removal of more than 250 tons in one location, or surface coal mining operations without permits issued pursuant to leases and/or certificates required by the State of Idaho, pursuant to Sections 47-1317, 47-1318, 47-1319, 47-1317 (Supp.) 39-101 *et seq.* and 39-101 *et seq.* (Supp.).

§ 912.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mine operations.

(b) Any person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with Section 736.25 of this chapter.

§ 912.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 912.778 Surface mining permit application—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 912.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to

conduct surface coal mining and reclamation operations.

§ 912.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirement for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 912.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground mining operations.

§ 912.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground mining operations.

§ 912.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground mining.

§ 912.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations.

§ 912.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 912.787 Administrative and judicial review of decisions on permit applications.

Decisions of permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and sections 520, 525 and 526 of the Act.

§ 912.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 912.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 912.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 912.815 Performance standards—coal exploration.

(a) Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

(b) All operators shall comply with the Idaho statutory requirements specified in § 912.700(e).

§ 912.816 Performance standards—surface mining activities.

(a) Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

(b) All operators shall comply with the Idaho statutory requirements specified in § 912.700(e).

§ 912.817 Performance standards—underground mining activities.

(a) Part 817 of this chapter, Permanent Program Performance Standards—

Underground Mining Activities, shall apply to any person who conducts underground mining operations.

(b) All operators shall comply with the Idaho statutory requirements specified in § 912.700(e).

§ 912.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground mining operations.

§ 912.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 912.822 Special performance standards—operations on alluvial valley floors.

Part 822 of this chapter, Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 912.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 912.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 912.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts

surface coal mining and reclamation operations on steep slopes.

§ 912.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which includes the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 912.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 912.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of Part 842, the Secretary will furnish a copy of each inspection report regarding inspections conducted pursuant to this subpart to the State of Idaho upon request.

§ 912.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each enforcement action and order to show cause issued pursuant to this subpart to the State of Idaho upon request.

§ 912.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

[FR Doc. 82-18626 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-05-M

East Great Lakes Federal Register

**Monday
July 12, 1982**

Part V

Department of the Interior

Office of the Secretary

**Preliminary Certification of No Adverse
Impact on Theodore Roosevelt National
Park and Lostwood National Wildlife
Refuge**

DEPARTMENT OF THE INTERIOR

Preliminary Certification of No Adverse Impact on Theodore Roosevelt National Park and Lostwood National Wildlife Refuge Under Section 165(d)(2)(C)(iii) of the Clean Air Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of preliminary determination under section 165(d)(2)(C)(iii) of the Clean Air Act.

SUMMARY: This notice announces the preliminary determination by the Federal Land Manager of Theodore Roosevelt National Park and Lostwood National Wildlife Refuge that five proposed sources in North Dakota subject to Prevention of Significant Deterioration air quality requirements will not adversely affect the resources of the park and refuge (wilderness portion). The Department of the Interior has decided as a matter of policy to invite full public discussion of the issues involved and thereafter to make a decision on the basis of the best available information. The intent of this notice is to alert interested parties to the availability of supporting documentation and to solicit comments on the preliminary determination.

DATE: Comments must be received on or before August 11, 1982.

ADDRESSES: *Comments:* Comments should be submitted (in duplicate, if possible) to: Chief, Permit Review and Technical Support Branch, National Park Service—AIR, P.O. Box 25287, Denver, CO 80225.

Supporting Documentation: Copies of the supporting documentation are available for public inspection and copying between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations: National Park Service, Main Interior Building, Room 3021, 18th and C Sts. NW., Washington, D.C.; Air Quality Division, 11011 W. Sixth Avenue, Denver, CO, Room 306; and Theodore Roosevelt National Park, Headquarters, Medora, ND. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John P. Christiano, Air Quality Division, National Park Service—AIR, P.O. Box 25287, Denver, CO 80225, telephone number (303) 234-6620.

