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Monday
July 19, 1982

Selected Subjects

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASO-34]

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

Alteration of Control Zone, Fort Stewart, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Fort Stewart, Georgia, Control Zone by deleting the listing of specific effective hours and including in the description a provision that will permit use of the FAA's Notice to Airmen (NOTAM) system and the Airport/Facility Directory (A/FD) to publicize the hours during which the Control Zone is effective.

DATES: Effective 0901 G.m.t., September 2, 1982.

Comments must be received on or before August 2, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

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

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add a provision to the description of the Fort Stewart Control Zone which will permit notification of changes in effective hours through use of the Notice to Airmen (NOTAM) system. After issuance of appropriate NOTAM's, the effective hours of the Control Zone will thereafter be listed in the Airport/Facility Directory (A/FD). If future aeronautical activities indicate a change in effective hours is necessary, such changes could be publicized in a rapid and effective manner to airspace users. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to amend the description of the Fort Stewart, Georgia, Control Zone, to permit use of the FAA NOTAM system for publication of effective hours. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impracticable and that good cause exists for making this amendment effective in less than 45 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation Safety, Airspace, Control Zone.

Adoption of the Amendment

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

Fort Stewart, GA [Amended]

By deleting the words, ". . . This control zone is effective from 0700 to 2300 hours, local time, daily . . .," and substituting for them the words, " . . . This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory . . .".

(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)

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

Issued in East Point, Georgia, on July 8, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-19417 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-33]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Alma, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment corrects a deficiency in the description of the Alma, Georgia, Control Zone and adds a provision for publication of effective hours through use of the FAA Notice to Airmen system. No change in airspace is intended by this action.

DATES: Effective 0901 G.m.t., September 2, 1982.

Comments must be received on or before August 2, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

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

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Alma, Georgia, Control Zone to correct an error that has gone undetected for several years and to provide a means for publication of effective hours in the Airport/Facility Directory. In 1975, the control zone was amended by deleting an arrival extension northwest of the airport. That amendment failed to properly redescribe the control zone and this rule will correct that deficiency. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to properly describe the Alma, Georgia, Control Zone and provide a provison for publication of control zone effective hours. If future aeronautical activities indicate a change in effective hours is necessary, the notice of such change would be publicized through use of this provision. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impracticable and unnecessary and that good cause exists for making this amendment effective in less than 45 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation Safety, Airspace, Control Zone.

Adoption of the Amendment

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

Alma, GA [Revised]

Within a 5-mile radius of Bacon County Airport (Lat. 31°32'17"N., Long. 82°30'33"W.); within 3 miles each side of Alma VORTAC 146° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

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

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

Issued in East Point, Georgia, on July 8, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-19421 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-30]

Alteration of Transition Area, Indianola, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Indianola, Mississippi, transition area by correcting the description of an arrival area extension to coincide with a change to the NDB RWY 35 instrument approach procedure. No significant change in airspace is intended.

DATES: Effective 0901 G.m.t., September 2, 1982.

Comments must be received on of before July 31, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves correcting the description of an arrival area extension

due to realignment of the NDB RWY 35 final approach course from 191° true to 189° true and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Indianola, Mississippi, transition area by realigning the arrival area extension for the NDB RWY 35 instrument approach procedure which serves Indianola Municipal Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to alter the transition area so that the arrival area extension is aligned properly with the NDB Runway 35 final approach course. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and impracticable and that good cause exists for making this amendment effective in less than 45 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation Safety, Airspace, Transition Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., September 2, 1982, as follows:

Indianola, Mississippi [Amended]

By deleting ". . . 191° . . ." and substituting ". . . 189° . . ." therefor.

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

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

Issued in East Point, Georgia, on July 9, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-19422 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-105 (Texas—11 Addition II) Order No. 241]

High-Cost Gas Produced From Tight Formations, Texas; Final Rule

Issued July 8, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Wilcox Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter Lawson, (202) 357-8556.

High-Cost Gas Produced from Tight Formations Docket No. RM79-76-105 (Texas—11 Addition II).

The Commission hereby amends § 271.703(d) of its regulations to include an additional area of the Wilcox Formation, located in Webb County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation, issued April 2, 1982 (47 FR 15355, April 9, 1982),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that an additional area of the Wilcox Formation in the West Cole Field be designated as a tight formation in § 271.703(d).

Evidence submitted by Texas supports the assertion that the additional area of the Wilcox Formation in the West Cole Field meets the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective July 8, 1982. By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d)(63) is amended by adding subparagraph (iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

[1] Comments on the proposed rule were invited and one comment in support of Texas' recommendation was received. No party requested a public hearing and no hearing was held.

(63) Wilcox Formation in Texas. RM79-76 (Texas—11)

* * * * *

(iii) *West Cole Field—(A) Delineation of formation.* The Wilcox Formation in the area of the West Cole Field, Webb County, Texas, is located approximately 36 miles east of the city of Laredo, Texas, and is within a 2.5 mile radius around the Forest Oil Corporation No. 1 Rosa V. de Benavides well.

(B) *Depth.* The top of the Wilcox Formation, West Cole Field, is at approximately 9,135 feet and extends to 10,315 feet (log depths) resulting in a total thickness of 1,180 feet.

[FR Doc. 82-19352 Filed 7-16-82; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-147]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Houma Navigation Canal, Bayou La Carpe and Bayou Terrebonne, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At the request of the Terrebonne Parish Police Jury, the Coast Guard is changing the regulations governing the East Park Avenue, East Main Street and Bayou Dularge bridges over the Gulf Intracoastal Waterway, mile 57.6, 57.7 and 59.9 respectively; the State Highway 661 bridge over the Houma Navigational Canal, mile 36.0; the State Highway 661 Bridge over Bayou La Carpe, mile 7.5; and, the Daigleville bridge over Bayou Terrebonne, mile 35.5.

The six drawbridges are in Houma, Louisiana, and presently are required to open on signal at any time. The change will require that Monday through Friday except holidays, the draws need not open for the passage of vessels from 7:00 a.m. to 8:30 a.m. and from 4:30 p.m. to 6:00 p.m. This action is being taken to relieve overland traffic congestion during peak morning and afternoon vehicular traffic periods, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 18, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 24 November 1980, the Coast Guard published a proposed rule (45 FR 77458) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 3 December 1980. Interested persons were given until 29 December 1980 and 2 January 1981, respectively, to submit comments on the proposed change which took the form of two options: Option 1 allowed the draws of the bridges to remain closed from 7:00 to 8:30 a.m. and 4:30 to 6:00 p.m., Monday through Friday except holidays. Option 2 divided the foregoing closure in the morning and afternoon into two 45 minute intervals, separated by an opening of the draws not to exceed 10 minutes to pass waiting navigation.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Background

The six bridges are low level structures, except Bayou Dularge which is a semi-high rise with 40 feet of vertical clearance in the closed position. Together with the Houma tunnel, they operate as an integrated overland transportation system. A closure to vehicular traffic of one or more of the bridges during peak traffic periods interrupts the system and further overburdens the other crossings.

Waterway activity (largely barge tows) on the four waterways in the vicinity of the six bridges has remained basically unchanged, judging from the relatively constant number of bridge openings for the past five years for each bridge. In order of activity, the yearly openings were 20,500 for the East Main and East Park bridges over the Gulf Intracoastal Waterway, 15,000 for State Highway 661 bridge over Houma Navigation Canal, 7,500 for Bayou Dularge bridge (semi-high rise) over the Gulf Intracoastal Waterway, 5,000 for State Highway 661 bridge over Bayou La Carpe and 2,400 for Daigleville bridge over Bayou Terrebonne. East Park and East Main, the key bridges, are in such close proximity to each other that they can be considered as one bridge location.

Temporary closures of the bridges have been authorized on ten past occasions to relieve overland traffic congestion, when the East Main Street bridge was inoperative and unavailable for vehicular use because of a vessel collision. These closures of 1½ hours each in the morning and afternoon, Monday through Friday, are the equivalent of Option 1 of the proposed rule being adopted as the final rule, and have been in effect intermittently between April 1977 and April 1981, for a total of 252 days.

Discussion of Comments

A total of 214 comments were received of which 189 supported the bridge closures and 25 were in opposition. Of those in support, 25 expressed preference for the Option 1 closure while 164 expressed none. The reason given for this preference was that the 10 minute opening between the two-45 minute closures under Option 2 would be difficult to enforce in the face of any waiting navigation. This reason was echoed by some of the 25 comments in opposition, although fundamentally opposed to either option. The 25 comments opposed were from members of the long haul barge towing industry, in contrast to the comments from local navigational interests in support of a closure. Those opposed addressed five areas of concern, with a basic focus on the closures of the side by side low level East Main and East Park bridges and to a lesser extent the semi-high rise Dularge bridge, over the Gulf Intracoastal Waterway. These areas of concern are: (1) delays to vessels (2) congestion and safety of the waterway (3) side effects on vehicular operations (4) high rise bridges as an alternative (5) setting of precedence for other bridges.

In analyzing the concerns, as discussed below, the experience with the 252 days of temporary closures was taken into account for all bridges, except Daigleville where insufficient information existed. However, this does not materially affect the analysis as this bridge is opened infrequently. Based on this analysis, the comments expressed while having certain validity are not considered significant enough to outweigh the benefits to overland traffic during peak traffic periods. It is felt that this change in bridge operations will not unreasonably impact the commercial users of the waterway.

Data developed during two past occasions of temporary closures of 1½ hours each in the morning and afternoon, Monday through Friday, indicate that the daily average number of barge tows delayed at the bridges was about 14 tows during one occasion of 39 days and about 17 tows during another occasion of 41 days. Taking the latter occasion, about nine tows out of the 17 were delayed at the location of the East Main and East Park bridges and less than one tow at the Dularge bridge. Assuming a uniform arrival rate at the bridges throughout each 1½ hour

closure, the average delay time per tow was 45 minutes. The number of delayed tows should decrease as mariners become accustomed to the scheduled closures and adjust their travel times to avoid them. Moreover, considering all factors having a time delay on long haul tows such as adverse weather, navigational lockages, tides and currents, the estimated 45 minute average delay time does not appear to be a significant factor in the overall transportation time.

It is possible for waiting vessels to cause waterway congestion and safety hazards. However, there is no evidence from the past temporary closures to suggest that the waiting vessels experienced problems in finding docking room or posed problems in safety, while waiting for the bridges to open. Moreover, there also is no evidence to suggest that the waiting vessels once released caused congestion of the waterway, interfered with normal traffic pattern, or impacted the Corps of Engineers lock operations at Harvey, Algiers or Berwick, Louisiana.

Data obtained on traffic counts indicate that a daily average of 10821 vehicles cross the bridges during the combined morning and afternoon closure periods of three hours, Monday through Friday. During this same time, were the bridges not opened to pass navigation on demand, an additional daily average of 3073 vehicles could cross the bridges, the number of vehicles now theoretically being delayed. Correspondingly, for East Main and East Park in combination, 5466 vehicles cross these bridges while an additional 2463 vehicles could cross. Vehicular traffic has been increasing and can be expected to increase in the Houma area, while navigational traffic has remained basically unchanged during the past five years, as evidenced by the relatively constant number of bridge openings.

A side effect expressed was that the closure of the bridges to navigation during peak traffic hours shifts the burden of the eventual navigational opening to overland traffic at a later point in time. This is true but at that time the traffic is below the peak level. The Houma Populace, the Houma City Government and the Terrebonne Parish Government have not objected to the burden shift to a different point in time, obviously preferring preferential treatment for the peak hour traffic. Information obtained during the temporary closures shows that upon opening of the bridges to pass waiting navigation, vehicular traffic was delayed, on daily average, 11 minutes in both the morning and afternoon with the extreme of 18 minutes at the East Main and East Park location.

To facilitate vessel movement and to minimize the opening time to pass waiting navigation, a light and/or sound signal will be installed on at least the East Main, East Park and Houma Navigation Canal bridges to give a 10 minute advance notice of the scheduled opening. This notice will allow waiting vessels to make the necessary preparations to be underway as soon as the bridges are opened.

Another side effect expressed was that all bridges will open simultaneously at the end of the scheduled closure, leaving no cross waterway access for emergency vehicles. This is not considered a problem as the Houma tunnel provides such access and, if necessary, a given bridge can be closed at any time, by regulation for the crossing of an emergency vehicle.

The Louisiana Department of Transportation and Development is in the process of developing a master traffic plan for the Houma area. Part of this plan includes the authorized replacement of the East Main and East Park bridges with high level fixed span structures. As an alternative to the East Park replacement, this bridge may be left as is but the crossing converted to neighborhood traffic only. Upon completion of the work for these two bridges, the Coast Guard anticipates the modification or revocation of these bridge closures.

Requests for bridge closures at other waterway locations during peak vehicular traffic periods are considered on an individual basis with each one judged on its own merits.

This final regulation previously has been determined to be non major under Executive Order 12291 and also to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). The final regulation previously has been certified under § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) at 45 FR 77458 (24 November 1980). No information has been received to change those determinations and certifications.

List of Subjects in 33 CFR Part 117

Bridges.

PART 33—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.537 to read as follows:

§ 117.537 Gulf Intracoastal Waterway, Houma Navigation Canal, Bayou La Carpe, and Bayou Terrebonne, Houma, LA

The draws of the bridges across the Gulf Intracoastal Waterway at East Park Avenue, mile 57.6, East Main Street, mile 57.7, and Bayou Dularge, mile 59.9; the Houma Navigation Canal at State Highway 661, mile 36.0; Bayou La Carpe at State Highway 661, mile 7.5; and Bayou Terrebonne at Daigleville, mile 35.5, need not open for the passage of vessels Monday through Friday except holidays, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. At all other times, the draws shall open promptly on signal.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: June 29, 1982.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 82-19253 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Parts 632, 633, and 635

Cooperative Education Program; Corrections

AGENCY: Department of Education.

ACTION: Final regulations; corrections.

SUMMARY: This document makes technical corrections in the final regulations for the Cooperative Education Program.

FOR FURTHER INFORMATION CONTACT: Morris L. Brown, Chief, Cooperative Education Branch, Division of Institutional and State Incentive Programs, Office of Institutional Support Programs, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3053, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–9849.

SUPPLEMENTARY INFORMATION: On April 21, 1982, the Secretary published final regulations for this program in the **Federal Register** at 47 FR, 17252–17262. This document corrects several technical errors that were made in those regulations.

Executive Order 12291

These regulations have been reviewed by the Department in accordance with Executive Order 12291. They are classified as non-major regulations

because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations are minor technical amendments.

List of Subjects in 34 CFR, Parts 632, 633, and 635

Colleges and universities, Education, Grant programs—education, Manpower training, Student aid, Students, Teachers.

(Catalog of Federal Domestic Assistance Numbers 84.055A, Cooperative Education—Administration; 84.055B, Cooperative Education—Demonstration and Exploration; 84.055D, Cooperative Education—Training)

Dated: July 13, 1982.

Daniel Oliver,

General Counsel.

The Secretary amends Parts 632, 633, and 635 of Title 34 of the Code of Federal Regulations as follows:

PART 632—COOPERATIVE EDUCATION PROGRAM—ADMINISTRATION PROJECTS

§ 632.30 [Amended]

1. In § 632.30, the reference in paragraph (g)(2)(iii) to "(b)(2)(i) and (ii)" is revised to read "(g)(2)(i) and (ii)."

PART 633—COOPERATIVE EDUCATION PROGRAM—DEMONSTRATION AND EXPLORATION PROJECTS

§ 633.30 [Amended]

2. In § 633.30, the reference in paragraph (d)(2)(iii) to "(b)(2)(i) and (ii)" is revised to read "(d)(2)(i) and (ii)."

§ 633.31 [Amended]

3. In § 633.31 the reference in paragraph (c)(2)(iii) to "(b)(2)(i) and (ii)" is revised to read "(c)(2)(i) and (ii)."

PART 635—COOPERATIVE EDUCATION PROGRAM—TRAINING PROJECTS

§ 635.30 [Amended]

4. In § 635.30, the reference in paragraph (f)(2)(iii) to "(b)(2)(i) and (ii)" is revised to read "(f)(2)(i) and (ii)."

[FR Doc. 82-19515 Filed 7-16-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 151

[CGD 80-001]

Unmanned Barges Carrying Certain Bulk Dangerous Cargoes; Partial Deferral of Effective Date

AGENCY: Coast Guard, DOT.

ACTION: Final rule; partial deferral of effective date.

SUMMARY: On December 31, 1981 (46 FR 63274), the Coast Guard issued a regulation titled "Unmanned Barges Carrying Certain Bulk Dangerous Cargoes". The regulation was effective February 1, 1982; however, in cases where more stringent carriage requirements were being imposed, the effective date was to be December 31, 1982. As a result of concerns expressed by the Towing Safety Advisory Committee the effective date for the requirement for restricted gauging for Benzene Hydrocarbon mixtures is beind delayed. Implementing restrictive gauging by December 31, 1982 would have disrupted barge operations be requiring the scheduling of shipyard periods solely for this purpose. This action will allow the installation of restrictive gauging to be accomplished during the first required drydocking subsequent to December 31, 1982 when cargo tanks are gas free.

EFFECTIVE DATE: For the regulation published at 46 FR 63274 (December 31, 1981), the effective dates are: February 1, 1982. To alleviate hardships in those cases where more stringent carriage requirements are imposed, the effective date is December 31, 1982 except that restrictive gauging for Benzene mixtures containing 10% or more Benzene, shall be effective at the next required drydocking after December 31, 1982 when cargo tanks are gas free.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, Office of Merchant Marine Safety (G-MTH-6), Room 1402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. (202-426-6262).

List of Subjects in 46 CFR Part 151

Hazardous Materials Transportation, Marine Safety.

Dated: July 9, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-19487 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 81-461; RM-3793; FCC 82-301]

Request of General Electric Company To Exempt Medical Diagnostic Equipment From the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Report & Order in Gen. Docket 81-461.

SUMMARY: This Order establishes an exemption for certain electronic medical equipment from FCC regulations designed to minimize radio interference caused by devices that employ digital circuitry. The costs of testing for compliance with specific emissions limits would be severe and most medical equipment has characteristics which inherently reduce the likelihood of interference. The Commission in this action amends the rules to relieve the compliance burden.

DATES: Order becomes effective August 16, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mr. Julius P. Knapp, Office of Science and Technology, RF Devices Branch, Washington, D.C. 20554, (202) 653-8247, Room 8302.

List of Subjects in 47 CFR Part 15

Computer technology, Reporting requirements.

In the matter of request of General Electric Company to exempt medical diagnostic equipment from Subpart J of Part 15 of the Rules of the Federal Communications Commission Gen. Docket 81-461 RM-3797.

Adopted: July 1, 1982.

Released: July 9, 1982.

1. The Commission adopted a *Notice of Proposed Rule Making* (NPRM) [1] in the above captioned proceeding on July 16, 1981, in response to a petition filed by General Electric Co.[2] The *NPRM* proposed an exemption from the FCC computing device rules Part 15 Subpart J for medical computing devices marketed for use in hospital facilities designed for more than 10 inpatients. Medical computing devices used outside of

[1] *Notice of Proposed Rule Making* in Docket 81-461 adopted July 16, 1981, released August 28, 1981, 46 FR 44790, September 8, 1981.