SUPPLEMENTARY INFORMATION: The Prevention of Significant Deterioration Section of the Clean Air Act deals with a complex problem. It concerns major new facilities which wish to locate in relatively unpolluted areas of the country ("clean air regions"), where the new pollution might affect certain

federal conservation areas ("class I areas"), set aside for their pristine air quality or other natural, scenic, recreational, or historic values vulnerable to air pollution. In this situation, the Act imposes special requirements on the proposed facilities to insure that the pollution from them will be minimal. In addition, the Act imposes special responsibilities on the managers of the federal class I areas to insure that no new facility will have an unacceptable impact on the areas' protected resources.

The Clean Air Act establishes several "standards" or "tests" for analyzing a proposed facility's impact on the clean air regions in general, and on the class I areas in particular. These standards or tests include, among others, National Ambient Air Quality Standards; Prevention of Significant Deterioration classes I, II, and III air pollution increments; and the "adverse impact" determination for class I areas. An explanation of the relationship among these standards or tests is particularly relevant to the action which is the subject of this notice.

In brief, *National Ambient Air Quality Standards*, which a proposed facility must not violate under any circumstances, are standards applicable to the entire country. These standards represent those pollution levels acceptable for protecting the public health and national welfare. Attainment and maintenance of these National Ambient Air Quality Standards constitute one of the fundamental purposes of the Clean Air Act: all areas presently not in compliance with the standards must improve their air quality to meet them, and all areas cleaner than the standards must not deteriorate so as to violate them.

The two remaining "standards" or "tests"—classes I, II, and III increments and adverse impact determinations—are the primary tools of the Prevention of Significant Deterioration (PSD) provisions which govern the permitting of proposed major new sources of pollution in clean air regions. The *class I increments* apply to clean air regions of the country containing areas such as national parks and wilderness areas. Under the Clean Air Act, Congress designated 158 natural, scenic, or historic areas of special national significance as class I. The class I increments represent the extremely small amount of additional pollution that Congress thought, as a general rule, should be allowed in class I areas. The class I increments also represent the restriction on additional pollution which Congress thought necessary in most cases for protection of the resources in

federal class I areas. Typically, therefore, a proposed facility must not violate the class I increment.

The "adverse impact" determination, however, provides the possible exception to the general rule that a proposed facility must not violate the class I increment described above. The adverse impact determination, which is the subject of this notice, is a site specific test which examines whether a proposed facility will, in fact, unacceptably affect the resources of a class I area. If the manager of the federal class I area determines that a proposed facility will not adversely affect the class I area, then the permitting authority may authorize the facility even though the facility's emissions may cause a violation of the class I increment. In this situation, the facility must nevertheless meet a revised set of class I increments established by the Act. Conversely, if the Federal Land Manager determines and convinces the permitting authority that a proposed facility will adversely affect the class I area even though it will not cause a violation of the class I increment, then the permitting authority may not authorize the facility. Thus, the adverse impact determination is a critical test for a proposed facility desirous of locating near a class I national park or wilderness area.

The action which is the subject of today's notice concerns two mandatory class I areas: Theodore Roosevelt National Park (Theodore Roosevelt NP) and the wilderness portion of Lostwood National Wildlife Refuge (Lostwood NWR). The situation is that the proposed and existing sources located in the vicinity of the two class I areas will meet the National Ambient Air Quality Standards, but they will apparently violate the class I increments for sulfur dioxide (SO₂). Therefore, the adverse impact determination of the Federal Land Manager may be the determining factor in the State of North Dakota's pending permit decision for six proposed facilities.

Prevention of Significant Deterioration New Source Applications

Six Prevention of Significant Deterioration (PSD) permit applications have been submitted to the State of North Dakota. The applicants are: Basin Electric Power Cooperative for a 500 MW unit expansion to the Antelope Valley electric generating station; Warren Petroleum for a natural gas processing facility; Nokota Company for a coal-to-methanol plant; Minnesota Power and Light for a 500 MW electric generating station; Amoco Production

Company for a natural gas processing facility; and Phillips Petroleum Company for a natural gas processing facility.