[2] General Electric petition filed November 5, 1980 was assigned number RM-3797 and placed on public notice November 25, 1980.

hospitals were proposed to be subject to the same requirements as other computing equipment. The *NPRM* also suggested a revision of Section 15.805 to provide alternative language for the interim label requirement for computing devices.[3]

2. Fifteen parties filed comments in response to the *NPRM:* 8 manufacturers, 5 trade associations, 1 broadcaster, and 1 government agency. Three parties filed reply comments: 1 manufacturer and 2 trade associations. A list of the commenters is given in Appendix A. For the reasons given herein we are extending the proposed exemption for medical computing devices to include specialized medical computing devices (generally used at the direction of or under the supervision of the licensed health care practitioner) whether used in a patient's home or in a health care facility.

Background

3. The Commission's requirements for computing devices were adopted in the proceeding in FCC Docket No. 20780.[4] These rules, set forth in Part 15 Subpart J, are designed to minimize the probability of interference to radio and television reception caused by devices which employ digital circuitry. The regulations are necessarily broad because digital circuitry is not only found in computers but also increasingly in a wide array of commonplace devices such as electronic watches, toy games, electronic organs, etc.[5] Many, if not most, contemporary medical diagnostic devices, employ digital circuitry and therefore are subject to the computing device regulations. General Electric Co. filed a petition seeking an exemption from the computing device rules for medical equipment, noting that the Commission had already found exemptions to be appropriate for computing devices used in transportation vehicles, industrial controls, test equipment and appliances.[6,7] Exempted equipment is subject only to the general proscription against causing interference set forth in Section 15.803.

Comments Filed in Response to the NPRM

4. The comments give some insight into what kinds of medical equipment would be subject to the FCC rules absent an exemption: arrythmia and various other patient monitors, computerized tomography devices (CAT scanners), pacemakers, X-ray equipment, nuclear imaging devices, dental equipment, blood analyzers, radiation therapy machines, etc. This apparatus is used in a variety of locations such as hospitals, clinics, physicians and dentists' offices, laboratories, nursing homes, emergency vehicles, and health stations. Many of these devices, such as CAT scanners, are produced in low quantities; GE indicates 10–100 units per mode. The National Electrical Manufacturers Association (NEMA), which represents 64 manufactures of medical products, estimates that there are less than 10,000 medical diagnostic devices made each year, and about 8,000 to 10,000 dental X-ray machines. The machines are costly; according to Adac Laboratories, a manufacturer of medical equipment, such machines typically cost over $50,000.

5. Many of the comments emphasized and amplified upon the reasons given in the *Notice* as to why an exemption would be appropriate. The various arguments can be summarized as follows:

a. There have been no reports of radio interference caused by medical devices.[8]

b. Medical equipment must be designed for reliable operation in the electromagnetically noisy environment present in hospitals. The same measures that are designed to protect the equipment from outside radio signals tend to keep internally generated spurious emissions from being radiated (e.g. shielded cabinets).

c. Because of Food and Drug Administration record keeping requirements, and short product distribution chains, medical products known to cause interference can readily be located and modified, if necessary.

d. The characteristics of many medical devices are such that radio emissions measurements would be extraordinarily expensive; Phillips estimates between $10,000 and $100,000 per unit. Some apparatus is very large and requires special power systems and other facilities, which makes testing on an open field impractical. Testing on-site in a hospital is also not feasible due to intervening walls and high ambient noise levels. Additionally, such tests would disrupt hospital activities. The high costs of the tests would be distributed over low product volumes, markedly affecting the cost of each unit to the purchaser.

e. Hospitals, clinics, and physician's office buildings are often required by local building codes to provide shielding to suppress ionizing radiation (e.g. X-ray). This same shielding is to some extent effective against transmission of radio energy. (However, the Bureau of Medical Devices refers to an article on building attenuation as the basis for their view that the shielding is quite limited.)[9] Hospitals and clinics are typically separated from other spectrum users by a considerable distance which further minimizes the likelihood of interference.

f. Medical equipment receives regular maintenance.

6. With the exception of the Association of Maximum Service Telecasters (AMST), who have some reservations, discussed in paragraph 9 below, the commenters are unanimous in their support of the proposed exemption, but call attention to the need to extend it to all medical computing equipment. Several parties strongly emphasize that an exemption only for hospital equipment will be of no benefit because identical products are used in hospitals, clinics, doctor's offices and a variety of other locations. The Commission's proposal to exempt only hospital equipment was based in part upon a statement made by General Electric in their petition for rulemaking, that 95% of all medical devices are installed in hospitals and clinics, GE, and many others, indicate that the Commission misconstrued GE's comment to mean that there are separate product lines for hospitals.

7. According to HIMA, no medical devices are marketed for exclusive use in hospitals. Phillips, Abbott, GE and others add that no company has independent lines of products, one for hospitals and one for private practices. Further, it would not be practical to set up separate manufacturing, testing, marketing, labelling and distribution

[3] The Commission had earlier waived the interim labelling requirement of Section 15.805 for medical devices during the pendency of this proceeding. *Order Waiving Section 15.805 for Medical Devices*, adopted December 4, 1980, released December 11, 1980, 45 FR 83504, December 19, 1980.

[4] *First Report and Order* in Docket 20780, adopted September 18, 1979, released October 11, 1979, 79 FCC 2d (1979), 44 FR 59530, October 16, 1979. *Order Granting in Part Reconsideration* in Docket 20780, adopted March 27, 1980, released April 9, 1980, 79 FCC 2d 67 (1980), 45 FR 24154, April 9, 1980.

[5] The definition of a computing device is given in Section 15.4(n).

[6] See footnote 2, above.

[7] See § 15.801(c) for the specific language of the exemptions.

[8] There are, however, numerous documented cases of radio emissions from one medical equipment disrupting the operation of another medical device. It is our understanding that the Food and Drug Administration, Bureau of Medical Devices is compiling a bibliography of such reported cases.

[9] Smith, Albert A., Jr., "Attenuation of Electric and Magnetic Fields by Buildings." *IEEE Transactions on Electromagnetic Compatibility*, Vol. EMC–20, No. 3, August 1978, pp. 411–8.

systems for exempt and non-exempt devices. Spacelabs, Abbott, AMA, Phillips, GE, HIMA and NEMA all recommend, with minor variations, that the language of the exemption be changed from that in the *Notice* to exempt medical devices which are used in a health care facility by or under the direct supervision of a licensed health care practitioner.

8. The Association of Maximum Service Telecasters, Inc., (AMST) an organization of about 250 television broadcast stations, does not specifically oppose the proposed exemption, but suggests that it rests on poor support. The lack of interference complaints, according to AMST, is due to television viewers not knowing the source of the interference. AMST argues that

> * * * the Commission cannot turn its back on its important responsibility to protect authorized communications services against interference. If the proposed exemption is adopted, it should automatically terminate after a short period of time, designed to give adequate time but strong incentive to the industry to gather hard evidence on the actual distribution of medical devices among various locations and on the actual levels of r.f. signals emitted from the devices.[10]

In their reply comments, GE, HIMA, and NEMA all indicate that AMST's concerns are unfounded. NEMA counters that "* * * to accept AMST's argument requires the medical devices industry to justify the exemption by proving, in effect, that its devices *are not* the cause of interference that is, in any event, not being traced to them. To prove such a proposition is an impossible task." [11]

9. The commenters were divided on how to treat equipment intended for use in the home. NEMA, GTE, Spacelabs and Adac indicate that they endorse the approach of retaining regulation over those "mass produced" medical devices widely marketed for use in the home and understand the Commission's concern in this area. On the other hand, HIMA contends that the exemption should similarly apply to medical computing devices marketed for use in the home, pending further study. HIMA specifically mentions kidney dialysis machines as an example of a device that may be used at home where cost of FCC compliance would substantially add to the device's already staggering cost.

10. Insofar as whether physician's offices should be considered a Class A or Class B environment there was general agreement that they should be Class A.[12] Siemens argues that medical office buildings, even though they may be in residential areas, must usually meet special zoning requirements. HIMA adds that local fire safety and health codes frequently establish special construction requirements for medical buildings.

11. Several parties commented on the proposed alternative interim label. The current interim label requirement is set out in Section 15.805, and applies to certain computers which are not required to be tested for compliance until October 1, 1983. The label warns the purchaser/user that the computing device has not been tested to show compliance with the FCC Rules and is likely to cause unacceptable interference which the purchaser/user may be required to correct. The *NPRM* suggested an alternative text for the interim label to cover the situation where the product has in fact been tested and found not to comply. GTE and Phillips point to inconsistencies between the current and proposed alternative label (e.g. 'may cause' interference vs. 'is likely' to cause interference). Phillips goes on to say that the interim label may cause confusion and alarm (the misplaced concerns of patients), and favors deletion of all requirements for an interim label. HIMA presents much the same argument.

12. NEMA states that it is unaware of any circumstances, either in terms of an immediate or pending interference problem or in terms of unique design criteria, which could justify the relatively short ten month transition to compliance proposed in the *Notice*, for medical devices which remain subject to the rules. The transition should, NEMA says, mirror the two-year/four-year transition adopted in Docket 20780 and reflected in Sections 15.814 and 15.834. In other words, from the time rules are adopted manufacturers should have two years before new models would have to comply; current models could be produced for four years, and thereafter only compliant versions could be made. All equipment manufactured before the compliance deadlines should be grandfathered. Phillips puts forward a similar compliance schedule.

Commission Decision

13. Granting a limited exemption for medical equipment appears to be justified, particularly in view of the many factors which minimize the likelihood of interference, and in view of the high costs of compliance. The exemption we are adopting is broadened from the *Notice* as recommended by the commenters, to exempt specialized medical equipment such as that used at the direction of or under the supervision of a licensed health care practitioner. We feel that certain specialized medical equipment which might be used at home, such as kidney dialysis machines, present similar grounds for exemption. Thus, we have included language in the exemption to indicate that it applies to specialized equipment whether it is used in patients' homes or in a health care facility. AMST's concerns about this exemption and spurious emissions in general are noted, but on the basis of the information we have seen up to date it appears that the interference risk will be minimal. We presently see no specific reason to set a time for termination of the exemption.

14. Equipment which is mass produced and distributed through retail channels to the general public presents a signficiant risk of interference for which the computing device regulations provide a cost effective means of control. The types of devices expected to proliferate are in evidence in a recent news item in Technology magazine which states "Americans increasingly doctor themselves, booming the sale of electronic medical devices and related software * * * Look for electronic diagnostic tools—thermometers, blood pressure machines, pulse-rate monitors * * *—that can be hooked into the user's home computer." [13] We have seen advertised for general sale devices such as exercise (heart rate) monitors and blood pressure 'computers'. Coin operated versions of digital heart rate monitors and blood pressure gauges can now be found at shopping centers and other locations. These devices can be expected to employ much the same type of digital circuitry which we have found to emit radio energy capable of causing interference to radio and TV reception. The high product volumes involved increase the risk of interference.

15. Unlike the situation pertaining to specialized medical equipment used in a health care facility, there are no factors which tend to mitigate the possibility of interference caused by medical devices sold to the general public, nor do these devices present similar compelling grounds for exemption. They are likely to be used in uncontrolled environments and be nearby to other spectrum users;

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[10] AMST comments, p. 2.

[11] NEMA comments, p. 8.

[12] The definitions of a Class A or Class B computing device are given in Section 15.4, items (o) and (p), respectively. Basically, Class A is equipment intended for use in business or commercial environments; Class B is equipment intended for residential use. Separate requirements are set for each category in Part 15 Subpart J.

[13] "Electronic Diagnostics", *Technology*, Vol. 2, No. 1, January/February 1982, p. 7 Published bimonthly by Technology Information Corp., 2200 Central Ave./Suite F, Boulder, CO 80301.

they can be tested easily and at low cost; they could not easily be traced by the manufacturer should a problem develop; and the individual cost of each device is not especially high. The small cost of compliance can be distributed over high product volumes. Moreover, the compliance burden is minimal—the manufacturer himself determines compliance with the FCC limits.[14] Accordingly, those few medical devices not exempted are being made subject to the same requirements as other computing devices.

16. The question of whether doctors' offices are a Class A or B environment is moot for purposes of this proceeding since medical devices used in a doctor's office are exempted; however, we will consider doctor's offices and clinics to be Class A for nonmedical computing devices, such as computers used for bookkeeping and other recordkeeping purposes. We must emphasize that the exemption does not apply to computers used in a doctor's office or hospital for recordkeeping or other purposes not directly involved in medical treatment.

17. For those medical devices not exempted, compliance will be mandatory for all devices manufactured after October 1, 1983. We feel that this should be an adequate period of time since the Commission's intent with regard to devices distributed to the general public was in evidence in the *Notice*. The NEMA and Phillips arguments to allow 2 years from the time action is taken in this docket for compliance of first production, and 4 years for all production, appear to be premised on the need to test or modify large complex medical systems. Such systems are exempted as a result of the action we are taking herein, so this argument is made moot.

18. In the *Notice* we had proposed to provide an alternative wording for the interim label required for all computers that do not require verification until October 1, 1983. We have decided not to go ahead with this proposal since it appears that any general change in this requirement at this time may only cause confusion with little benefit.[15] [16] More specifically with respect to medical computing equipment, concerns were expressed about the unfavorable implication to the patient from this requirement. To allay these concerns we are exempting medical computing equipment both from the interim label and from the information to the user requirements.

Final Regulatory Analysis

19. Pursuant to 5 USC 601 et seq. an Initial Regulatory Flexibility Analysis was incorporated in paragraph 17 of the *Notice of Proposed Rule Making*. In paragraph 20 of this *Notice*, written comments on this Analysis were solicited with the same filing deadlines as comments on the rest of the *Notice*. No comments were received specifically concerned with the Initial Regulatory Flexibility Analysis (IRFA) in the *Notice* but some parties in making comments on the necessity of this rule change for manufacturers in general, as addressed above, pointed out that the relief which would be granted by this rule amendment is especially important for small manufacturers, because they can least afford the costs of compliance. The Final Regulatory Analysis follows:

I

Need for and objective of rule. Under the current regulatory structure for computing devices, compliance would be especially costly were these regulations to be applied to most medical devices. There being no substantial arguments to the contrary, we are exempting most medical equipment from the computing device rules.

II

Summary of issues raised in comments on Initial Analysis. As mentioned above, no specific comments on the IRFA were received. Phillips and HIMA indicate that the exemption as proposed would be burdensome to small manufacturers, but that if it is broadened, the burden on small businesses will be substantially alleviated. The exemption we are adopting is in line with the broad scope generally suggested in the comments. This exemption relieves record keeping, labelling, and testing requirements for the vast majority of medical device manufacturers, whether a small business or large.

III

Significant alternatives. The regulations adopted herein respond to a petition from a major manufacturer of medical equipment, which was overwhelmingly supported. The requested relief is granted. The comments received in this proceeding requested additional relief for products marketed in retail stores or for home use. This additional relief is granted in part to the extent that medical devices will not require an interim compliance label. Additionally, the exemption is extended to cover specialized medical equipment used in a patient's home.

Ordering Clauses

20. Pursuant to the above and under the authority of Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, Part 2 is amended as set out in Appendix B of this Order.

21. It is ordered that this amendment shall become effective on August 16, 1982.

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

23. For further information contact Mr. Julius P. Knapp, Office of Science and Technology, telephone 202–653–8247.

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

Federal Communications Commission

William J. Tricarico,

Secretary.

Appendix A

I

The following parties filed comments in response to the Notice of Proposed Rule Making in Docket 81–461:

Abbott Laboratories
Adac Laboratories
American College of Radiology
American Dental Trade Association
American Medical Association (AMA)
Association of Maximum Service Telecasters, Inc. (AMST)
Bureau of Medical Devices
CBS Inc.
General Electric Co.
GTE Services Corp.
Health Industry Manufacturers Association (HIMA)
Medtronic, Inc.
Phillips Medical Systems, Inc.
Siemens Corp.
Spacelabs, Inc.

II

Reply comments were received from:

General Electric Co.
Health Industry Manufacturers Association (HIMA)
National Electrical Manufacturers Association (NEMA)

[14] Only verification will be required for non exempt medical devices. Verification is an equipment authorization procedure where the manufacturer makes measurements, or has measurements made, on his product to insure that it complies. Additionally, there are labelling and record retention requirements. The verification procedure is set forth in Part 2 Subpart J.

[15] The interim label requirement of § 15.805 became effective for devices manufactured after January 1, 1981. By October 1, 1983, almost all computers are scheduled to be in compliance and the interim label requirement will become obsolete.

[16] It should be pointed out that if a manufacturer feels that the language of the interim label is inappropriate for a given product, the Chief Scientist has been granted delegated authority to permit alternative language as he feels the circumstances warrant. Authority delegated to Chief Scientist in *Order Clarifying the Rules* in Docket 20780, adopted March 11, 1981, 46 FR 21780, April 14, 1981.

Appendix B

PART 15—RADIO FREQUENCY DEVICES

1. Section 15.801 is amended by adding a new paragraph (c)(5) as follows:

§ 15.801 Scope of this subpart.

* * * * *

(c) * * *

(5) Specialized medical computing devices (generally used at the direction of or under the supervision of a licensed health care practitioner) whether used in a patient's home or a health care facility. Non-specialized medical devices marketed through retail channels for use by the general public are not exempted. This exemption also does not apply to computers used for record keeping or any purpose not directly concerned with medical treatment.

* * * * *

2. Section 15.805 is amended by adding a new paragraph (c) to read as follows:

§ 15.805 Interim labelling and information requirements for non-complying devices.

* * * * *

(c) Computing devices used for medical purposes are excepted from the interim labelling and information requirements of this Section.

3. Section 15.814 is amended by adding a new paragraph (e) to read as follows:

§ 15.814 Class A computing device: Verification requirement.

* * * * *

(e) All Class A medical computing devices not exempted under § 15.801(c)(5), manufactured after October 1, 1983, shall be verified for compliance with the requirements for a Class A computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter. These devices are excepted from the requirement of paragraph (a) of this section.

4. Section 15.834 is amended by adding a new paragraph (j) to read as follows:

§ 15.834 Class B Computing Device: Compliance Requirement.

* * * * *

(j) A Class B medical computing device not exempted under § 15.801(c)(5), manufactured after October 1, 1983, shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter. Medical devices are excepted from the requirement of paragraph (b) of this section.

[FR Doc. 82-19462 Filed 7-15-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 61

[FCC 82-264; CC Docket No. 82-122]

Interconnection Arrangements Between and Among Domestic and International Record Carriers; Adoption and Enforcement of Interim Guidelines

AGENCY: Federal Communications Commission.

ACTION: Adoption and enforcement of interim guidelines.

SUMMARY: This Order rejects tariff revisions filed by domestic and international record carriers which purported to comply with interconnection guidelines established by the Commission to implement the Record Carrier Competition Act of 1981. It also resolves a number of technical issues. The filings by the carriers failed to comply with the guidelines and the carriers failed to agree completely on the technical issues. Parties are directed to file tariffs with specific prescribed language replacing erroneous provisions and implementing the technical issue conclusions. The interconnection establishes a "universal" network for both domestic and international record communications.

DATES: Tariff revisions to be filed by June 16 and July 12, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Daniel Grosh, Common Carrier Bureau (202) 632-6917

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 61

Communications common carriers, Tariffs.

In the matter of Interconnection arrangements between and among the domestic and international record carriers CC Docket No. 82-122: FTC Communications, Inc. (Transmittal Nos. 118, 119, 120), ITT World Communications Inc. (Transmittal Nos. 2429, 2430, 2431), RCA Global Communications, Inc. (Transmittal Nos. 4820, 4821, 4822), TRT Telecommunications Corp. (Transmittal Nos. 1008, 1009, 1010), Western Union International, Inc. (Transmittal No. 1582) and Western Union Telegraph Co. (Transmittal Nos. 7890, 7892); Memorandum Opinion and Order.

Adopted: June 10, 1982.

Released: June 11, 1982.

1. We consider at this time the above-captioned tariff revisions filed by certain record carriers purportedly establishing the interconnection arrangements prescribed by our *Interim Order* issued in Docket No. 82-122.[1] This *Order* was adopted by the Commission under authority of the Record Carrier Competition Act of 1981 (RCCA) P.L. 97-130, 95 Stat 1687.[2] For the reasons set forth below, we conclude that none of these filings conforms to the requirements of the *Interim Order* and thus we reject them. Further, in order to resolve this matter promptly, we shall prescribe herein, in accordance with the authority granted by the RCCA, certain specific tariff terms which we believe are needed to implement the *Interim Order* and the legislative goals of the RCCA.[3]

I. Background

2. The RCCA supersedes the prior Section 222 of the Communications Act, and *inter alia* it eliminates the previous statutory bar to the provision of international record services by Western Union. It also directs the Commission to require U.S. record carriers to make available to each other, upon reasonable request, full interconnection with any of their facilities used to provide record communications service. To secure such interconnection the RCCA required the Commission to preside over interconnection negotiations between the major U.S. domestic carrier (Western Union) and the primary existing international record carriers (IRCs).[4] The Act indicated that if the

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[1] Interconnection Arrangements Between and Among the Domestic and International Record Carriers, FCC 82-158, 47 FR 18883, released April 8, 1982.

[2] The revisions filed by the international carriers also purportedly unbundle the rates, terms and conditions for their domestic component of service from their international component of service as required by the *Interim Order*.

[3] The Commission has before it numerous petitions seeking rejection or alternatively suspension and investigation of some of the proposed revisions and the replies by the carriers. A list of these pleadings is set forth in Appendix A to this order. We also have before us a request by International Relay Inc. (IRI) for leave to file an otherwise unauthorized response to the reply of ITT World Communications Inc. As a matter of discretion we will grant IRI's request and accept its response. Such acceptance will not delay this proceeding.

[4] FTC Communications, Inc. (FTC), ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI) are the primary existing IRCs.

carriers failed to reach a lawful agreement within ninety days, the Commission was required to establish "a just, fair, reasonable, and nondiscriminatory [interconnection] agreement." [5] No agreement was reached and on April 8, 1982, concurrent with the ninetieth day after the initial intercarrier meeting, the Commission entered the *Interim Order* referred to earlier (FCC 82–158) which prescribed temporary interconnection arrangements and established a timetable for implementing these arrangements.

3. The *Interim Order* construed the RCCA as requiring each carrier which provides both domestic and international record communications services, and which has a significant share of the market for such services, to operate as if its domestic and international offerings were separate, and to interconnect with other carriers in a manner which is equal in type and quality to the interconnection between its separate domestic and international segments. Interconnection with other carriers is also to be made available at the same rates and upon the same terms and conditions. The *Interim Order* prescribed that a carrier provide equal interconnection except in cases involving expensive system modification, technological impossibility or equipment unavailability, or unreasonable degradation of service. In those cases, generally equal or comparable interconnection was permitted.

4. For wholly domestic interconnected record traffic, the *Interim Order* adopted the carriers' view that the carrier on whose network the call was initiated would be the originating carrier. The originating carrier is responsible for setting forth the tariff rate, billing customers, and making an equitable allocation of revenues with the terminating carrier, i.e., the carrier on whose network the called party was located.

5. The Commission determined that the existing arrangement for handling interconnected international inbound transmission was reasonable and worth continuing. Under these arrangements, the U.S. international carrier hands off the call to a U.S. domestic carrier for delivery. The international carrier receives a payout from the foreign correspondent and compensates the domestic carrier. The *Interim Order* incorporated these arrangements into the prescription. In the case of outbound international calls, however, the carriers could not agree on which carrier (domestic or international) would perform the functions of the originating carrier. The *Interim Order* assigned this role to the international carrier. The international carrier is therefore responsible for tariffing through rates, billing the customer for through service, and compensating the domestic carrier for use of its network.

6. The RCCA also calls for the establishment of a nondiscriminatory formula for the equitable allocation of revenues derived from interconnection. To the extent possible, this allocation is to be based upon costs. The IRCs argued that there are substantial savings to Western Union in providing carrier-to-carrier interconnection, while Western Union countered that there are no significant savings. Without finally resolving this question, the Commission prescribed an interim 15% discount from a domestic carrier's publicly tariffed intra-network domestic rate which would apply to the performance of interconnected terminating functions on inter-network domestic calls or for the domestic component of outbound or inbound international calls. The Commission emphasized, however, that this prescription would not prejudge any action that may be taken in any existing or future phases of CC Docket No. 78–97, an ongoing investigation of WU's rate of return and rate structures for telex and TWX services.

7. The RCCA also sought to overcome the difficulties experienced by new carriers in obtaining operating agreements with foreign administrations. It required the tariffing of transiting arrangements for outbound international record services and a pro rata traffic distribution for inbound international record services. The *Interim Order* construed these provisions to require that were IRCs interconnect to handle outbound transiting telex traffic, the originating outbound IRC without an operating agreement would pay the transiting carrier for such transiting arrangement an amount equal to ½ the domestic carrier's charge + ½ of the difference between the transiting carrier's international component after the foreign payout has been subtracting + the foreign payout. In no case, however, may the originating international carrier's share remaining under the formula (i.e., ½ the domestic carrier's charge + ½ the international carrier's charge after the foreign payout has been subtracted) be less than the amount of domestic component charge, which the originating outbound international carrier must pay the domestic carrier. For inbound international record traffic, the Commission prescribed that an originating outbound carrier lacking a foreign agreement would be allocated revenues based upon the same pro rata share of inbound traffic as it delivered for outbound carriage. This allocation would be calculated on a country-by-country, service-by-service basis. The allocation of revenues between originating and transiting IRCs would generally follow the arrangement prescribed for outbound traffic.

8. The *Interim Order* did not require specific tariff language to implement these decisions. Rather, it specified that the carriers must file tariffs in conformity with its terms within 20 days, with the effective date of the tariffs to be no later than 15 days after filing. Thereafter, the Common Carrier Bureau also replied to requests for clarification where that seemed appropriate.[6] After the Bureau granted the carriers a brief extension of time in which to file, Western Union and the IRCs filed new and/or revised domestic, international and interconnection tariffs to become effective May 17, 1982. These tariffs have all been deferred by the Bureau to June 20, 1982 in order to enable the Commission to address the numerous petitions to suspend and reject and to prescribe, as required, the tariff provisions needed to implement the *Interim Order* and the mandate of the RCCA.[7]

9. Our analysis of these filings shows that the tariff filings of the IRCs have in substantial respects violated the intent and the explicit language of the *Interim Order*. We discuss these violations in detail below. Generally, the IRCs have either misread, or at best, misinterpreted the *Interim Order*.

10. For example, the tariffs neglect to provide pricing information such as the total end-to-end international charge for all points. In addition, only one IRC has accurately reflected the 15% discount of the domestic charge, while the others have rounded the charge up ¼ of a cent. Virtually all the tariffs are ambiguous and unclear in describing the timing factor for calls. The tariffs for outbound international transit traffic do not reflect the correct formula, and all the tariffs lack provisions for inbound international pro rata traiffic (except for

[5] Section 222(c)(3)(B)(i), 47 U.S.C. § 222(c)(3)(B)(i).

[6] Letter of Chief, Common Carrier Bureau to Western Union and IRCs, dated April 27, 1982.

[7] We have considered all of the many arguments raised by the carriers' petitions to suspend and reject. Because of the large number of contentions raised, and because of the brief time available, we have limited discussion in this Order to those arguments found to be most important or to have merit under the *Interim Order*. Arguments which we do not address were found to be without merit or mooted by other arguments.

one carrier which filed provisions inconsistent with the *Interim Order*). Moreover, all have made the error of defining "authorized carrier" as one providing telex service rather than any traditional non-voice record communications service. There are other problems as well, including numerous textual errors and ambiguous language which could allow the carriers to interpret their tariffs in conflicting ways.

11. Because the tariff violations of the *Interim Order* are so pervasive, we are rejecting all of the above-captioned IRC filings. Rejection is warranted if provisions are "so patently a nullity, as a matter of substantive law, that administrative efficiency and justice are furthered by obviating any docket at the threshold." [8] It is particularly appropriate in cases such as this, where a prior Commission decision has required specific tariff provisions, and the filed language fails to comply. As we discuss in detail below, we are here prescribing specific tariff language which record carriers will be required to use and explicit directions which they will be required to follow in filing their interconnection and customer tariffs.

12. Western Union's interconnection tariffs do generally comply with the *Interim Order*, but there are some errors to be corrected. We specify these problems below and also reject the tariff in order to assure that these corrections are made. Western Union may refile with these modifications.

II. Discussion

A. Format of the Tariffs

13. In paragraph 127 of the *Interim Order*, we required those record carriers providing both international and domestic service to set forth in a clear and concise manner the domestic charge for each interconnected domestic carrier, the international charge, and the total end-to-end charge in their public tariffs.[9] This requirement is intended to facilitate public understanding of rates and charges for international record services. While all of the record carriers have set forth their domestic and international component charges separately, *none* has shown total end-to-end charges for international service. Moreover, the charges listed are dispersed throughout the tariff, making it difficult for subscribers readily to ascertain the applicable rates. We find these provisions unclear[10] and will require each of these carriers to file their charges in the following prescribed format. Each carrier will be expected to file a four column table. In the first column the overseas points it serves should be listed. The appropriate domestic charge component, the international charge component, and total end-to-end charges should be set forth in the second, third, and fourth columns respectively.[11]

14. The Commission also required each of the international record carriers to set forth in its public tariffs the domestic charges for each interconnected domestic carrier (*Interim Order* para. 127). This requirement was intended to facilitate fair and equal access to an IRC's network by subscribers of other record carriers. As Western Union points out in its petitions, several of the IRCs have referenced the wrong domestic tariffs of other record carriers. In addition, in conflict with our *Interim Order* WUI has proposed that its own domestic rate be applicable to all other record carriers. We find these proposed tariff provisions to be unlawful.[12] To avoid further confusion, we shall prescribe the following statement which each IRC must include in its tariff immediately after the table of its own charges:

Subscribers to service offered by other record carriers may initiate an international telex transmission on the other carrier's network and designate the Company as the international record carrier over whose facilities the transmission will be routed. In these instances, the Company will bill the customer and collect the appropriate total end-to-end charge. The other record carriers' charge for the domestic component, as shown in the following tariffs,[13] shall apply in lieu of the Company's domestic charge. [14]

Other Common Carriers and Tariffs[15]

FTC Communications, Inc.—Tariff F.C.C. No. 21
Graphnet, Inc.—Tariff F.C.C. No. 4
ITT World Communications Inc.—Tariff F.C.C. No. 69
The Western Union Telegraph Company—Tariff F.C.C. No. 286 and 287
RCA Global Communications, Inc.—Tariff F.C.C. No. 102
TRT Telecommunications, Inc.—Tariff F.C.C. No. 75
Western Union International, Inc.—Tariff F.C.C. No. 24

15. A further difficulty we perceive with the format of the proposed tariff revisions is that all of the IRCs (except FTC which is not required to unbundle) have filed revisions to their public international tariffs indicating that the rates contained there also apply to the domestic portion of an international call for which the subscriber has selected another IRC. The *Interim Order*, however, requires that the international carrier selected by the subscriber will be solely responsible for tariffing and billing both the international and the domestic component of the end-to-end international charge and will file such charges in its public tariff. Under this regime, a domestic carrier providing interconnection would file the rates for its domestic component in its interconnection tariff only and would receive payment from the IRC for such domestic component. The proposed provisions, on the other hand, could be interpreted as allowing for a double billing for the same service and are therefore found to be unlawful.[16] However, the tariff regulations of the carrier whose facilities are used by subscribers to access other international carriers would apply, and thus each carrier including (FTC) shall place the following language in its public domestic tariff:

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[8] Municipal Light Boards v. FPC, 450 F.2d 1341, 1346 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972); AT&T, 67 FCC 2d 1134, 1157 (1978), *aff'd sub nom.*, ABC v. FCC, 663 F.2d 133, 138 (D.C. Cir. 1980).

[9] These carriers are ITT, RCA, TRT, and WUI. FTC is exempted from this requirement because it does not possess a significant share of the record communications services market. See *Interim Order* at para. 80.

[10] ITT-Tariff F.C.C. No. 12 §§ D 3 and D 4; RCA-Tariff F.C.C. No. 90 §§ 3.2.2 and 3.3, TRT-Tariff F.C.C. No. 64 §§ E.1.a and E.2; and WUI-Tariff F.C.C. No. 5 §§ 5.2 and 5.3.

[11] The columns should be headed "Overseas Point"; "Domestic Component"; International Component" and "Total End-to-End Charge." Those carriers electing to use the allowed conversion factor of 1.3 in computing the billing minutes of the domestic component, (see *Interim Order* at para. 125 and discussion below,) should specify the rate and indicate in a footnote to "Domestic Component" column that "The Domestic Component is based upon a conversion factor of 1.3 which equates international minutes to domestic minutes.

[12] FTC Tariff F.C.C. No. 16—D2.1; ITT Tariff F.C.C. No. 12—¶C13.13 and D 3; RCA Tariff F.C.C. No. 90 ¶3.8.1 and Tariff F.C.C. No. 102—¶4.5.1; TRT Tariff F.C.C. No. 64—¶E.1.b and E.1.c.; WUI Tariff F.C.C. No. 5—¶5.2.

[13] Obviously, ITT, RCA, TRT and WUI need not list their own domestic tariffs in this section since their own domestic charges are shown separately within each tariff.

[14] In FTC's tariff, the term "in lieu of the Company's domestic charge" should be replaced with "in addition to the charges specified in Column (b) of Section D.2."

[15] Since we are rejecting the interconnection tariffs of RCA, FTC, TRT, WUI and Western Union, we have shown the next consecutive tariff number available for each of these carriers to file revisions consistent with this *Order*.

[16] ITT Tariff F.C.C. No. 12—Section A—¶D2 and D3; RCAG Tariff F.C.C. No. 90—Section 1.4; TRT Tariff F.C.C. No. 64—Section A-¶s 2 and 3; WUI Tariff F.C.C. No. 5—Section 5.2 and Tariff F.C.C. No. 22—Sections 1.2 and 5.3.3.

Facilities furnished under this tariff may be interconnected for non-voice record services provided by international record carriers. The regulations contained herein apply to the domestic component of such interconnection.

B. The Discount Factor

16. In the *Interim Order*, the Commission prescribed that a 15% discount from a carrier's publicly tariffed intra-network domestic rate would apply to all carriers for the provision of interconnected service: either the terminating portion of a domestic call or the domestic component of an inbound or outbound international call (*Interim Order*, paragraph 93). Since FTC, ITT, RCA and WUI each charge $.35 per minute for their intra-netwok domestic calls, the appropriate discounted rate is $.2975 per minute. However, these carriers have chosen to "round up" this rate to $.30 per minute purportedly for ease of billing. We cannot accept this explanation. On the contrary, we believe these carriers should have no problem in programming their computers to bill the lower rate. Significantly, neither Western Union nor TRT have rounded up domestic rates. Because of the millions of minutes involved the proposed "rounding up" will substantially increase rates to the public. For example, in the first half of 1981, there were 77 million minutes of outbound telex and the seemingly innocuous one-quarter of one cent "round up" would have meant additional annual charges to the public of between $250,000 and one-half million dollars. Thus, the "rounding up" provisions in the FTC, ITT, RCA and WUI tariffs are inconsistent with the *Interim Order* and we therefore prescribe that these carriers file the specified $.2975 per minute rate.[17] [18]

C. Timing of Transmission

17. The IRCs currently begin timing the domestic portion of an international call when the connection is made overseas to the called party. Western Union, on the other hand, times its domestic portion when the call is connected at an IRC office. The count of domestic minutes therefore includes minutes for incomplete international calls as well as set-up times for completed calls. As a result, the number of domestic minutes associated with international calling is significantly greater than the number of international minutes. In our *Interim Order* we gave the domestic carrier the option of charging for the domestic component of an international call: (1) based upon international minutes or (2) based upon an imputed count of domestic minutes derived by multiplying international minutes by the 1.3 factor prescribed in the *Interim Order*.[19] Thus, a domestic carrier may elect to receive payment for the carriage of domestic component traffic based upon a count of international minutes x 1.3 x the discounted domestic charge.

18. None of the IRC tariff filings succeeded in clearly defining the use of the 1.3 factor. In general, we could not even discern from their tariffs whether or not changes for the domestic components were intended to be based upon international minutes or upon imputed domestic minutes utilizing the prescribed conversion factor.

19. Western Union's tariffs did show a clear election in favor of imputed domestic minutes and did use the 1.3 factor properly. Western Union's tariffs state:

> The total number of outbound international minutes of usage recorded for the month reported to the Company by an IRC is multiplied by a factor of 1.3 to determine the total number of domestic minutes for billing purposes.

The difficulty here is that Western Union's tariffs do not provide a specific minute charge for international service. As already noted, a Western Union subscriber placing an international call over the facilities of an IRC must refer to Western Union's interconnection tariff to ascertain the charge for the domestic component. In order that the charge be clear to the subscriber, we believe it necessary that a specific per minute charge be stated in the interconnection tariff. To accomplish this, we determine the applicable provisions of Western Union's and the IRC's tarriffs to be unlawful, [20] and in place of these provisions prescribe the following language which they must file in the rate section of each of their domestic interconnection tariffs:

> The charge for the domestic component of an interconnected outbound international call where the subscriber chooses another international record carrier is $.[21]
>
> The basis of billing each international record carrier for the Company's handling of outbound international calls is computed by taking the total number of outbound international billed minutes of usage recorded for the month and reported to the Company by each international record carrier and multiplying by the Company's domestic component.