The State of North Dakota, which has been delegated complete PSD authority, has performed regional scale modeling to determine the cumulative air pollution concentrations resulting from all sources subject to PSD on Theodore Roosevelt NP and Lostwood NWR. These sources include ten facilities already permitted or operating and the six applicants. The results indicate concentrations higher than the allowed sulfur dioxide class I 24-hour and 3-hour increments in the North and South Units of Theodore Roosevelt NP and higher than the class I 24-hour increment at the Theodore Roosevelt Elkhorn Ranch Unit and Lostwood NWR.

Because of the model results, the State informed five of the applicants of several options available for obtaining a permit, including the option of requesting certification from the Federal Land Manager under section 165(d)(2)(C)(iii) of the Clean Air Act that the sources will have no adverse effect on the resources of Theodore Roosevelt NP and Lostwood NWR even though the maximum allowable class I increase, (i.e., class I increments) will be exceeded. The sixth applicant, Phillips, does not need to request certification from the Federal Land Manager because the emissions from the proposed Phillips plant do not contribute to concentrations that exceed the maximum allowable increases in the class I areas. The five other applicants have chosen to request Federal Land Manager's certification from the Department of the Interior.

Adverse Impact Discussion

The Federal Land Manager considers that any effects on resources in class I areas caused by air pollutants that:

1. Diminish the national significance of the area;
2. Impair the structure and functioning of ecosystems; and/or
3. Impair the quality of visitor experience

constitute an unacceptable, adverse impact. See Senate Report No. 127, 95th Congress, 1st Session 35-36 (1977). Consequently, if a proposed new source will have such an adverse impact on the air quality related values of a class I area, the Federal Land Manager will not issue the certification under section 165(d)(2)(C)(iii) of the Clean Air Act.

The effects that meet the three criteria for adverse impact listed above must be placed in a time, space and direction context. In order to determine whether the effects are unacceptable, and therefore adverse, a determination must

be made of their projected frequency, magnitude, duration, location, and reversibility. This is done by answering the following questions:

1. Will the effects last long enough and/or occur frequently enough to impair the structure and functioning of ecosystems in the park, impair visitor experience or diminish the national significance of the area?
2. Will the effects occur on a scale large enough to impair the structure and functioning of ecosystems in the park, impair visitor experience or diminish the national significance of the area?
3. Are the effects reversible if the stress causing them is removed from the area?

In order to answer the questions relevant to the adverse impact determination for Theodore Roosevelt NP and Lostwood NWR, the Federal Land Manager took the following steps:

1. Plant and animal species lists for the park and refuge were reviewed to identify sensitive species, dominant species, bioindicator species, and rare and endangered species sensitive to the presence of sulfur dioxide particulate matter, ozone, fluoride, and acid precipitation.
2. The sensitivity/effects literature was examined for known effects on these species at concentration predicted to occur in the park and refuge.
3. Soil types and historic structures were screened in a similar way.
4. A visibility analysis was conducted to determine (a) plume perceptibility and (b) reduction in visual range (i.e., regional haze).
5. A field trip was conducted to look for existing injury symptoms on all air quality related values.

Findings and Determinations

As detailed in the following statements, the Federal Land Manager concludes that the proposed new sources will have minimal impact of any kind, and no adverse impact, on either of the class I areas.

1. Plant and animal species known to be sensitive to low levels of SO₂ and particulate matter are present in each class I area. Lichens appear to be the species most sensitive to changes in air quality.
2. The model predicts that SO₂ concentrations higher than the class I increments would occur in the park and refuge even if the six applicants are not permitted. Furthermore, the six applicants would contribute relatively small percentages of the maximum concentrations.
3. A cumulative frequency of occurrence analysis of the measured SO₂ data shows that high concentrations

are episodic and do not represent typical conditions. Half the hourly values are an order of magnitude below the minimum detectable limit of the instruments (5 ug/m³).

4. Worst case estimates of the maximum SO₂ concentrations in Theodore Roosevelt NP and Lostwood NWR are at levels known to produce effects on certain sensitive species, (i.e., two species of lichens).

5. Predicted concentrations of particulate matter are lower than the class I increments and are expected to contribute virtually nothing to ambient air quality levels.