20. Moreover, since the compensation for the domestic component is either based upon or derived from international minutes, it is essential that international carriers promptly report them to the domestic carrier for billing. Therefore we will require each of the domestic carriers to set forth in domestic interconnection tariffs the following provisions:

> Other record carriers interconnecting with the Company for the provision of their international telex service are responsible for providing the Company, within 20 days following the end of each month, a record of the total number of billed international minutes of usage resulting from all outbound interconnected traffic transferred by the Company to each of these other record carriers during that month.

D. Transiting

21. The *Interim Order*, at para. 101, requires the IRCs to provide outbound transiting service to those carriers lacking operating agreements, and it prescribes an arrangement for this service with a formula for the division of the end-to-end charge. Under this formula, the originating outbound IRC will first pay the transiting IRC an amount equal to the payout to the foreign administration. Additionally, it would pay the transiting IRC ½ of the initiating domestic carrier's rate plus ½ of the transiting IRC's international rate after subtracting the amount of the foreign payout. We also provided that in no case would the originating IRC (i.e., the international carrier without an

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[17] FTC Tariff F.C.C. Nos. 16 and 20—Sections D2, D3 and D4; ITT Tariff F.C.C. No. 12—Section D3. and Tariff F.C.C. No. 69—Sections D4 and D5; RCA Tariff F.C.C. No. 90—Section 3.2.2 and Tariff F.C.C. No. 102—Sections 4.4.2, 4.4.3, 4.5.2 and 4.5.3; WUI Tariff F.C.C. No. 5—Section 5.2 and Tariff F.C.C. No. 23 Section 4.2 and 4.3. Of course, the carriers may also choose to alter their domestic rates, but they may not violate the 15 percent discount prescription by rounding.

[18] We will allow the carriers to round their charges to four significant figures.

[19] Our prescription of a 1.3 conversion factor in para. 125 of the *Interim Order* was based on information submitted in ITT World Communications Inc., 73 FCC 2d 709, 714 (1979). This factor was chosen as a best estimate at this time for equating international and domestic minutes. However, if this 1.3 factor multiplied by the international minutes does not equal the domestic minutes actually counted by the domestic carrier, then, we would expect the domestic carrier to file revised tariffs with support information to reflect the appropriate factor which would equate these international and domestic minutes. In view of the extended period of the statutory notice, the Bureau should consider waiver of the Rules, if requested, to effectuate changes in a timely fashion.

[20] FTC—Tariff F.C.C. No. 16 Section 2.1, FTC—Tariff F.C.C. No. 20 Section 9.03, ITT—Tariff F.C.C. No. 12 Section 5.01, ITT—Tariff F.C.C. No. 69 Section 7.04, RCA—Tariff F.C.C. No. 90, Section 2.6.1, RCA—Tariff F.C.C. No. 102 Section 3.8.3 Section 4.5.2, TRT—Tariff F.C.C. No. 64 Section 2, WUI—Tariff F.C.C. No. 5 Section 4.42, WUI—Tariff F.C.C. No. 23, Section 3.7.3. WU Tariff F.C.C. Nos. 279 and 280 Section 4.5.1.

[21] If the carrier elects to use the prescribed conversion factor of 1.3, a footnote should be inserted in the tariff stating that "The domestic component is based upon a conversion factor of 1.3 which equates international minutes to domestic minutes."

operating agreement) be left under the formula with less than the domestic portion of the charge which the originating IRC would be responsible for paying. Notwithstanding these instructions, no IRC, except RCA, filed provisions which would have left the carrier requesting interconnection with no less than the domestic charge.[22] There are other problems as well. TRT has used a definition of a foreign payout which differs from that in the *Interim Order*,[23] and ITT, WUI and RCA do not clearly specify the appropriate domestic component. Consequently, we determine that these tariff provision sections dealing with transiting are unlawful.[24] In their place we are prescribing the following language which the international carriers are required to place in the rate section of their interconnection tariffs:

The Company will provide use of its international component to overseas points listed in the Company's public Tariff(s) F.C.C. No(s). —— for use by other international record carriers requiring transiting, except in those cases where the Company's service is furnished by transiting other U.S. international carriers. The payment for the Company's international component for use by other international carriers requiring transiting is based on the following formula:

Company's charge = ½ Domestic Component Charge + ½ International Component Charge after the Foreign Payout has been subtracted + Foreign Payout.

The Company's charge is reduced in those situations where the amount remaining under the formula, [i.e., ½ domestic charge + ½ international charge after the foreign payout has been subtracted], and allocated to the international carrier requiring the transiting, i.e., the originating outbound international carrier, is less than the domestic carrier's charge for the domestic component. In these cases, the Company's charge will be reduced so that the amount allocated under the formula to the international carrier requiring transiting is no less than the charge for the domestic component.

For the purpose of this formula:

The domestic component charges are those contained in the domestic interconnection tariff of the record carrier on whose domestic network the call initiates. (This may not necessarily be the carrier requiring transit facilities.)

The international component charges are those contained in the Company's Tariff F.C.C. No. —— for offering international telex service to the public. (Note: These charges do not contain the domestic component.)

The foreign payout is the amount paid to the overseas administration(s) in accordance with settlement arrangements as reported to the Federal Communications Commission under Section 43.53 of the Commission's Rules.

E. Pro Rata Traffic

22. In order to ensure that carriers who lack operating agreements with foreign administrations can participate in the provision of inbound record communications services, Section 222(c)(1)(A)(ii) of the RCCA requires a pro rata allocation of such traffic. The *Interim Order* at paras 108–14 prescribes a formula for the pro rata allocation of inbound traffic based on the volume of outbound traffic a carrier transits through an IRC. Under this formula the pro rata share of inbound traffic received by international record carriers lacking a foreign agreement would be determined by the percentage of its outbound traffic delivered for transiting to the total outbound traffic of the transiting carrier. This allocation is to be calculated on a country-by-country, service-by-service (telex, TWX, telegram, etc.) basis. Except for TRT, the IRCs have simply ignored this requirement. Moreover, TRT's formula fails to comply with our prescription because the pro rata share is based in part upon overall industry traffic. This is clearly contrary to the requirements of the *Interim Order*. Accordingly, we find TRT's proposed provision unlawful,[25] and hereby require all of the IRCs to place the following language in their interconnection tariffs:[26]

The Company will allocate a portion of its inbound international telex traffic to other international record carriers that utilize the Company's international component for transiting outbound international telex calls. The amount of inbound traffic to be allocated to each of these carriers will be based on a pro rata share of that carrier's outbound transiting telex traffic in relation to the Company's total outbound telex traffic. For this purpose, the inbound allocation will be made in minutes on a country-by-country basis.

An example of this allocation is as follows:

Carrier A delivers 100 minutes of outbound telex traffic to the Company for transiting to Country X. The Company's total number of outbound telex minutes, including Carrier A's minutes to Country X, is 1000 minutes.

100 ÷ 1,000 = 10 percent of the outbound telex traffic to Country X is Carrier A's share.

The Company receives 50 minutes of inbound telex traffic from Country X. Carrier A's share of these minutes is 10%. 10% of 50 minutes is 5 minutes.

After determining the inbound traffic allocated to the other international carrier, the Company will retain one-half of the revenue payout received from the overseas administration for these minutes. The other half of the payout will be paid to the carrier entitled to pro rata distribution. However, the amount retained by the Company will be reduced where one half of the foreign payout is less than the domestic carrier's charge for the domestic component. In these cases, the Company's share will be reduced so that the amount allocated to the other international record carrier is no less than the charge for the domestic component.

To implement this pro rata allocation, the Company will route all telex traffic destined to subscribers of the international carrier entitled to receive a pro rata allocation to that carrier and pay the carrier its share of the inbound retention as described in the preceding paragraphs. If any additional allocation of traffic is required to satisfy the pro rata allocation, the Company will effectuate delivery of this traffic directly to the domestic carrier capable of effecting delivery of such traffic, pay that domestic carrier, and pay the international carrier entitled to a pro rata distribution its share of the inbound retention less the charge for the domestic component.

The Company will calculate quarterly for each country subject to a transiting agreement: the total outbound minutes, the total inbound minutes, and the outbound minutes generated by each originating international carrier. Based on this information, the Company will then calculate the number of pro rata inbound minutes to which each carrier is entitled. The Company will then allocate these pro rata inbound minutes to each carrier in the following quarter.[27]

[22] RCA for its part does include language concerning this proviso, but the language is inconsistent with the intent of our *Interim Order*. Specifically, RCA's tariff provides that the transiting charge would be based on the originating outbound IRC's domestic rate and that the minimum guaranteed in the proviso would be based on that carrier's domestic rate reduced by fifteen percent. However, it is possible that the interconnecting carrier may not be providing the domestic segment and may not provide domestic service at all. Therefore, the proviso should be based on the actual domestic rate of the carrier providing the domestic segment, not on the domestic rate of the originating outbound IRC. RCA also states that the domestic segment would be based on the 1.3 factor; however, some interconnected domestic carriers may elect not to be compensated on the basis of this factor and may simply use an international minute count.

[23] Instead of using the actual payout to the foreign administration, TRT would use a composite payout where it uses more than one route to a particular overseas destination. This composite would be based on TRT's use of the various routes for traffic to the destination. The provision is unclear as to whether the composite is weighted to reflect the volume of traffic per route and could apparently assign payouts to particular carriers which differ from those incurred for the carriers' actual traffic.

[24] FTC—Tariff F.C.C. No. 20 Section D 5, ITT—Tariff F.C.C. No. 69 Section D 7, D 8, RCA—Tariff F.C.C. No. 102 Section 4.5.4, 4.5.5, TRT—Tariff F.C.C. No. 74 Sections 4.2.2.1 and 4.2.2.2, WUI—Tariff F.C.C. No. 23 Section 4.5, 4.6.

[25] Section 4.2.3 of TRT Tariff F.C.C. No. 74.

[26] It should be noted that the service-by-service requirement also means that IRCs must allocate traffic in relation to that handed-off for that service. For example, telex-to-telex is to be allocated separate and apart from TWX-to-telex.

[27] If there are any disputes concerning these counts, we expect that they can generally be resolved by reference to the official reports filed by the carriers under Section 43.61 of our Rules, 47 CFR § 43.61.

F. Miscellaneous Provisions

23. The record carriers have uniformly defined "other common carriers" in their tariff proposals as those authorized to provide telex service. IRI points out that this definition could improperly exclude from interconnection carriers which provide variations of telex service. We agree. The RCCA defines record communications services broadly to include telegraph, telex and similar record services. 47 U.S.C. § 222(a)(3) (1981). Moreover, limiting interconnection to telex could have the undesirable effect of restricting the provision or development of other carrier services. We therefore direct that the definition of other common carriers in the interconnection tariffs be replaced by language defining such carriers as providers of "non-voice record communications service" without limitation to telex service.[28]

24. ITT argues in this regard that IRI, a carrier authorized by this Commission to provide international record services, is not entitled to interconnection because it has not itself filed an interconnection tariff. However, the RCCA by no means compels such a result, requiring only that interconnection be provided upon reasonable request.[29] Moreover, the interconnection filing requirements imposed by the *Interim Order* run only to the five leading IRCs and Western Union. Thus, as matters now stand, IRI is not required to file an interconnection tariff, but is entitled to interconnection under other carriers' tariffs.[30]

25. Some of the IRCs have proposed tariff provisions which provide for privately negotiated interconnection agreements or reciprocal arrangements. Thus, RCA's proposed interconnection tariff setting forth the rates and terms for terminating the domestic portion of a wholly domestic call provides for either a $.10 terminating charge if this charge is reciprocated, or a $.30 terminating charge if there is no reciprocation.[31] FTC, WUI, TRT, and ITT have filed several provisions relating to mutual agreements and reciprocal treatment.[32] As a separate matter, TRT has appended its 1981 contract with Western Union relating to guaranteed routing of traffic by Western Union to TRT.[33] ITT and RCA have retained in their existing interconnection tariffs provisos for mutually agreed upon arrangements with other carriers.[34]

26. Because one of the main purposes of the RCCA is to encourage open entry in the record communications market, we required that all interconnection arrangements be tariffed so as to assist in assuring that all carriers are treated on a nondiscriminatory basis in obtaining desired service. Privately negotiated arrangements or other provisions at odds with these prescribed provisions are no longer acceptable. We have prescribed in this Order the specific terms for interconnection that must be set forth in the carriers' tariffs. Thus, to the extent that existing or proposed tariff provisions (see footnotes 31–34) are in conflict with this prescribed language they must be removed.[35]

27. The RCCA does not require pro rata sharing of inbound return traffic if the overseas administration allows its customers "the option to specify the international record carrier which will provide such record communications service." 47 U.S.C. 222(c)(1)(A)(ii)(II). In our view, for this provision to apply a foreign administration must allow its subscribers to select *any* U.S. international carrier, including those who do not have operating agreements with it, so as to insure that all U.S. carriers have an equal opportunity to receive inbound traffic. While TRT would invoke this provision to exclude several countries from the inbound pro rata provision (TRT Tariff F.C.C. 74 Section 4.2.3.1), it has not shown that the administrations of the countries listed allow their customers to select any U.S. international carriers, including those who do not have operating agreements. Consequently, we find TRT's provision unlawful. Should any IRC seek to exclude a country from the pro rata allocation for inbound traffic under the RCCA it must demonstrate that the foreign administration allows its subscribers the opportunity to select *any* U.S. international carrier.

28. For outbound transiting, all IRCs, except RCA, have either listed, or have referenced other tariffs which list, the points to which they will provide service. We think that such a listing of points served is important for tariff clarity and ease of implementation. Therefore, all IRCs, including RCA, are hereby required to reference or to list the appropriate countries or locations for transiting.

29. Under Section 222(c)(1)(B) of the RCCA, the Commission is required to treat the primary existing IRCs as separate domestic and international carriers for purposes of interconnection.[36] To implement this requirement, the Commission ordered each of these IRCs to show in its international tariff its own domestic charge, as well as to reference the domestic charges for each interconnected domestic carrier. In order to insure fair and equal access we intended by this prescription to include separate domestic charges, not only for

[28] Accordingly, the following sections in the carriers' proposed tariff provisions are rejected: FTC—Tariff F.C.C. No. 19—Section A2. FTC—Tariff F.C.C. No. 20—Section A5, Section 1.01, Section C 5.06, Section D5. ITT—Tariff F.C.C. No. 12 Section on "Definitin of Terms"—Other Common Carrier Section A—1st paragraph page 5A. Section A—2nd paragraph 5B, ITT—Tarriff F.C.C. No. 69 Section A, Section B2, Section B5, Section C 1.01, Section 5.04, Section D8, RCA—Tariff F.C.C. 102—Section 1.1, 2.3, 2.1.1., and B.5.4., TRT—Tariff F.C.C. No. 64—Section C5. TRT—Tariff F.C.C. No. 74—Section 1.2, 2.3, and 3.5.4, WUI—Tariff F.C.C. No. 5—Section 2.7, WUI—Tariff F.C.C. No. 222—Section 2.4, 2.5 and 4.8.4, WUI—Tariff F.C.C. No. 23, Section 1, 2.2, 2.4, 3.2.1., 3.5.4, and 4.6. WU—Tariff F.C.C. No. 279 and 280—Title Page, Section 1—International Record Carrier and Network Interconnection Arrangements, 2.1, 3.2 and 5.1.1, WU—Tariff F.C.C. No. 281 and 282—Title Page, Section 1—Network Interconnect Arrangements and Other Common Carrier, 2.1, and 3.1, WU—Tariff F.C.C. No. 240—Title Page, Section 1.6, 1.7, and 3.2, 4.1(f)(4), 4.1(f)(5), and 5.1 WU—Tariff F.C.C. No. 258—Title Page, Section 1.5, 1.6, 2.1, 3.2, 5.6.9, 6.1.1(d), 6.1.4(A)(ii).

[29] 47 U.S.C. § 222(c)(1)(i).

[30] Although IRI is under no compulsion to file a separate interconnection tariff, we suggest it do so in order that other carriers will know the terms and conditions for interconnection. In any event, IRI would be required to revise its public tariffs to reflect interconnection from other record carriers and the billing and charging of the total international call.

[31] RCA Tariff F.C.C. No. 102 Section 4.4.2. This provision was filed notwithstanding a letter interpretation by the Common Carrier Bureau dated April 23, 1982 that such a provision would be outside the scope of the *Interim Order*.

[32] FTC Tariff FCC No. 20 §§ B.3; 3.01; 3.02; 5.05; 6.01; WUI Tariff FCC No. 5 Section 4.55; WUI—Tariff F.C.C. No. 23 §§ 1 and 3.5.3; WUI Tariff F.C.C. No. 22, Section 4.8.4 TRT—Tariff F.C.C. No. 74 Section 3.2.1 ITT Tariff FCC No. 69 Section A.

[33] TRT—Tariff F.C.C. No. 74 § 4.3.

[34] ITT—Tariff No. 69 Section 5.03 and RCA Tariff F.C.C. No. 102 §§ 3.2.1 and 3.5.3.

[35] With respect to TRT's inclusion of its May, 1980 agreement with Western Union for international telex transiting facilities, we recognize that the RCCA grandfathers "any otherwise lawful contract relating to the distribution of outbound international record traffic between any domestic record carrier and any international record carrier if such contract was entered into before June 23, 1981." RCCA, § 4 (1981). However, in *ITT World Communications, Inc.* v. *F.C.C.*, 635 F. 2d 45 (2d Cir. 1980), the court prescribed that Western Union could not continue to provide telex interconnection pursuant to contracts such as the TRT arrangement, and it directed the Commission to enter an order to that effect. The Commission complied with this mandate in *Western Union Telegraph Co.*, 84 F.C.C. 2d 150 (1980). Since the Commission remains subject to the mandate of the Second Circuit, and we have no record from which to determine whether we should modify or reverse our 1980 Order in compliance with that mandate, we will reject the inclusion of the contract in TRT's tariff for the present. We express no view on the ultimate lawfulness or enforceability of the contract pending development of a proper record.

[36] Any record carrier which "does not have a significant share of the market for record communications services" is exempt from this requirement. We have previously determined that FTC falls within this exemption.

record services, but for all domestic facilities that are provided by the IRCs for access, including Inward WATS. However, none of the IRCs have complied because their tariffs do not indicate the method of charging for these facilities when provided by them. To eliminate this deficiency, we direct the IRCs to reference or state separately charges for all domestic facilities (both record and non-record) provided by the IRCs to allow access to their international services.[37]

30. There is yet another complication in achieving the unbundling requirements imposed by the RCCA. While the carriers would unbundle their rates for the contiguous 48 states and Hawaii on the one hand, and international points on the other, the tariff proposals would continue to treat Puerto Rico, the U.S. Virgin Islands, American Samoa and Guam as international points. However, under Section 3(g) of the Communications Act, 47 U.S.C. § 153(g), the term "United States" means the States, territories, and possessions. Section 222(a)(1)(A) refers to international record communications services between points of entry into or exit from the United States and points outside the United States. In light of these definitions, we will treat the U.S. Virgin Islands, American Samoa and Guam as domestic points for purposes of our unbundling prescription. In the interim, Puerto Rico is treated as an international point as discussed in the technical section, Section III following. Consequently, we direct the record carriers to unbundle the domestic and international components of service to these domestic points as well.[38] For purposes of originating or terminating calls to or from these domestic locations, the interim prescription for wholly domestic service will apply.

31. With respect to Alaska, the international carriers maintain an additional charge of $.55 for calls originating in Alaska and transiting Western Union's network. However, because Western Union has proposed to reduce its interconnection charge to $.384 per minute, the international carriers are required to pass through this reduction to customers in Alaska. Interim Order at para. 93. Thus, the IRCs are ordered to replace their $.55 rate with a reference to Western Union's interconnection tariff. Additionally, since Western Union is now the only carrier interconnecting with Alascom, Inc. for telex, we will require Western Union to file interconnection rates and regulations for other carriers that want to originate or terminate domestic traffic with Alaska.

32. Finally, Western Union has proposed tariff revisions establishing the specific technical criteria for interconnection. The IRCs for their part, have filed general provisions dealing with technical interconnection. We reject those provisions which are inconsistent with our technical arrangements prescribed below.[39] The *Interim Order* did not prescribe technical arrangements for interconnection among the carriers. Rather, it simply allowed the carriers to negotiate these matters and file with this Commission any arrangements not inconsistent with the *Interim Order* with us.

III. Technical and Technical-Related Issues

A. Procedural Discussion

33. In paragraph 127 of the *Interim Order*, we acknowledged that there may have been outstanding technical matters which warranted further discussion among the carriers in view of our resolution in the Order of policy issues. We allowed the carriers fifteen days from the release date to arrive at and to submit any needed additional technical arrangements themselves, provided that they were not inconsistent with the *Interim Order*. Such discussions proceeded, and were attended by Commission personnel, but they generally were not fruitful.

34. On May 13, 1982, the Common Carrier Bureau released an order directing the record carriers to submit information by May 20, 1982. This order stated:

> In order that we may assess the continuing desirability of such negotiations under the Commission's *aegis*, and to permit us to assess the need for and scope of further discharge of our responsibilities under the Record Carrier Competition Act of 1981 and the Communications Act, the above-listed carriers are directed to submit in writing to the Commission, by close of business May 20, 1982, the following information: (a) a brief description of each technical issue which was outstanding upon release of the Interim Order which related to interim interconnection arrangements between and among record carriers; (b) a description of the resolution of each such technical issue which has been resolved through negotiation; and (c) the proposed resolution of each such technical issue which remains unresolved.[40]

35. Meetings were then held on May 18, May 24, May 26, and May 27, 1982, at which agreement was reached by the parties on a number of technical issues which were identified in the May 20 written submissions.

36. A member of our staff presided at each of these meetings, and the procedure adopted was that language resolving each technical issue which was resolved by agreement was reduced to writing (after open oral editing by the parties to create language which unanimously was accepted by all participants) and was distributed to the participants.[41]

37. In our view, it is abundantly clear from the language and the legislative

[37] In a related matter, FTC, and RCA have included tariff provisions which do not indicate the method of charging for customer access at greater than telex speed. FTC Tariff F.C.C. No. 16 § C15.13 and RCAG Tariff F.C.C. No. 90 §§ 2.8.1(b) and 2.8.5. In addition, ITT's tariff simply states without further explanation that a customer may access its system at the customer's own expense. ITT Tariff FCC No. 12 13.01(b). We find all these provisions unclear and in violation of 47 CFR § 61.55(f) since they do not specify the charges for such access. Thus, we order them withdrawn.

[38] Under 47 U.S.C. 153(f), the term foreign means foreign points and mobile stations. (i.e. ships at sea.) Under this definition, Canada, Mexico and mobile stations are treated as international points for purposes of unbundling the domestic and international components. Consequently, Western Union and the international carriers who serve these points must unbundle the domestic and international components of charges for these points. For transiting purposes, our prescription for outbound and inbound transiting will apply to Canada and Mexico. However, since no foreign administrations are involved in mobile stations, no transiting is required in service to mobile stations.

[39] FTCC—Tariff F.C.C. No. 20 Section C–5.01, 5.03, 5.05, 6.01, ITT—Tariff F.C.C. No. 69 Sections C–5.01, 5.03, RCA—Tariff F.C.C. No. 102 Sections 3.2.1, 3.5.1, 3.5.3, TRT—Tariff F.C.C. No. 74 Sections 3.2.1, 3.2.3, 3.2.4, WUI—Tariff F.C.C. No. 23 Sections 3.5.1, 3.5.3, WU—Tariff F.C.C. Nos. 279 and 280 Sections 3.2, 4.3, 4.4.3, 4.4.4, 4.4.7, 4.4.8, Tariff F.C.C. Nos. 281 and 232, Sections 3.2, 4.3, 4.4.3, 4.4.4, 4.4.7, 4.4.8, 4.4.9.

[40] *Order*, Mimeo #CC4023, released May 13, 1982. The "above-listed" carriers referred to were FTC, ITT, RCA, TRT, WUI and Western Union. In addition, other carriers participating in the negotiations were encouraged, but not ordered, to make submissions to the extent they thought the same useful. All such carriers (i.e., CCI, Graphnet, and IRI) made submissions. It is thus clear that the carriers were on notice that their written submissions would aid us in establishing interconnection arrangements, that subsequent meetings were to be under Commission auspices, and that such meetings too would aid us in arriving at an order prescribing suitable technical interconnection arrangements.

[41] For issues which were resolved during the May 18 meeting which preceded the May 20 written submissions, such agreed-upon language was attached or referenced in the parties' submissions. For issues resolved during the May 24, May 26 and May 27 meetings, written submissions were not received from the participants. No further procedural opportunity was provided the participants to make such submissions in view of the urgency of proceeding to decision herein. However, the staff has associated a memorandum with the docket file in Docket No. CC 82–122 which memorializes this subsequently agreed-upon language.

history of the RCCA that Congress intended that interim arrangements either be agreed to by the carriers, or failing that, that they be prescribed by the Commission expeditiously. It might be noted that the Commission is specially authorized in § 222(c)(3), if the carriers fail to resolve interconnection issues by a carrier agreement, to issue "an interim or final order" to which the carriers will be bound, and to do so within ninety days. Obviously, Congress intended that procedures be employed which are conducive to expedition, as the Communications Act otherwise does not specifically address "interim" orders, nor special ninety day time limitations for prescriptive orders. In view of this, we believe that we are specially authorized by the RCCA to employ such procedures as are necessary (in lieu of traditional notice and comment rulemaking) to arrive expeditiously at reasonable, practical, and feasible technical arrangements for interconnection.[42]

38. In sum, we are required by the RCCA to prescribe carrier-to-carrier interconnection procedures expeditiously. We are employing the results of the several meetings under our auspices to establish interim arrangements which are technically feasible, practical and workable. Since the carriers did not establish a carrier agreement of their own during the initial period after the RCCA was adopted, a formal carrier agreement at this point is not required. The meetings resulted in "agreement" on particular issues, and, in the sound exercise of our discretion to prescribe interim interconnection arrangements, we are prescribing the agreed-upon arrangements for the individual issues which were so resolved. Although the parties were not required to sign, and did not sign, formal carrier-to-carrier agreements, this is not significant in the context of this proceeding. What is required are arrangements which can work, and the parties' limited agreement at the meetings that their interim resolution of outstanding technical issues is feasible convinces us that reliance upon such agreement is not misplaced.

B. Technical Issues Resolved by Agreement

39. In this section of this order, we describe and adopt as our prescription on such issues technical language agreed to by the participants at the May 18, 24, 26 and 27, 1982 meetings.

40. In its April 30, 1982 Transmittal No. 7890, Western Union briefly described its proposed methods of interconnecting for domestic and international services. Domestic interconnection is generally to proceed at Western Union's four Digital Exchange System (DES) switches using INTERCOMMPLANT signaling. However, modifications are required at these switches, and such interconnection initially will be made available solely at the New York DES (with the remaining sites to be phased in as equipment is installed and made operative). Also, the other carriers must themselves modify signaling protocols from "type B" to INTERCOMMPLANT signaling, and Western Union's tariffs contain language authorizing continued use of "type B" until November 13, 1982. Western Union has historically connected with the IRCs for international service on a different basis, and it contemplates no immediate change in the existing arrangements.[43]

41. Western Union's interconnection tariff filings gave rise to a number of issues, including: the period for transition to INTERCOMMPLANT signaling; the anticipated period during which sites other than New York (the initial site) will be available; routing of traffic among the four DES sites (once all four sites are operative for domestic interconnection); retries; physical interconnection criteria; and Western Union's ability to cut off service if a carrier does not convert to such signaling by the date specified in Western Union's tariff. Also, the last issue, relating to Western Union's remedies in the event of tariff violations, more generally was addressed in the context of Western Union's (and other carriers') ability reasonably to modify facilities and to cut off service to another carrier if it does not make conforming modifications to its own facilities.[44] Other issues which arose included: blocking, including non-blocking of access to Western Union's "FYI" service; transitional procedures to assure adequate service quality; unidirectional trunks; and traffic forecasting. The foregoing issues were resolved as follows:

a. *Conversion to INTERCOMMPLANT Signaling:* Carriers have agreed to use best efforts, in good faith, to convert to INTERCOMMPLANT signaling; they have stated their ability to do so by the end of 1982. Western Union has agreed to modify its tariffs to publish a January 29, 1983 date for such conversion, thereby providing an additional period beyond that which presently appears required to ensure that such conversion will not be unnecessarily delayed.

b. *Availability of Domestic Interconnection at the Four DES Sites:* It is understood that TDM [time division multiplexing] facilities will be available at the three DES sites other than New York by August 1, 1982. The second site to be made available will be San Francisco, and it is anticipated that

[42] Although the meetings which were held under the Commission's *aegis* and presided over by a member of our staff did not follow traditional notice and comment rulemaking procedures, they provided "interested persons an opportunity to participate . . . through the submission of . . . views or arguments" within the meaning of the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. § 553(c). The 1947 *Attorney General's Manual on the Administrative Procedure Act*, in discussing rulemaking procedures under Section 4(b) of the original APA, which has not materially been changed in its present codification in 5 U.S.C. § 553(c), states that rulemaking procedures may take the following forms:

". . . informal hearings (with or without a stenographic transcript), conferences, consultation with industry committees, submission of written views, or any combination of these."

Thus, reliance upon meetings such as those which were held on May 18, 24, 26 and 27 as a substitute for traditional (time-consuming) written comment procedures is clearly permissible under the APA, and is consistent with our broad authority to order our proceedings under Section 4(j) of the Communications Act, 47 U.S.C. § 154(j). See, *Vermont Yankee Nuclear Power* v. *Natural Resources Defense Council*, —U.S.—, 98 S.Ct. 1197, 1202 (1978); *F.C.C.* v. *Schreiber*, 381 U.S. 279, 290 (1965). See also, *Common Carrier Interconnection Rules*, 72 F.C.C. 2d 330, 341 (1979), a case in which such abbreviated rulemaking procedures were employed without the special imperatives of the RCCA. In any event, because the procedures followed substantially complied with the notice and comment objectives of the APA, and because of the clear congressional intent underlying the RCCA, we believe that conformity with traditional procedures is unnecessary and contrary to the public interest. See, 5 U.S.C. § 553(b).

[43] At such time as Western Union may be authorized to provide international services, it appears that it contemplates interconnection of Western Union's international facilities with its domestic network at the four DES sites as well. Several of the other carriers in their May 20 filings sought immediate interconnection at the four DES sites for their international traffic, rather than the existing arrangements, and at the meetings Western Union claimed the possibility that existing Western Union (and IRC) equipment which implements current arrangements would be obsoleted. No agreement was reached on this issue, and we believe that it need not be addressed unless and until Western Union itself seeks to employ different interconnection arrangements for its own international services than it provides other international carriers. In sum, we believe that an adequate opportunity exists for the carriers to comment on this issue if it is not susceptible to resolution by agreement, and that it need not be addressed further in the context of the interim procedures which we are prescribing herein.

[44] Western Union's proposed tariffs reserved the right to modify facilities on 180 days' notice to other carriers. Several IRCs argued in their written filings that such a provision would grant Western Union excessive discretion. It was observed during discussion on this point at the meetings that Western Union's discretion is not absolute in any event as remedies are available to other carriers under the Act should Western Union (or any other carrier) unreasonably deny interconnection.

service will be available on or around July 15, 1982.

c. *Routing of Traffic:* (1) For calls complete on Western Union's domestic network, Western Union will accept calls through an alternate routing schedule intended to spread the load from all carriers among the sites. (2) The following transition period arrangements will apply during the period for transition to INTERCOMMPLANT signaling [i.e., until January 29, 1983 under item a. above]: for calls completed on another record carrier's domestic network, Western Union will route each call to the first point of available domestic interconnection.[45] (3) Any rearrangements which might ultimately occur upon termination of the arrangements specified in item c.(2) will appropriately be phased to ensure no degradation of service. Furthermore, WU has agreed to provide at least 60 days notice to the FCC (and to affected carriers) of proposed changes in the arrangements specified in item c.(2) to enable an informed resolution of any controversies which might be created by such changes.

d. *Retries.* Retries shall be limited in two groups such that the average number of retries in each such category shall be no greater than two in the first category and one in the second category. The first category includes "NC", "OCC", "absent" and "busy pulse" conditions; the second category includes "NP", "NA", "NCH", "RTO", "NCN" and "DER".[46]

e. *Physical Interconnection Criteria.* For additional telex-to-other carrier connections at existing sites, interconnection shall be on an analog or TDM basis. If, after the passage of six months from the placing of a TDM link in service, 50% or less of its capacity is needed to satisfy grade P.01 service for the entire trunk bundle with which it is a part, the requesting carrier shall be responsible retroactively for the cost of both ends of the TDM at a rate to be specified in the other carrier's tariff, until such time as this utilization exceeds 50% of the link's capacity.[47]

f. *Modification of Facilities.* Carriers shall publish in their tariffs a "rule of reason" governing modification of facilities which is patterned generally after Section 68.110(b) of the Commission's Rules, 47 C.F.R. § 68.110(b).[48]

g. *Blocking.* (1) WU will block "100"; if another carrier interconnects on the same bundle international and domestic traffic, it will block "910–999–1212." (2) Directory assistance will not be blocked for the time being, although this may create anomalies. For the future, carriers will examine the institution of charged directory assistance to eliminate such anomalies. (3) International carriers will not block inbound international calls destined to any domestic record carrier network. (4) WU will permit access to its "FYI" information service provided that a mechanism is established to compensate Western Union the same per minute charge (in addition to common carrier service charges) for this service which is charged its own customers.[49]

h. *Service Quality.* All carriers acknowledge that: (1) telex interconnection will be available at less than four sites prior to August 1, 1982, and initially solely at New York; (2) traffic must appropriately be limited to the channel capacity available at each site through each interconnect; and (3) routing by office code and/or trunk reservation procedures will be employed in the interim period to assure an adequate grade of service in traffic between carriers at each site.

i. *Unidirectional Trunks.* Western Union will modify its tariffs to "grandfather" all existing bidirectional international telex interconnection arrangements.

j. *Traffic Forecasting.* Each carrier, on request by another carrier, will provide eighteen month traffic forecasts for projected utilization of the requesting carrier's interconnection facilities, in six month segments, to be updated at six month intervals upon request, regardless of whether the involved carriers' tariffs so specify.

We hereby adopt these agreements and prescribe them as binding upon all affected carriers.

42. In addition to the preceding issues which were agreed upon by the carriers, we here require that each record carrier publish in its public tariffs the appropriate access code for other record carriers. As we recognized in *Development of Formula for Distribution of International Telex Traffic,* CC Docket No. 80–639, FCC 81–522, released Nov. 12, 1981:

> [T]hese [access] codes effectively constitute the IRCs' 'business address' for telex customers * * * . The possible effects of preferential or discriminatory changes in these codes, favoring particular IRCs or services is thus more apparent—and immediate—than other behavior which would less directly affect customer routing instructions * * *. [T]he access codes are only the most obvious mechanism open to potential abuse. [footnotes omitted]

43. A second group of issues was resolved to permit interim arrangements for service to points outside of the continental United States, including foreign points (Canada and Mexico), states (Hawaii and Alaska), U.S. territories or possessions (Guam, American Samoa and the U.S. Virgin Islands), and the Commonwealth of

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[45] The "first point" is the first point of domestic interconnection reached by WU's internal network switching hierarchy under its alternate routing procedures. It is not the closest point as such, however it statistically tends to be biased towards the closest point because the network selects direct routing as its first choice.

[46] These designations refer to the following forms of incompleted calls: "NC" (no circuit); "OCC" (occupied, i.e. a form of busy signal); "absent" (no response by the terminal); "busy pulse" (a form of busy signal returned by electro-mechanical switching facilities); "NP" (no party, i.e. no terminal at the called number); "NA" (not allowed, i.e. an invalid dialed number or dialing to a number which is blocked); "NCH" (number changed); "RTO" (register time out, i.e. insufficient selection digits dialed within a time-out interval); "NCN" (number cancelled); and "DER" (literally, "deranged", i.e. a trouble signal).

[47] We understand this to mean that if, at the end of the six month period, the TDM is not appropriately utilized, the requesting carrier will be responsible for the cost of both ends of the TDM for the six month period, and for whatever additional period passes until the link is appropriately utilized.

[48] Section 68.110(b) of our Rules uses terms such as "telephone company", "customer's terminal equipment" and "terminal equipment", which are inapplicable here, and it references other terminal equipment interconnection rules in Part 68 of our Rules which similarly are inapplicable. However, the *principles* of the rule are appropriate in these circumstances. Accordingly, we hereby prescribe that all record carriers include in their interconnection tariffs the following language which is patterned after Section 68.110(b):

"The Company may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business. If such changes can reasonably be expected to render any interconnected carrier's facilities incompatible with the Company's communications facilities, or require modification or alteration of an interconnected carrier's facilities, or otherwise materially affect the use or performance of an interconnected carrier's facilities, each such interconnected carrier shall be given adequate notice in writing, to allow such carrier an opportunity to maintain uninterrupted service."

We reach no conclusion on whether additional language which was distributed by the carriers during the course of the meetings, involving a disclaimer of responsibility for changes, may be included, nor on the legal effect of any such language.

[49] "FYI" (For Your Information) is a non-tariffed information service over which subscribers may receive "live wire" news reports and the like. Western Union maintained that it was under no legal obligation to provide such an offering to other carriers on an interconnected basis, and that it was voluntarily agreeing to do so to minimize disputes. The IRCs noted that overseas subscribers today have access to FYI (although it is not clear whether they are specifically paying for such access), and that it was their position that such service should continue; several went so far as to argue that § 214(a) discontinuance authority (for this non-tariffed offering) would be required for discontinuance. In view of Western Union's voluntary offering of access to FYI, we need not address such claims.