6. Estimated ambient air fluoride concentrations in the park and refuge (wilderness) are insignificant.

7. Soils in the park and refuge (wilderness) are buffered and are therefore unlikely to be affected by acidic rainfall events. Similarly, the streams, ponds and rivers are also unlikely to be affected.

8. A recent field evaluation of sensitive species in each class I area found no symptoms of visible injury due to current ambient air pollution.

9. None of the applicants alone should cause a perceptible plume affecting visibility in the class I areas. An estimate of the combined effect of all sources on visibility indicates that less than a 2% reduction in standard visual range should occur. This is below the threshold limit for human observers.

10. Many factors exist in this analysis that tend to overpredict effects on air quality related values. In other words, the actual impact on the resources from the proposed sources will probably be even less than the analysis assumes.

11. The effects on air quality related values are not found to impair the structure and functioning of ecosystems, impair the quality of visitor experience, or diminish the national significance of either class I area.

Based on the above findings and the overall analysis, the Federal Land Manager concludes the following:

1. Granting these permits will not cause an unacceptable, adverse impact on the natural resources of Theodore Roosevelt NP or Lostwood NWR. The predicted concentrations (modeled estimates plus monitored concentrations) in the park are at levels at which studies have indicated effects on two species of lichens. Even in the absence of the five sources requesting a certification from the Federal Land Manager, the model estimates and air quality data indicate concentrations high enough to produce effects. In fact, the five applicants contribute relatively small percentages of the maximum

predicted concentrations. It is likely that the major contributors to the monitored SO₂ concentrations are existing sources near the class I areas. In the case of the proposed gas processing plants, processing sour natural gas which is presently being flared will result in an overall decrease in SO₂ emissions. This offset in emissions cannot be quantified without an extensive emission inventory of all the oil wells that are flaring gas (probably in the thousands); however, there should be an emission reduction when the proposed gas plants begin processing the sour gas.

2. Even though the Federal Land Manager is confident of no significant risk to resources in this case, because of the potential for additional growth near these class I areas, it is recommended that several studies be undertaken to provide an extra measure of protection. Possibilities for studies include completion of vegetation maps for the class I areas; lichen monitoring studies; analysis of particulate matter burdens in bird lungs; sulfur analyses of vegetation and soils; and increased ambient monitoring. In the event these studies

indicate increased potential for adverse effects, a State Implementation Plan revision might be appropriate to reduce emissions of existing and unreviewed sources.

Conclusions reached in this review should not be extrapolated to any future permit applications in the vicinity of Theodore Roosevelt NP or Lostwood NWR. Each future application must be reviewed on a case-by-case basis, because a source's emission parameters, such as stack height, gas temperature, and geographic location, determine its interaction with other sources and hence, the potential for effects. New applicants must demonstrate to the Federal Land Manager's satisfaction that the proposed source will not cause or contribute to an adverse impact on the resources of Theodore Roosevelt NP and wilderness portion of Lostwood NWR.

Interested parties are invited to comment on this preliminary determination. Comments should be confined to the issue of whether the air quality related values of Theodore Roosevelt NP or Lostwood NWR will be

adversely affected by the proposed sources. Comments on other aspects of the permitting of these sources should be directed to the State when the State announces a public comment period on the approvability of the permits.

The North Dakota State Department of Health will process the PSD permit applications concurrently with the Federal Land Manager while at the same time ensuring normal and full opportunity for public comment and participation.

Because the State is under a statutory deadline to approve or disapprove the permits, the Federal Land Manager will not extend the public comment period beyond 30 days from publication of this notice.

Dated: July 2, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks, Federal Land Manager of Theodore Roosevelt National Park and Lostwood National Wildlife Refuge.

[FR Doc. 82-18744 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-70-M

United States Federal Register

Monday
July 12, 1982

Part VI

Department of the Interior

Office of the Secretary

Internal Procedures for Determinations of Adverse Impact Under Section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act

DEPARTMENT OF THE INTERIOR

Internal Procedures for Determinations of Adverse Impact Under Section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act

AGENCY: Interior Department.

ACTION: Notice of internal procedures on adverse impact determinations under section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act.

SUMMARY: The Federal Land Management for class I air quality areas under the jurisdiction of the National Park Service and U.S. Fish and Wildlife Service has established internal procedures to govern the processing of adverse impact determinations under section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act. These procedures represent the steps through which the determination must go within the Department, including procedures for reaching a preliminary determination on adverse impact, procedures for obtaining public comment whenever possible, and procedures for reaching a final determination. The Department is publishing these internal procedures for general information purposes, i.e., to let the public know how the Department will process adverse impact determinations.

FOR FURTHER INFORMATION CONTACT: John P. Christiano, Air Quality Division, National Park Service—AIR, P.O. Box 25287, Denver, CO 80225, telephone number (303) 234-6620.

SUPPLEMENTARY INFORMATION: Part C of the Clean Air Act ("Act"), as amended, entitled the "Prevention of Significant Deterioration of Air Quality," includes requirements for major new facilities which wish to locate in relatively unpolluted areas of the country ("clean air regions"), where the new pollution might affect certain Federal conservation areas ("class I areas"), valued for their pristine air quality or other natural, scenic, recreational, or historic resources sensitive to air pollution. In this situation, the Act imposes special responsibilities on the managers of such class I areas to ensure that no major new facility will have an unacceptable, adverse impact on the areas' protected resources. The "Directive on Procedures" printed below sets forth the internal procedures which the Assistant Secretary for Fish and Wildlife and Parks, who is the Federal Land Manager for areas under the jurisdiction of the National Park Service and U.S. Fish and Wildlife Service, has instructed the bureaus to follow in processing such an adverse impact determination.

Section 165 of the Act governs the permitting of proposed major facilities in clean air regions. 42 U.S.C. 7475. It sets forth several "standards" or "tests" for analyzing a proposed facility's impact on the clean air regions in general, and on the class I areas in particular. These standards or tests include, among others, the National Ambient Air Quality Standards; class I, II, and III air pollution increments; and the adverse impact determination for class I areas, which is the subject of the internal procedures published in this notice. Knowledge of the relationship among these three standards or tests is necessary in order to understand the role of the third one, the adverse impact determination.

In brief, *National Ambient Air Quality Standards*, which must not be exceeded under any circumstances, are standards applicable to the entire country. These standards represent those pollution levels appropriate for protecting the public health and national welfare. Attainment and maintenance of these National Ambient Air Quality Standards constitute one of the fundamental purposes of the Clean Air Act: All areas presently not in compliance with the standards must improve their air quality to meet them, and all areas cleaner than the standards must not deteriorate so as to exceed them.

The two remaining standards or tests—class I, II, and III increments and adverse impact determinations—are the primary tools of section 165 for preventing the significant deterioration of the air quality in the clean air regions of the country. The class I increments apply to clean air regions containing areas such as national parks and wilderness areas. Under the Clean Air Act, Congress designated 158 natural, scenic, or historic areas of special national significance as class I. The class I increments represent the extremely small amount of additional pollution that Congress thought, as a general rule, should be allowed in class I areas. The class I increments also represent the restriction on additional pollution which Congress thought necessary in most cases for protection of the resources in class I areas. Typically, therefore, a proposed facility must not violate the class I increment.

The "adverse impact" determination, however, provides the possible exception to the general rule that a proposed facility must not violate the class I increment described above. The adverse impact determination, which is the subject of the internal procedures printed below, is a site specific test which examines whether a proposed facility will, in fact, unacceptably affect

the resources of a class I area. If the Federal Land Manager of the class I area determines that a proposed facility will not adversely affect the class I area, then the permitting authority may authorize the facility even though the facility's emissions may cause a violation of the class I increment. (In this situation, the facility must, nevertheless, not exceed a revised set of class I increments established by section 165(d)(2)(C)(iv) of the Act.) Conversely, if the Federal Land Manager determines and convinces the permitting authority that a proposed facility will adversely affect the class I area even though it will not cause a violation of the class I increment, then the permitting authority may not authorize the facility. Thus, the adverse impact test is a critical test for a proposed facility desirous of locating near a class I national park or wilderness area.