Puerto Rico. Certain points were previously specially classified as "domestic" and "international" under provisions of § 222(a)(5)–(6) of the Act which were repealed (except for Hawaii, special treatment of which ended prior to enactment of the RCCA). With the repeal of the former § 222(a)(5)–(6) provisions, classification of the non-continental U.S. points as "domestic" or "foreign" is controlled by Sections 3(e), 3(f) and 3(g) of the Act. However, as a practical matter, notwithstanding any reclassification of such points as a consequence of adoption of the RCCA, service arrangements and physical facilities remain in place as previously.[50]

44. At the meetings, the parties discussed at length implementation of transitional procedures to assure interconnection of facilities to permit interconnected service to these points. We previously have addressed certain aspects of the principles which are applicable to service with non-continental U.S. points; here we address the physical interconnection arrangements which will be pursued in the interim. It was agreed by the parties that such points should be treated as follows:

a. *Hawaii.* Hawaii shall be treated as a domestic point for interconnection.

b. *Alaska.* (1) For outbound traffic to Alaska, U.S. carriers will bring traffic to WU facilities on the same basis as they bring domestic traffic, and will provide WU with total billable minutes and numbers of calls. (2) For inbound traffic from Alaska, whatever inbound dialing is permitted in Alaska via WU to other carriers will not be blocked.

c. *Puerto Rico.* Where the Puerto Rico Communications Authority is not the carrier within Puerto Rico involved in the calls, Puerto Rico shall be treated as if it were an international point under the assumption that a foreign PTT and a U.S. carrier is involved, with 50/50 settlement, and the *Interim Order's* treatment of interconnected service to foreign points shall be applied under this assumption. Where the Puerto Rico Communications Authority is the carrier within Puerto Rico involved in the calls, the U.S. carriers will develop appropriate technical and rate arrangements to meet the goals of the RCCA.[51]

d. *Guam, American Samoa, and the U.S. Virgin Islands.* Guam, American Samoa, and the U.S. Virgin Islands are domestic points and are subject to domestic interconnection, however they presently are served by international record carriers. In view of this, arrangements will be developed expeditiously to implement domestic interconnection to these points by all involved record carriers and their affiliates.

e. *Canada and Mexico.* (1) For outbound traffic to Canada and Mexico, U.S. carriers will bring traffic to WU on the same basis as they bring domestic traffic, and will provide WU with total billable minutes and numbers of calls; such outbound traffic will be interconnected at WU's DES and EDS facilities, and not at the TWKD facility in San Francisco nor the TWM–2 in Atlanta. (2) For inbound traffic from Canada and Mexico, whatever inbound dialing is permitted in Canada or Mexico via WU to other carriers will not be blocked. (3) U.S. international record carriers will not send international inbound traffic to Canada or Mexico via these interconnections. (4) Arrangements will be developed expeditiously to implement international interconnection to these points by all involved record carriers and their affiliates.

We hereby adopt these further agreements and prescribe them as binding upon all affected carriers.

C. Unresolved Issues.

45. Finally, discussion was held on a number of issues which were not fully resolved by the carriers, including: access to store-and-forward services; 110 baud/ASCII access to TWX; "bearer circuits"; single-stage access to international services provided by WU; and high-speed access to international services by WU. In a tentative decision which is being released contemporaneously with this order, the Chief, Common Carrier Bureau tentatively resolves the outstanding store-and-forward and TWX access issues. We hereby delegate authority to the Chief, Common Carrier Bureau expeditiously to resolve these issues by issuance of a final or interim order. The remaining issues are not relevant to the interim arrangements which are addressed in this Order, and will be considered, as appropriate, in the future.

IV. Conclusions

46. The *Interim Order* expressed our expectation that the record carriers would implement the interim prescription by thereafter filing suitable tariffs. As explained, the tariffs which were filed fall far short of the mark. For that reason, we have in this Order specified the provisions which must be revised or removed and specific language which must be substituted. We are also deeply concerned that this proceeding has extended well beyond the ninety days envisioned by Congress, and we therefore direct that revised tariffs in conformity with this Order be filed on or before June 16, 1982, to be effective on June 20, 1982. Should any carrier fail to comply with this Order, we are prepared fully to implement the enforcement and forfeiture provisions of the Communications Act, including institution of appropriate proceedings under Sections 401(b) and 406, and forfeiture under Sections 202(c), 203(e), 205(b), 503 and 504. We specifically caution all carriers that, under the provisions of Section 416(c) of the Act, it is their duty "to observe and comply" with effective Commission orders. Finally, at this time we are only prescribing provisions associated with interconnection of telex and TWX services. Telex and TWX are the largest and most profitable international and domestic record carrier services, and the concerns of the parties to this proceeding have related almost entirely to these services. We have no real evidence before us at this time upon which we could base prescriptive tariff language for services such as telegram, cablegram and Mailgram. We are hopeful that any interconnection problems for such services can be resolved without further intervention on our part. If this is not the case, and if we receive complaints concerning the

[50] For example, while Canada and Mexico were previously deemed "domestic" points under the repealed provisions of § 222(a)(5), and they are now "foreign" within the clear meaning of Section 3(f) of the Communications Act, service to such points has long been integrated with Western Union's domestic network. We conclude that although Western Union is not at this time specifically authorized to provide international services under the RCCA, Congress intended in the RCCA to provide the public with additional new options, and not to cause temporary discontinuance of existing services. Thus, we regard Western Union's previously-received authority to provide service to Canada and Mexico as currently effective. On the other hand, we seek to minimize the inconsistencies of the *status quo* with the literal terms of the RCCA.

[51] Section 3(g) of the Act defines the United States as meaning the "States and Territories, the District of Columbia, and the possessions of the United States." It is unclear whether Puerto Rico, which has "Commonwealth" status, falls within the "territories" or "possessions" language. Two cases arising under the Communications Act involving the government-owned telephone company have treated Puerto Rico no differently than other domestic points are treated. In both cases the government-owned Puerto Rican telephone company argued that the Puerto Rican government, in controlling the company so as to prohibit interconnection of customer-owned equipment, did so as a "state" within the meaning of the exemptions from FCC authority of Sections 2(b) and 221(b) of the Act. See, *Puerto Rico Tel. Co.* v. *F.C.C.*, 553 F.2d 694, 698 (1st Cir. 1977); *Comtronics, Inc.* v. *Puerto Rico Tel. Co.*, 553 F.2d 701, 704 (1st Cir. 1977). Moreover, these decisions concluded that interconnection under the Act was to be available in Puerto Rico in the same manner as in other U.S. points. Obviously, Puerto Rico could not have argued a "state" regulatory exemption if it were a "foreign" point within the meaning of Section 3(f). However, there are cases in non-communications contexts which have treated Puerto Rico differently than "possessions" and "territories" of the United States are treated. In view of this uncertainty, we will permit the carriers' agreed-upon arrangements to proceed, but we reserve the right to determine the ultimate classification of Puerto Rico as "domestic" or "foreign", and to treat Puerto Rico service accordingly, particularly in view of the rate integration policies which we have adopted for analogous telephone services.

carriers' tariffs for such services, we will act expeditiously.[52]

47. Accordingly, it is hereby ordered, pursuant to Sections 4(i), 4(j), 201, 202, 203, 205 and 222 of the Communications Act of 1934 as amended, That tariff provisions originally filed under the above-captioned transmittals, and subsequent related modifications, filed by Western Union Telegraph Company, RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corp., and ITT World Communications, Inc. ARE REJECTED.

48. It is further ordered, pursuant to Sections 4(i), 4(j), 201, 202, 203, 205, 222 and 416(c) of the Communications Act of 1934 as amended, That Western Union Telegraph Company, RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corp., and ITT World Communications, Inc. SHALL FILE TARIFF REVISIONS CONSISTENT WITH THIS ORDER, on or before June 16, 1982, to become effective June 20, 1982.

49. It is further ordered, pursuant to Sections 4(i), 4(j), 201, 202, 203, 205, 222 and 416(c) of the Communications Act of 1934 as amended, That Western Union Telegraph Company, RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corp., and ITT World Communications, Inc. shall file tariff revisions relating to our prescription for tariffing of service to American Samoa, Guam, the U.S. Virgin Islands, Canada, and Mexico, no later than thirty-one days from release of this Order, to become effective on fifteen days' notice.

50. It is further ordered, that Sections 61.58, 61.59 and 61.74 of the Commission's Rules ARE WAIVED TO THE EXTENT NECESSARY to permit the filing of tariffs implementing the prescriptive provisions, the specific prescribed language, the clarification language and necessary interim charges as set forth in this Order.[53]

51. It is further ordered, that the filing of data required by Section 61.38 of the Commission's Rules for filings necessary to implement this Order IS DEFERRED until such time as it may be required by the Chief, Common Carrier Bureau.

52. It is further ordered, that the Petitions to Reject and/or to Suspend and Investigate, which are listed in Appendix A to this Order, ARE GRANTED IN PART, to the extent previously indicated, and are otherwise DENIED.

53. It is further ordered, that the public interest as expressed in the RCCA and the Communications Act requires that THIS ORDER BE EFFECTIVE IMMEDIATELY upon actual notice to the affected carriers.

54. It is further ordered, that this Order be printed in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Party

Graphnet, Inc.
- Petition to Reject Transmittals Nos. 2431 of ITT; 4820 and 4821 of RCA; 1582 of WUI; and 120 of FTC.

International Relay, Inc.
- Petition to Reject, or, in the Alternative to Suspend Transmittal Nos. 2429, 2430, 2431 of ITT.
- Letter of Reply to ITT.

ITT World Communications, Inc.
- Petition for Partial Rejection of Transmittal No. 120 of FTC.
- Petition for Partial Rejection and Contingent Petition for Suspension of Transmittal No. 7890 of Western Union.

RCA Global Communications, Inc.
- Petition to Suspend and Modify Transmittal No. 7890 of Western Union.
- Petition for Rejection and Suspension of Transmittal No. 7892 of Western Union.
- Replies to Petitions for Rejection.

TRT Telecommunications Corp.
- Letter concerning Western Union Transmittals, Reply to Petition to Reject or Suspend.

Western Union International, Inc.
- Petition for Rejection of Transmittal No. 120 of FTC.
- Petition to Reject or Suspend Transmittal No. 1008 of TRT.
- Petition to Reject Transmittal Nos. 7890 and 7892 of Western Union.

Western Union Telegraph Co.
- Petitions to Reject Transmittal Nos. 118 and 120 of FTC; 2430 and 2431 of ITT; 4820, 4821 and 4822 of RCA; 1008 and 1010 of TRT; and 1582 of WUI.

Appendix B

Examples of how transiting charge should be computed. The formula developed in section D is as follows: Transiting Carrier's Charge = ½ Domestic Component Charge + ½ International Component Charge after the Foreign Payout has been subtracted + Foreign Payout.

Example 1

Assume that an originating IRC requires the international component of another IRC for transiting an outbound international telex call. Assume further that:

1. The domestic component charge contained in the domestic interconnection tariff of the carrier on whose network the call initiates = $.3868 per minute.
2. The transiting carrier's international component charge contained in its public tariff = $2.03 per minute.
3. Foreign Payout = $1.00 per minute.

Under the formula the payment by the originating international record carrier to the transiting carrier for a one minute call would be:

½(.3868) + ½(2.03 − 1.00) + 1.00
= .1934 + .515 + 1.00
= 1.7084 per minute to the transiting carrier

Example 2

Assume that an originating IRC requires the international component of another IRC for transiting an outbound international telex call. Assume further that:

1. The domestic component charge contained in the domestic interconnection tariff of the carrier on whose network the call initiates = $.3868 per minute.
2. The transiting carrier's international component charge contained in its public tariff = $1.93 per minute.
3. Foreign Payout = $1.81 per minute.

Under the formula the payment by the originating international record carrier to the transiting carrier for a one minute call would be:

½(.3868) + ½ (1.93 − 1.81) + 1.81
= .1934 + .06 + 1.81
= 2.0634 per minute to the transiting carrier

However, under the formula, the transiting carrier's charge is reduced in those situations where the amount remaining under the formula, i.e., ½ domestic charge + ½ international charge after the foreign payout has been subtracted, is less than the domestic carrier's charge for the domestic component. In these cases, the transiting carrier's charge is reduced so that the amount allocated under the formula to the originating outbound international carrier requiring transiting is no less than the charge for the domestic component. In this example, the amount remaining under the formula assigned to the originating carrier is only $.2534 (½ domestic component (.1934) + ½ International component (.06)) or $.1334 less than the domestic charge ($.3868 − $.2534). Consequently, the originating carrier's share must be increased by $.1334 and the transiting carrier's share must be reduced by $.1334. The transiting

[52] Graphnet was not specifically required in the *Interim Order* to file an interconnection tariff, nevertheless it has filed a tariff which it claims is in compliance with the *Interim Order*. We have received petitions against Graphnet's tariff. Without addressing the merits of these petitions, we grant Graphnet special permission to withdraw the filed tariff. Graphnet may then substitute a new filing in light of this Order. If such a new filing raises no new issues, we hereby grant to Graphnet appropriate rule waivers to permit it to file upon the same conditions as apply to the other carriers. Alternatively, if Graphnet chooses to retain its presently filed tariff, we will require deferral of the currently specified effective date for the full statutory period, in order to consider the tariff and the petitions against it. In any event, Graphnet is also required to file revised public tariffs as is explained in footnote 30.

[53] As is set forth in the *Interim Order*, we have also prescribed that complete traffic and financial records be maintained in order that a full accounting may occur upon final resolution in Phase II of CC Docket No. 78-97. *Interim Order*, n. 33.

carrier's share is therefore reduced to $.1200 ($.2534 − 1334) and the total payment under the formula to the transiting carrier is $.1200 + $1.81 (the foreign payment) or $1.9300.

[FR Doc. 82-19290 Filed 7-16-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-173]

Organization and Delegation of Powers and Duties; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: DOT corrects citations of two recent delegations to the Commandant of the Coast Guard.

DATE: This amendment becomes effective July 19, 1982.

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

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

Recently, DOT delegated to the Commandant of the Coast Guard functions vested in the Secretary by the Act to Prevent Pollution from Ships (October 21, 1980; Pub. L. 96-478; 94 Stat. 2297) and the Deep Seabed Hard Mineral Resources Act (June 28, 1980; Pub. L. 96-283; 94 Stat. 553). Both of these citations were incorrectly designated as paragraph (ff) in 49 CFR 1.46. The purpose of this amendment is to correct those errors by designating one as (hh) and the other as (ii).

List of subjects in 49 CFR Part 1

Authority delegations (government agencies); Organization and functions (government agencies); Transportation Department.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end of § 1.46 new paragraphs (hh) and (ii), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(hh) Carry out the functions vested in the Secretary by the Act to Prevent Pollution from Ships (October 21, 1980; Pub. L. 96-478; 94 Stat. 2297) except section 10(b) and (c) and except as limited by § 1.47(n), § 1.52(c), and § 1.66(u) of this title.

(ii) Carry out the functions vested in the Secretary by the Deep Seabed Hard Mineral Resources Act (June 21, 1980; Pub. L. 96-283; 94 Stat. 553), except Section 118.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); 49 CFR 1.57 (l))

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

John M. Fowler,

General Counsel.

[FR Doc. 82-19318 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-62-M

Interstate Commerce Commission

49 CFR Part 1137

[Ex Parte No. MC-142 (Sub-2)

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its restriction removal rules, specifically Title 49 CFR Part 1137, to enable freight forwarders to remove operating restrictions from their permits pursuant to the procedures promulgated in Ex Parte No. MC-142 (Sub-No. 1), *Removal of restrictions From Authorities of Motor Carriers of Property*, 132 M.C.C. 374 (1980) (45 FR 86747, December 31, 1980). Application of the restriction removal rules will enable freight forwarders to provide a more efficient and economical service to a greater segment of the shipping public and will promote competition and foster intermodalism, as contemplated by the National Transportation Policy (49 U.S.C. 10101).

EFFECTIVE DATE: These rules become effective on July 19, 1982.

ADDRESS: The **Federal Register** publication does not contain the text of the rulemaking decision. Copies of the full decision may be purchased by calling toll free: 800-424-5403 (289-4357 in the DC Metro area) or by writing TS InfoSystems, Room 2227, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275-7697

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Following its recommendation in the appellate decision, No. FF-416 (Sub-No. 2)X, *Imperial Carriers, Inc.—Commodity and Territorial Broadening* (not printed) served November 30, 1981, the Commission instituted this proceeding by issuing a notice of proposed rulemaking [47 FR 8801 (March 2, 1982)] to consider whether the restriction removal rules should be amended to afford freight forwarders access to the expeditious procedures for reformations of authority as contemplated by 49 U.S.C. 10922(h)(B)(i). After evaluating the comments received, the entire Commission, by a decision of June 18, 1982, determined that the restriction removal rules should be made applicable to freight forwarders. The Commission concluded that such action will promote intermodalism, as well as economical and efficient transportation, and will enable freight forwarders to provide service to a greater segment of the shipping public.

Adoption of Rules

The Commission has adopted the revised rules as set forth in the appendix below.

(49 U.S.C. 10321 and 10922(h) and 5 U.S.C. 553)

List of Subjects in 49 CFR Part 1137

Motor carriers, Freight forwarders.

Decided: June 18, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons.

Agatha L. Mergenovich,

Secretary.

PART 1137—REMOVAL OF RESTRICTIONS FROM AUTHORITIES OF MOTOR CARRIERS OF PROPERTY AND FREIGHT FORWARDERS

Title 49 CFR Part 1137, is amended as follows:

In 49 CFR Part 1137—Removal of Restrictions From Authorities of Motor Carriers of Property and Freight Forwarders, the introductory text of § 1137.1 is revised to read as follows:

§ 1137.1 Purpose.

These regulations govern applications filed by motor carriers of property and freight forwarders seeking to remove operating restrictions from their certificates or permits in order to:

* * * * *

[FR Doc. 82-19467 Filed 7-16-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Alaska, Puerto Rico, and the Virgin Islands for the 1982–83 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rule.

SUMMARY: This rule prescribes final frameworks (i.e. the outside limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed) from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands may select season dates for hunting certain migratory birds during the 1982–83 season. Selected season dates will then be transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) for publication in the **Federal Register** as amendments to §§ 20.101 and 20.102 of 50 CFR 20.

DATES: Effective on July 19, 1982. Season selections due from Alaska, Puerto Rico, and the Virgin Islands by July 30, 1982.

ADDRESS: Season selections from Alaska, Puerto Rico, and the Virgin Islands to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Public documents may be inspected in the Service's Office of Migratory Bird Management, Room 525–B, 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, Tel. AC 202, 254–3207.

SUPPLEMENTARY INFORMATION: 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 a comment period ending June 23, 1982. That document dealt with the establishment of seasons, limits, and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20, including frameworks for Alaska, Puerto Rico, and the Virgin Islands. A supplemental proposed rulemaking appeared in the **Federal Register** on June 15, 1982 (47 FR 25922) and another on July 12, 1982 (47 FR 30162); however, they contained no information relevant to Alaska, Puerto Rico, and the Virgin Islands. This final rulemaking is the fourth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1982–83 season from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands may select season dates for hunting certain migratory game birds in Alaska, Puerto Rico, and the Virgin Islands. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Public Hearing

A public hearing was held in Washington, D.C., on June 23, 1982, as announced in the **Federal Register** dated April 19, 1982 (47 FR 16718), and proposed hunting regulations for Alaska, Puerto Rico, and the Virgin Islands were discussed. The public was invited to participate in the hearing and/or submit written statements. None of the comments received at the public hearing related to these three areas.