The directive published below instructs the bureaus as to the processing of an adverse impact determination. It constitutes a procedural checklist for the bureaus. It also embodies the evolving policy of the Department to include the public in the decisionmaking on the adverse impact determination. In particular, the directive provides for a thirty-day public comment period on the preliminary determination whenever possible within the constraints of statutory and implementation plan deadlines. In this way, the Department seeks to allow full discussion of the issues involved and to ensure the best available information for the final determination.

The procedures listed in the directive published below are being followed in an ongoing adverse impact determination concerning five major new facilities in North Dakota proposing to locate in the vicinity of Theodore Roosevelt National Park and Lostwood National Wildlife Refuge (wilderness portion), both mandatory class I areas. A notice of the preliminary determination by the Federal Land Manager that these facilities will not adversely affect the class I areas is published elsewhere in today's Federal Register.

Directive on Procedures for Determinations Under Section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act

To: Director, National Park Service,
Director, Fish and Wildlife Service
From: G. Ray Arnett, Assistant
Secretary for Fish and Wildlife and
Parks

The following procedures apply to determinations under section

165(d)(2)(C)(ii) or (iii) of the Clean Air Act of whether a proposed new source will have an unacceptable, adverse impact on the air quality related values established for a class I area. The steps listed below are to be carried out as expeditiously as possible, without jeopardizing sound decisionmaking, in order to enable the permitting authority (the State or the Environmental Protection Agency (EPA)) to make its decision on the overall PSD permit application within one year of the filing of the completed application as required by section 165(c) of the Act. The following steps are also to be carried out in consultation with EPA as appropriate. Whenever provisions of the permitting authority's implementation plan make execution of the listed steps impossible (e.g., inadequate time allotments for the Federal Land Manager's determination), the procedures shall be adjusted as appropriate, after consultation with the Solicitor's Office.

1. Receipt of PSD permit application.
2. Technical review of application to determine need for additional information.
3. Technical review of impact of proposed new source on air quality related values (including visibility) of class I area.
4. Compliance with other statutory authorities, as applicable, including the following:
 - a. Initiation of consultation with the U.S. Fish and Wildlife Service if required under Endangered Species Act, 16 U.S.C. 1536.

- b. Determination of effect, if appropriate, on properties included or eligible for inclusion in the National Register, and solicitation of comment from the Advisory Council on Historic Preservation if required under National Historic Preservation Act, 16 U.S.C. 470f.

5. Technical review of "adverseness" of impact (if any), and submission of bureau recommendation on "adverse impact" or "no adverse impact" determination.

6. Assistant Secretarial review of bureau recommendation on "adverse impact" or "no adverse impact" determination, and formulation of Assistant Secretarial determination under section 165(d)(2)(C)(ii) or (iii).

7. Notification of preliminary determination by letters to owner/operator of proposed new source, State, and EPA.

Simultaneous with #7, publication of preliminary determination in "Notice" section of Federal Register, including—

- a. Statement as to availability of supporting documentation for inspection and copying at NPS Air Quality Division offices in Denver, Colorado, and in Washington, D.C., and at affected park and refuge headquarters; and
- b. Announcement of thirty-day public comment period (not to be extended except in the most unusual circumstances) on issues directly relevant to the determination in question.

9. Timely review and brief summarization of relevant comments

received within comment period, and responses thereto.

10. Final Assistant Secretarial determination, as soon as possible after end of comment period, of "adverse impact" or "no adverse impact", with a clear and concise statement of reasons supporting that determination.

11. Notification of final determination by letters to owner/operator of proposed new source, State, and EPA. If final determination in a section 165(d)(2)(C)(iii) situation concludes "no adverse impact", Assistant Secretary (in role as "Federal Land Manager") shall so "certify" in letter.

12. Simultaneous with No. 11, publication of final determination in "Notice" section of Federal Register, including—

- a. Clear and concise statement of reasons supporting that determination;
- b. Statement as to availability of supporting documentation for inspection and copying at NPS Air Quality Division offices in Denver, Colorado and in Washington, D.C.; and
- c. Statement as to immediate effective date (as of date signed) of final determination.