Review of Comments on Proposed Rulemaking

Interested persons were given until June 23, 1982, to comment on the April 19 proposed rulemaking. They were also invited to participate in the June 23 public hearing. Only 2 comments were received on the proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands. The Alaska Department of Fish and Game concurred with the Service's proposed frameworks for Alaska.

The Virgin Islands Division of Fish and Wildlife proposed that the Service's frameworks provide for a season opening prior to September 1 for Zenaida doves (*Zenaida aurita*). Excerpts from the request follow:

> Some of the objectives of the bird hunting regulations are clearly not being met for the game bird hunter in this area. For example, there is not a sufficient opportunity for Virgin Islands hunters to harvest an adequate portion of this migratory species.
>
> 1. The limits of harvest set by the current game hunting laws favor bird populations inasmuch as their levels of population maintenance exceed harvest quotas yielding an incompatible balance.
>
> 2. Equitable hunting opportunities are not available to Virgin Islands hunters under the current regulatory regime despite the species' seasonal abundance, migratory habits and distributional patterns.
>
> 3. Virgin Islands dove hunters have not benefited from the proposed hunting regulations since the 1960–1975 era when hunting dates were set by local authority.

Response. The Virgin Islands has previously requested that dove hunting there be permitted prior to September 1, and has supplied information in support of the request. This matter was discussed in the **Federal Register** dated July 13, 1981, at 46 FR 36057. At that time it was noted, on the basis of legal interpretations provided to the U.S. Fish and Wildlife Service and made available to authorities in the Virgin Islands, that the provisions of the 1916 migratory bird treaty between the United States and Canada, and the Migratory Bird Treaty Act, prohibit hunting seasons opening prior to September 1 in the Virgin Islands. Copies of these legal interpretations may be obtained upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

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 and 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. Examples of such consideration include closures of designated areas in Puerto Rico for the Puerto Rican plain pigeon (*Columbia inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*) and in Alaska for the Aleutian Canada goose (*Branta canadensis leucopareia*).

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for 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 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.

Memorandum of Law

In the **Federal Register** dated April 19, 1982 (at 47 FR 16722), the Service stated that it planned to publish its Memorandum of Law for the 1982–83 migratory bird hunting regulations with its first final rulemaking.

Memorandum of Law. Section 4 of Executive Order 12291 requires that certain determinations be made before any final major rule may be approved. Section 4(a) specifies that the regulation must be clearly within the authority of law and consistent with congressional intent, and that a memorandum of law be provided to support that determination. Also, the agency must state that the factual conclusions upon which the law is based have substantial support in the agency record and that full attention has been given to public comments in general, and to comments of persons directly affected by the rule in particular.

The development of the annual migratory bird hunting regulations is provided for under Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711). Such regulations have been promulgated annually since 1918. They appear in 50 CFR Part 20, Subpart K. Congressional support for the development of these rules and ancillary activities involved in their development are reflected in the U.S. Fish and Wildlife Service's budget. Among these activities are biological surveys, hunter activity and harvest surveys, research investigations, law enforcement, and administrative costs associated with the development and publication of the proposed and final rules. Many other Service activities, such as the acquisition and management of habitats for migratory birds, indirectly assist in maintaining the migratory bird resource at levels which allow reasonable sport hunting harvest.

In developing its annual hunting rules for 1982–83, the Service has published two proposed rules for public comment and conducted one public hearing to facilitate public input into the rulemaking process. Five additional proposed and final rulemakings, and another public hearing, are included in the remaining schedule for establishing the annual hunting regulations for 1982–83. Dozens of public comments summarized and responded to in **Federal Registers** listed in the preamble of this document describe the Service's consideration of the impacts of its proposed rules on the public. Many of these comments originated from affected State conservation agencies, while others were submitted by the affected public. In general, the comments strongly supported the Service's initial or supplementary regulatory proposals. Comments which do not support proposed Service action have been adequately addressed. Additional public comments are invited and will be addressed in subsequent **Federal Register** documents. The complete administrative record, including copies of public comments, is available for inspection at the Office of Migratory Bird Management.

Consequently, the Department has determined that it has fulfilled requirements of Section 4 of Executive Order 12291 and the Migratory Bird Treaty Act in developing the 1982–83 migratory bird hunting regulations which are adequately supported by the Service's records.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published April 19, 1982, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Alaska, Puerto Rico, and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and limits; to communicate those selections to the Service; and finally establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Alaska Department of Fish and Game, Puerto Rico Department of Natural Resources, and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Alaska, Puerto Rico, and the Virgin Islands officials, the Service will publish in the **Federal Register** final rulemaking amending 50 CFR 20.101 and 20.102 to reflect seasons, limits, and shooting hours for these areas for the 1982–83 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act and these frameworks will, therefore, take effect immediately upon publication.

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, AC 202–254–3207.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1982–1983

Outside Dates: Between September 1, 1982, and January 26, 1983, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

Shooting hours: One-half hour before sunrise to sunset daily.

Hunting Seasons

Ducks, geese, and brant—107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes—An open season concurrent with the duck season.

Daily Bag and Possession Limits

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

Brant—A daily bag limit of 4 and a possession limit of 8.

Common snipe—A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1982–83

Shooting hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1982, and January 15, 1983, as follows:

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed in order to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

El Verde Closure Area—consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata wetmorei*), locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe

Outside Dates: Between December 1, 1982, and January 31, 1983, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe.

Daily Bag and Possession Limits

Ducks—Not to exceed 4 daily or 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*), which are protected by the Commonwealth of Puerto Rico.

Coots—Not to exceed 6 daily and 12 in possession.

Common gallinules—Not to exced 6 daily and 12 in possession, except that the season is closed on purple gallinules (*Porphyrula martinica*).

Common snipe—Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Final Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1982–83

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1982, and January 15, 1983, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)— Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

Ducks

Outside Dates: Between December 1, 1982, and January 31, 1983, the Virgin

Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*).

Dated: July 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-19464 Filed 7-16-82; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 47, No. 138
Monday, July 19, 1982

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

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

10 CFR Part 1605

Proposed Council Open Meetings Procedures; Extension of Comment Time

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Proposed rule; extension of comment time.

SUMMARY: The Council proposed procedures regarding open meetings under the Government in the Sunshine Act (Pub. L. 94–409) in the **Federal Register** of May 24, 1982 (47 FR 22368) and requested written comment. The Council hereby extends that comment period to August 16, 1982 in order to allow additional comments and consultation.

DATES: Comments must be in writing and physically received at the address set forth below before 5:00 p.m. (Pacific Time) Monday, August 16, 1982.

ADDRESSES: Send comments to: James F. Fell, General Counsel, Northwest Power Planning Council, 700 SW. Taylor, Suite 200, Portland, Oregon 97205.

FOR FURTHER INFORMATION CONTACT: James F. Fell, General Counsel, Northwest Power Planning Council, (503), 222–5161.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, 94 Stat. 2697, 16 U.S.C. 839, et seq. (the "Northwest Power Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conseration Planning Council (the "Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress provided in section 4(a)(4) of the Northwest Power Act that with respect to "open meetings, the Federal laws applicable to open meetings in the case of the Federal Energy Regulatory Commission shall apply to the Council to the extent appropriate." The procedures to be used by the Council were adopted from Federal Energy Regulatory Commission open meetings procedures.

List of Subjects in 10 CFR Part 1605

Sunshine Act.

(Sec. 4, Pub. L. 96–501 (16 U.S.C. 839b))

Dated: July 9, 1982.

Edward Sheets,

Executive Director.

[FR Doc. 82–19428 Filed 7–16–82; 8:45 am]

BILLING CODE 0000–00–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 12337; Notice No. SC–82–1–CE]

Special Conditions; Beech 200, 300, and 1900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for the submission of public comments relating to Notice SC–82–1–CE (47 FR 24596, 24597) June 7, 1982 which was to close on July 8, 1982. That notice proposed to amend Special Conditions No. 23–47–CE–5 presently applicable to Beech 200 series airplanes, to permit them to include new Beech 300 and 1900 airplanes as well as future 300 and 1900 derivative airplanes. The extension is in response to a petition from the Air Line Pilots Association (ALPS) whose members may be affected by the proposed rulemaking. ALPA stated that more time is needed to solicit information from their members and to prepare comments to the proposal. The FAA has determined that it would be in the public interest to extend the comment period in accordance with ALPA's request.

DATE: Comments must be received on or before August 8, 1982.

ADDRESSES: Comments on Notice No. SC–82–1–CE may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Regional Counsel, ACE–7, ATTN: Rules Docket Clerk, Docket No. 12337, Room 1558, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 12337. Comments may be inspected in the docket file between 7:30 a.m. and 4:00 p.m. on weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: William L. Olson, Aerospace Engineer, Regulations and Policy Office, Federal Aviation Administration, Room 1659B, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in amendment of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received during or before the closing date for comments will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

Background

Notice No. SC–82–1–CE was published in the **Federal Register** on June 7, 1982 (47 FR 24596). This was in response to Beech Aircraft Corporation's application to amend Type Certificate (TC) No. A24CE to add new 300 and 1900 Series airplanes in the normal category. The Beech Series 200 are pressurized low wing twin-turbopropeller airplanes, which in the normal category, are limited to 12,500 pounds maximum gross weight and to seats for no more than 15 occupants. Beech Models 300, 300C, 300CT, 300T, 1900, and 1900C are derivative airplanes of the 200 Series. The above models have increased weight limitations and/or increased seating capacity limitations in accordance with SFAR 41. Because the original Beech Model 200 airplane design included novel and unusual

features for an airplane type certificated under Part 23 of the FARs and the applicable airworthiness requirements did not contain adequate or appropriate safety standards at that time, Special Conditions No. 23–47–CE–5 were developed for the Beech 200 airplane to ensure a level of safety equivalent to that provided by Part 23 of the FAR. Notice No. SC–82–1–SC proposed to extend the applicability status of Special Conditions No. 23–47–CE–5 to Beech 300 and 1900 Series airplanes, as appropriate to Type Certificate A24CE without revising the special condition documents.

On June 18, 1982, ALPA petitioned for a 30 day extension of the comment period for Notice No. SC–82–1–CE. In its petition, ALPA cited the need for additional time to request and receive information from the field to prepare what it believes will be substantive comments on the notice.

The FAA has reviewed this petition and has determined that extending the comment period as requested would afford the petitioner as well as other interested persons additional time to furnish comments that should be considered in determining whether final rule making is appropriate and, if so, the opportunity to participate in the development of these final rules.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, and Safety.

Extension of Comment Period

In consideration of the ALPA petition, the FAA concludes that extending the comment period for an additional 30 days would serve the public interest. Accordingly, the comment period for Notice SC–82–1–CE is extended. The comment period will close on August 8, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); §§ 11.28 and 11.29(b) of the Federal Aviation Regulations (14 CFR 11.28 and 11.29(b))

Note.—This document extends the comment period on a notice of proposed rulemaking. Therefore, I certify that this document is not a major rule under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, MO, on July 6, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–19416 Filed 7–16–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ASW–41]

Proposed Revision of Transition Area: Marksville, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes revision of a transition area at Marksville, LA. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a revised instrument approach procedure to the Marksville Municipal Airport. This action is necessary to provide protection for aircraft executing a revised instrument approach procedure based on the Marksville Nondirectional Radio Beacon (NDB) (latitude 31°05'39" N., longitude 92°04'17" W.).

DATE: Comments must be received on or before August 18, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m and 4:3 p.m. The FAA Rules Docket is located in the Office of the Regional Council, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch, ASW–536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101; telephone: (817) 624–4911; extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70–3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revision of the transition area at Marksville, LA, will necessitate an amendment to this subpart. This amendment will be required at Marksville, LA, since there is a proposed change in IFR procedures to the Marksville Municipal Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ASW–41." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Marksville, LA Revised

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville NDB (latitude 31°05'39" N., longitude 92°04'17" W.) and within 3 miles each side of a 224° bearing from the Marksville NDB extending from the 5-mile radius area to 8 miles southwest of the NDB.

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

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

Issued in Fort Worth, TX, on June 29, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-19418 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-42]

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

Proposed Revision of Transition Area: Opelousas, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes revision of a transition area at Opelousas, LA. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the St. Landry Parish Airport. This action is necessary to provide protection for aircraft executing approaches based on an instrument landing system (ILS) and nondirectional radio beacon (NDB) (latitude 30°39'19" N., longitude 92°05'54" W.).

DATES: Comments must be received within 30 days after publication of this notice in the Federal Register.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revision of the transition area at Opelousas, LA, will necessitate an amendment to this subpart. This amendment will be required at Opelousas, LA, since there is a proposed change in IFR procedures to the St. Landry Parish Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-42." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Opelousas, LA [Revised]

* * * and within 1.5 miles each side of the ILS localizer course extending from the 5-mile radius area to 6.5 miles north of the airport.

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

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

Issued in Fort Worth, TX on June 30, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-19419 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-32]

Proposed Alteration of Control Zone, Miami, Florida (International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Miami, Florida, (International Airport) Control Zone by (1) deleting reference to three arrival extensions, (2) deleting reference to a navigational aid which is being relocated, (3) increasing the size of the basic control zone and (4) deleting reference to the airport name in the title of the control zone.

DATES: Comments must be received on or before: August 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320. The official docket may be examined in the Office of Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASO-32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20236, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of the Miami, Florida (International Airport) Control Zone. The control zone is presently described as a five-mile radius of Miami International Airport and includes three arrival extensions west and northwest of the airport. One of these extensions is predicated on the Portland RBN (ORTAN) which is being relocated and will no longer support instrument approach procedures at the airport. The currently designated airspace, however, is required for other existing approach procedures serving the airport.

The other two extensions are described by use of radials from the Miami VORTAC and two localizer courses. This designated airspace is also required for Instrument Flight Rule (IFR) operations at the airport.

Increasing the size of the control zone from a five to a six-mile radius of the airport will provide the necessary controlled airspace for containment of IFR operations in the vicinity of the airport. This increase in size will also permit a simplification of the description of the control zone by deleting reference to VORTAC radials and localizer courses. Elimination of "International Airport" from the city/state listing of this control zone will have no effect on the description. Section § 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Miami, FL [Revised]

Within a 6-mile radius of Miami International Airport (Lat. 25°47'34" N., Long. 80°17'10" W.); excluding that airspace north of latitude 25°52'02" N., and east of the west shoreline of Biscayne Bay.

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

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

Issued in East Point, Georgia, on July 2, 1982.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 82-19420 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[AEN-FRL-2172-7]

Tampering Enforcement Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: This notice announces a public workshop which the Environmental Protection Agency will hold regarding the Advance Notice of Proposed Rulemaking (ANPRM) for the Tampering Enforcement Regulations (46 FR 8982, January 27, 1981). The Agency's purpose in holding this workshop is to meet with those parties potentially affected by the tampering prohibition

contained in section 203(a)(3) of the Clean Air Act (Act).

DATES: The workshop is being held on August 26 and 27, 1982, at 9:00 a.m.

The record of the workshop will be left open for subsequent written submissions for 30 days following the workshop. The comment period will close on August 18, 1982.

ADDRESSES: The workshop will be held at the following location: Hyatt Regency Crystal City at Washington National Airport, 2799 Jefferson Davis Highway, Arlington, Virginia 22202.

Supporting material relevant to this workshop is available in Public Docket No. EN–80–2 (Tampering Enforcement Regulations). The docket is located at the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Wright, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–2944.

SUPPLEMENTARY INFORMATION:

The Agency's purpose in holding this workshop is to meet with those parties potentially affected by the tampering prohibition contained in section 203(a)(3) of the Clean Air Act (Act). Although EPA is not required to seek this additional public participation, EPA believes that these discussions will facilitate the Agency's policymaking process by enabling the Agency to receive valuable information in a timely fashion.

The workshops will be informal. No transcript shall be made of the proceeding. However, a summary of the views expressed at the workshop will be prepared and placed in the docket. Although there will not be an opportunity for participants to present prepared statements orally, written statements will be accepted and placed in the docket.

Section 203(a)(3) of the Act prohibits "tampering" with the emission control systems of motor vehicles. EPA's primary objective in enforcing the tampering provision is to ensure the unimpaired operation of motor vehicle emission control systems.

At present, the main sources of guidance as to the Agency's enforcement policy are statements contained in Mobile Source Enforcement Memorandum 1A (Memo 1A) and in letters responding to individuals' particular concerns. Memo 1A, entitled "Interim Tampering Enforcement Policy," was issued in 1974. Memo 1A applies to all parties named in section 203(a)(3). It specifies procedures by which these parties will not be held liable for tampering. Generally, these parties can assure themselves that they will not be held liable for a tampering violation where a vehicle is changed from its EPA-certified configuration and there is a "reasonable basis" to believe that the change will not cause it or similar vehicles to exceed applicable emission standards.

At the workshop, EPA would like to discuss whether further interpretation or explanation of the Federal tampering prohibition is needed. In addition, EPA is interested in whether any such guidance shoud be in the form of a regulation or a policy statement. The Tampering ANPRM lists a number of issues about which participants may want to comment. However, participants are not restricted to those issues. In order to facilitate a useful discussion, EPA requests that it be notified of such other issues at least 7 days prior to the workshop.

The Agency requests that all persons planning to attend the workshop contact Mr. Robert B. Wright at the address set out above.

Dated June 10, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82–19475 Filed 7–16–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 704

[OPTS–80011A; TSH–FRL 2079–5]

Small Manufacturers Exemption Standards; Reporting and Recordkeeping Requirements

Correction

In FR Doc. 82–16794 appearing on page 27206 in the issue of Wednesday, June 23, 1982, make the following changes:

(1) On page 27208, first column, paragraph numbered "2.", second line, "financeal" should read "financial".

(2) On page 27209, first column, fifteenth line from the bottom, "bases" should read "based"; second column, twelfth line from the bottom, "indicated" should read "indicate".

(3) On page 27213, first column, twelfth line from the top, "approximately" should read "approximate"; third column, ninth line from the top, insert "no" before "meeting".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 30

[CGD 76–081]

Foreign Flag Tank Vessels, Shipping Papers; Termination of Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Termination of rulemaking.

SUMMARY: In the **Federal Register** of September 2, 1976, the Coast Guard proposed a requirement for foreign flag tank vessels to carry shipping papers on board while in U.S. waters. A determination has been made not to finalize the proposed rule and, accordingly, the rule making is terminated. Further analysis of the proposed rule showed that it would duplicate an existing requirement in Title 19, Code of Federal Regulations, and would not result in any additional safety benefits.