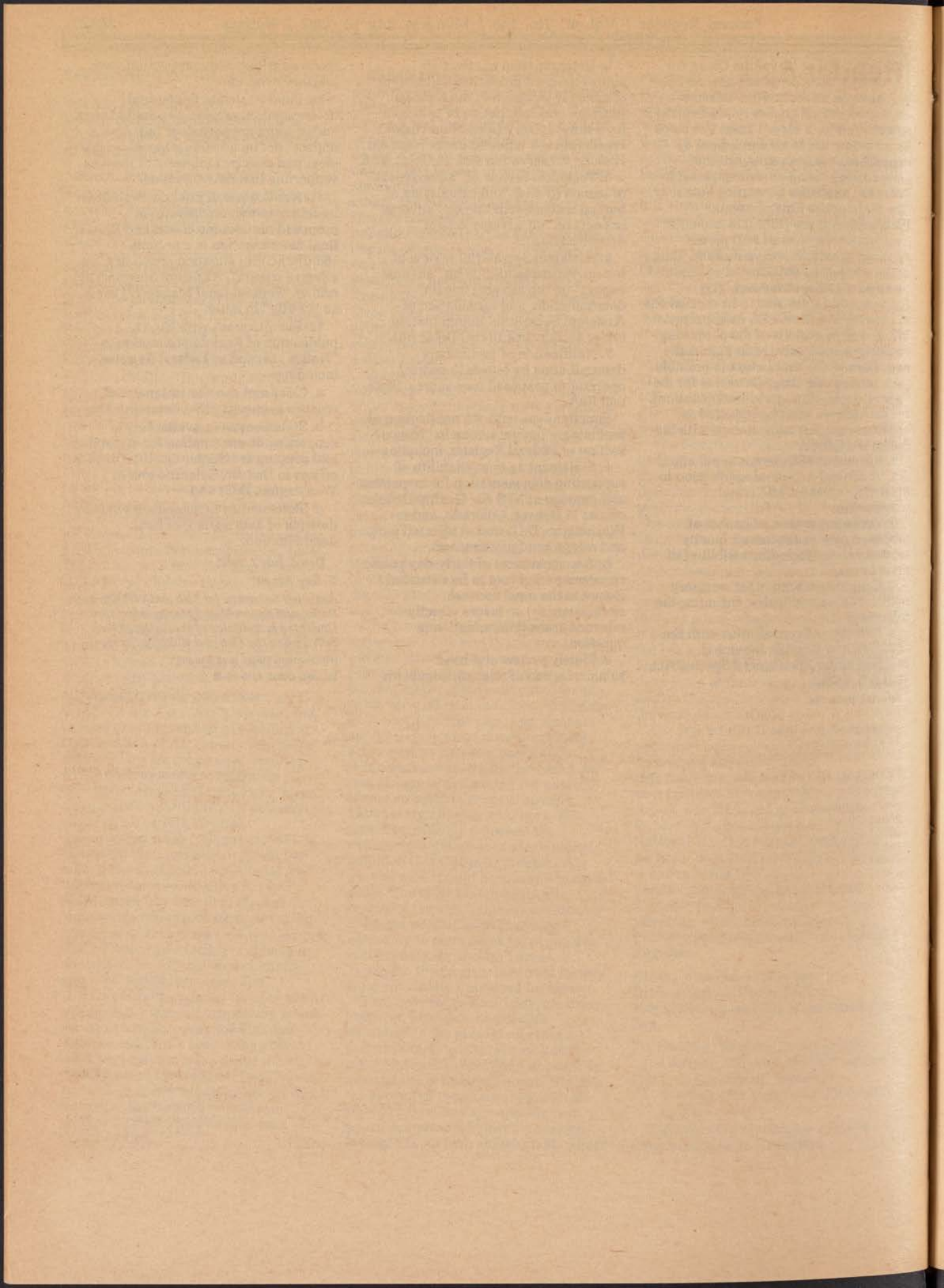
Dated: July 7, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks, and Federal Land Manager for Areas Under the Jurisdiction of the National Park Service and the Fish and Wildlife Service.

[FR Doc. 18745 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-70-M



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