FOR FURTHER INFORMATION CONTACT: LCDR David M. Strasser (G–MVI–2/24), Room 2612, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–2190.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** of September 2, 1976, (41 FR 37119–37120). The rule would have required all foreign tank vessels to have shipping papers on board while in U.S. waters. The tank vessel regulations in section 30.01–5 and 35.01–1 of Title 46, CFR, impose this requirement only on (1) U.S. vessels and (2) certain foreign flag vessels from countries that are not signatory to the International Convention for the Safety of Life at Sea.

However, the customs regulations in Title 19, CFR, impose a similar requirement for foreign vessels transferring cargo at United States ports. Section 4.7 of Title 19 requires these vessels to carry a manifest containing a cargo declaration that describes the cargo.

Five comments were received on the proposed rule. The commenters were in general agreement with the proposal but expressed the concern that, as to foreign

vessels making voyages to U.S. ports, it is not always possible to determine the consignee and destination prior to sailing. As provided in 19 U.S.C. 1431, these determinations can be made at a later point in time.

This document was drafted by LCDR D. M. Strasser, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

List of Subjects in 46 CFR Part 30

Administrative practice and procedure, Barges, Coast Guard, Foreign relations, Hazardous materials transportation, Penalties, Tank vessels.

(46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46)

Dated: July 9, 1982

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-19351 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-14-M

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46 CFR Part 35

[CGD 75-148]

Tank Vessels, Manual of Cargo Transfer Procedures; Termination of Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Termination of Rulemaking.

SUMMARY: In the **Federal Register** of May 9, 1977, the Coast Guard proposed a requirement for tank vessels to carry and use a manual of cargo transfer procedures. A determination has been made not to finalize the proposed rule, and, accordingly, the rulemaking is terminated. Other regulations which duplicate the proposal have since been adopted.

ADDRESSES: The information referenced in this document is available at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: LCDR David M. Strasser (G-MVI-2/24), Room 2612, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-2190.

SUPPLEMENTARY INFORMATION: On May 9, 1977, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (42 FR 23517-23518). The proposed rule required the carriage and use of a manual of cargo transfer procedures on tank vessels. The purpose of the proposal was to implement Recommendation M-74-31 of the National Transportation Safety Board. NTSB recommended that all operators of chemical tank vessels be required to maintain updated operating manuals on board showing proper operation of piping systems for anticipated transfer operations.

Recommendation M-74-31 was made in the report of the investigation of the S/S WILLIAM T STEELE casualty in November 1972. During cargo transfer operations on board the vessel, benzene was mistakenly loaded into a cargo tank reserved for xylene. The benzene was transferred to another tank, and the tank was washed and ventilated. Crew members then entered the tank to close off the cargo transfer line. When the pipeline flange was opened for inserting the blank, benzene began to leak. As a result, three persons were overcome by benzene fumes and died.

Subsequent to publishing the proposed rules, other similar regulations have come into force. Section 153.910 of Title 46, Code of Federal Regulations, which was published in the **Federal Register** of September 26, 1977 (42 FR 49027), requires tank ships carrying hazardous liquids to maintain a detailed cargo piping plan. Also, Section 154.1810 of Title 46 Code of Federal Regulations, which was published in the **Federal Register** of May 3, 1979 (44 FR 26009), requires self propelled vessels carrying bulk liquefied gases to maintain a cargo manual which includes a description of the cargo system. In addition, vessels carrying oil products are required by 33 CFR 155.720 to provide oil transfer procedures which include a diagram of the oil transfer piping. The existence of these regulations makes it unnecessary to finalize the proposed rule in this proceeding. The NTSB concurs in this determination as noted in their letter of June 30, 1980, to the Coast Guard.

The principal persons involved in the drafting of this document are: LCDR D. M. Strasser, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

List of Subjects in 46 CFR Part 35

Barges, Coast Guard, Marine safety, Navigation (water), Reporting requirements, Seamen, Tank vessels.

(46 U.S.C. 391a, 49 U.S.C. 1655(b); 49 CFR 1.46)

Dated: July 9, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-19350 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 FR Part 61

[CC Docket No. 82-122]

Interconnection Arrangements Between and Among Domestic and International Record Carriers; Tentative Decision

AGENCY: Federal Communications Commission.

ACTION: Tentative decision set for comment.

SUMMARY: Pursuant to the Record Carrier Competition Act of 1981 (RCCA), the Chief of the Common Carrier Bureau (CCB) summarizes two technical issues concerning interconnection among domestic and international record carriers and reaches a tentative decision which is set for comment. The RCCA requires interconnection among carriers and the Commission has implemented this so far as possible. However, the carriers were unable to agree on the issues of store-and-forward interconnection and access to TWK services, and these issues require further comment. Based on the record and comments, under authority delegated by the Commission, the CCB will issue a final or interim order resolving these issues.

DATES: Comments to be filed by June 25, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Daniel Grosh, Common Carrier Bureau (202) 632-6917.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 61

Communications common carriers, Tariffs.

In the matter of interconnection arrangements between and among the domestic and international record carriers; tentative decision.

Adopted: June 10, 1982.

Released: June 11, 1982.

1. In an order adopted by the Commission, and which is being released contemporaneously with this order, many technical issues related to interim arrangements for interconnection among and between record carriers under the Record Carrier Competition Act of 1981 (RCCA) are resolved, in accord with the parties' agreements at mettings held under the

Commission's auspices [1]. However, as is demonstrated in a staff memorandum associated with the docket file herein, which memorandum summarizes the parties' discussions, agreement was not reached on issues related to store-and-forward services and on 110 baud/ASCII interconnection to TWX. It is clear that these issues also require expeditious resolution, and in this order the parties' discussions on these issues are summarized and tentative decisions are reached. The parties will be given fourteen days to comment on this tentative decision, and based on the record herein and on such comments, the Chief of the Common Carrier Bureau will resolve the store-and-forward and TWX access issues by issuance of a final or interim order.

1. Store-and Forward Services

a. Discussion of the Problems

2. Store-and-forward issues first arose in the context of a Western Union (hereafter, "WU") proposal during the meetings that other carriers block access to WU's "Infomaster" store-and-forward computer facilities. Virtually all other record carriers objected to this in their written filings of May 20 1982, and several of them noted that access through "Infomaster" represents their sole means of accessing two traditional telegraph services, Public Message Telegraph and Mailgram. WU subscribers currently have access to the other carriers' store-and-forward facilities, and the carriers sought continuance of this access as well.

3. A number of interrelated technical and policy considerations arose during the course of these meetings concerning store-and-forward facilities, in part because of inherent discrepancies between input and output time, and in part because unlike real-time messages which are either international or domestic end-to-end, a store-and-forward message may be *both*.

4. When making a single call to store-and-forward facilities, a subscriber may store in the computer one or more individual messages which on output will be either international or domestic, or the subscriber may store multiple-addressed messages which will be transmitted to multiple international or domestic addressees (or to both)[2]. If individual messages are involved, the output time may or may not correspond to the input time. For example, if the input is manually typed, input may occur more slowly than the output which is efficiently spewed out by the store-and-forward facilities without pauses. If the subscriber's input is paper tape-loaded or computer-loaded, output time will approximate input time. If multiple-addressed output messages are involved, the output time will tend to be greater than the input time (for example, a single two minute input message may result in ten two minute output messages, or 20 total output minutes).

5. At the meetings, the only case of carrier-to-carrier interconnection arrangements in store-and-forward calling which was considered was where the subscriber's carrier's facilities are used to carry a call to another carrier's store-and-forward facilities. There was no consideration of the possibility that store-and-forward facilities of the subscriber's carrier might complete calls automatically to another carrier, apparently for technical reasons [3]. The carriers disagreed on whether the subscriber's carrier should be compensated for carrying the call to the computer on the basis of input minutes or output minutes; WU generally sought compensation on the basis of input minutes, while the IRCs sought compensation on the basis of output minutes.

6. A second complication related to the treatment in the Commission's *Interim Order* in this proceeding [4] of minutes themselves. In a domestic call involving two carriers, carriers are compensated on the basis of actual domestic minutes; in an outbound international call involving a domestic and one or more international carriers, the domestic carrier is compensated through a calculation of domestic compensation which employs international minutes. The domestic carrier has the option either of seeking compensation on the basis of actual international minutes (i.e., 1.0 factored international minutes), or on the basis of such minutes multiplied by 1.3 (a holding time factor). *Interim Order*, para. 125. However, this choice governs the domestic carrier in its arrangements for its own international services; if such carrier employs 1.3 factored compensation in calls by its subscribers towards another carrier's international services, it similarly must do so in calls by its subscribers towards its own international services. In the case of multiple-addressed store-and-forward calling involving both domestic and international output messages, it was unclear to the participants at the meetings whether and how 1.0 and 1.3 factored minutes, as a basis for compensation to the subscriber's domestic carrier, could be applied to a single input store-and-forward message which results in multiple domestic *and* international output messages.

7. A third level of complication related to the treatment in the *Interim Order* of "originating" carriers. It was noted during the meetings that if an output message were international, the principles of the *Interim Order* would require the store-and-forward facility international carrier to bill the customer and to compensate the originating domestic carrier. If an output message were domestic, the principles of the *Interim Order* would require the originating domestic carrier to bill the subscriber and to compensate the terminating (store-and-forward) carrier. If multiple outputs were to result from the same input call, which could occur both in the circumstances of multiple-addressed inputs with international and domestic outputs, and in the circumstances of multiple individual stored messages stored during the course of the same call (some of which could be international and others of which could be domestic), it was unclear which carrier would be required to bill the customer and to compensate the other carrier involved. It was noted that it makes little sense to pursue both billing/compensation approaches simultaneously. While para. 79 of the *Interim Order* suggested to the parties that store-and-forward access and billable minutes therefor are best resolved under the general "equal in type and quality" provisions, the *Interim Order* otherwise does not address the difficult practical problems which were discussed by the parties.

8. Various technical arrangements were proposed in an attempt to apply the principles of the *Interim Order* with minimum conflict with its literal terms.[5] It was agreed by all parties, for example, that the carrier providing the store-and-forward facility should bill the subscriber (at least for the output messages) as only that carrier's computer contains the information

[1] See the Commission's Order published in the Rules section of today's issue for a description of the meetings, and the basis therefor.

[2] At present, WU's "Infomaster" store-and-forward facilities may not generate international output messages, except insofar as such messages are generated toward Mexico and Canada, or are forwarded to IRCs for international handling. The IRC's store-and-forward facilities may generate both international and domestic outputs.

[3] It appears that WU's "Infomaster" store-and-forward facilities are today able to generate message which are accepted by the International Record Carriers (hereafter, "IRCs").

[4] *Interim Order* in CC Docket No. 82-122, FCC 82-158, released Apr. 8, 1982.

[5] As was noted in para. 5 *supra.*, the parties limited their discussions to the case of access through the subscriber's carrier's facilities to the input to another carrier's store-and-forward facilities, and did not consider access by the output of store-and-forward facilities.

necessary to provide a bill for the output messages (i.e., duration information, destination information, delivery/nondelivery information, etc.). To require the subscriber's carrier to perform such billing, as might be required in a fully domestic store-and-forward call under the general principles of the *Interim Order*, would require that such information unnecessarily be passed through the subscriber's carrier to the subscriber. Moreover, in outbound international calling, the IRCs sought to preserve the general principle that access to their store-and-forward facilities use the same carrier-paid technical arrangements and access numbers as are to be used for their real-time international services, when accessed on an interconnected basis.

9. But, for the store-and-forward carrier to be able to bill originating subscribers, this carrier requires certain access to subscribers' carriers' data bases, because "answerbacks" (i.e., subscribers' automatic identification codes which may be triggered from their terminals by an appropriate signal from the store-and-forward carrier for use in billing) are uniquely assigned only *within* carriers' individual networks. Industrywide unique assignment does not presently exist. All carriers agreed in principle that such database access could reasonably be granted, to ensure the ability of the store-and-forward carrier to associate a particular "answerback" signal with a particular subscriber and to enable the transmission of bills to the appropriate subscriber.

10. Other arrangements remained somewhat controversial, although as will be discussed, the controversy related more to policy than to technical arrangements. The IRCs have long billed subscribers the same charge for an output store-and-forward message as they do for a real-time message, and they wished to continue to do so to avoid rate restructuring which they argued might be necessary if customers were to see a rate differential between such messages, depending upon whether the customer filed the same message real-time or store-and-forward. Prior to around two years ago, the IRC's charges included domestic-haul access components which assumed such access on a per-output message basis, i.e., if a single input message resulted in 20 multiple-addressed outputs, the IRC's charges included 20 domestic-haul components. Thereafter, most IRCs converted to customer-paid access charging, under which the customer compensated the domestic carrier for the input time, and the IRCs charged solely for output time without an unbundled domestic access component, although the revenue requirements associated with their international services still included domestic access components. It was argued at the meetings that the RCCA may have forced a return to the earlier charging technique through its "unbundling" provisions.

11. In its comments prior to issuance of the Interim Order, WU had argued that international calls (including calls to international store-and-forward facilities) should be treated as two calls, with the domestic carrier treated as the originating carrier. Although we rejected this concept generally in the *Interim Order*, at the meetings WU advanced a corollary to it in the context of store-and-forward services namely that the subscriber's carrier should be compensated solely on the basis of input minutes, in the belief that such minutes best represent the actual use of the subscriber's carrier's network. Also, it developed that there was no way technically for WU to compensate other carriers based on the actual outputs of its own "Infomaster" store-and-forward facilities; the "Infomaster" facilities apparently have no way technically of associating individual message outputs with individual carriers' inputs.

12. In an attempt to avoid the complexities adverted to previously, several proposals were made at the meetings. First, WU offered to forego 1.3 factored compensation based on output international minutes from store-and-forward facilities, if the principle were agreed to that the subscriber's carrier be compensated solely on the basis of input minutes, and that such minutes be deemed domestic.[6] However, since it appeared that about 10% of WU's present traffic to the IRCs is destined to their store-and-forward computers, and is international traffic currently, WU feared that a reclassification of such traffic (in terms of use of its network) from international to domestic could lower its compensation for international calling. To avoid this, WU sought agreement that 1.3 factor be increased to 1.33 (which would result in the adopted 1.3 overall if incrementally reduced by 10% and, in WU's opinion, would leave it unaffected by such a reclassification). The other carriers unanimously rejected this proposal.

13. A second proposal, by several IRCs, was that the store-and-forward carrier compensate the subscriber's carrier under the literal principles of the *Interim Order*, based on output minutes, i.e., 1.0 and 1.3 factored output minutes for domestic and international output messages, respectively.[7] That is, efficiencies in the use of the subscriber's carrier's network to carry smaller number of input minutes in the multiple-addressed message case would be ignored, and the domestic compensation charge would apply to domestic outputs, while the international compensation charge would apply to international outputs. As noted, para. 11, *supra.*, WU claimed that such an approach is technically impossible to implement in its "Infomaster" system.

14. At this point, a third proposal was made that input minutes be used as a basis of compensation among carriers, but that such input minutes themselves be apportioned among domestic and international by using the ratios of total output domestic and international minutes resulting from other carriers' interconnected service to the store-and-forward facilities; the 1.0 and 1.3 factors could then be applied to such apportioned input minutes. This proposal appeared to meet WU's objection that it was impossible for it to associate specific outputs with specific inputs in "Infomaster", because of necessity WU must be able to accumulate *total* output minutes as a necessary concommitant of billing other carriers' subscribers specially for interconnected "Infomaster" service, and total input minutes by each carrier could be timed. Furthermore, this proposal permitted the 1.3 factor to be applied to international minutes, albeit the input minutes apportioned to international through the output ratios.

15. Much discussion ensued. WU's personnel then indicated that WU would be able—with very significant modification effort and not before September, 1982—separately to accumulate the total domestic and international output minutes for calls originating from each carrier, rather than using the sum of all other carriers' output messages as was envisioned in the proposal under discussion. WU then

[6] While WU would be foregoing future revenues when it might start providing international services under this proposal, it would also be keeping all revenues from Mailgram. Under WU's proposal, it would not share any "Infomaster" Mailgram revenues with another carrier from which it receives "Infomaster" input traffic (through compensation of other carriers for output time), just as the IRCs similarly would not share their store-and-forward output message revenues (international or domestic) with WU if WU were the subscriber's domestic carrier.

[7] Specifically, the parties assumed that 1.3 factored compensation would be chosen for compensation of WU for calling towards other carriers' international offerings. Therefore, the proposal was that the 1.3 factor apply to international outputs and that a 1.0 factor apply to comestic outputs.

offered to accept this compromise proposal if the same principles would apply to the other carriers. The other carriers refused, and maintained that compensation based on outputs should be applied for their store-and-forward services (which technically are capable of accumulating the information necessary for such compensation). The other carriers objected in principle to this "ratioed" input minute approach for their own store-and-forward facilities. They noted that under the "unbundling" provisions of the RCCA, they are required to pass along to subscribers the domestic component of such calls. Under the "ratioed" input minutes approach the ratios may change from month to month, and because of the pass-along requirement they argued that their tariffs either would constantly be changing, or that they would be required to reflect an arithmetically calculated component which would not be understood by their customers.

16. Finally, the other carriers offered to accept *both* approaches, i.e. that WU would use the "ratioed" input minute approach for compensating them for calls to "Infomaster", and that they would use the output minute approach for compensating WU for calls to their store-and-forward facilities. WU rejected this proposal on the grounds that a uniform approach is desirable, and is probably mandated by the RCCA.

b. Tentative Resolution of Store-and-Forward

17. In view of the distinct possibility that carriers might block access to one anothers' store-and-forward facilities if we do not resolve these issues expeditiously—a result which we believe manifestly would be inconsistent with the RCCA—we are impelled to resolve the store-and-forward issues with expedition. Since the parties' discussion was limited to the case of connection of the subscriber's carrier's facilities with the input to another carrier's store-and-forward facilities, we similarly are limiting our discussion to this case, without prejudice to addressing in the future the correlative case of connection of the output of store-and-forward facilities to another carrier's facilities.

18. Compensation on the basis of input minutes in our view best comports with the efficiency mandate of Section 1 of the Communications Act, and with the provisions of the RCCA which specifically provide that we establish an "equitable allocation of revenues * * * based upon the costs of the record communications service or facility employed * * *." Section 222(c)(2). The subscriber's carrier's facility is not used ("employed") for output messages, it is used for input messages. Any compensation approach which caused subscribers ultimately to bear a cost which they do not sustain (i.e., for facilities which are not "employed"), for example a multipled access cost for multiple-addressed messages when the actual access was unitary, would be unreasonable and discriminatory within the meaning of Sections 201(b) and 202(a) of the Act. The IRCs' offer in essence to overcompensate WU by basing compensation to WU (if WU were the subscriber's carrier in a call to an IRC's store-and-forward facility) on the output minutes, most particularly in the case of a multiple-addressed call, is not generosity on their part; it is their subscriber's funds which unnecessarily would provide this overcompensation, and not theirs. Moreover, this approach would perpetuate similar overcompensation of the IRCs themselves when they provide domestic services which are used to access other carriers' store-and-forward facilities.

19. While our general approach to the international services is that the domestic carrier be compensated on the basis of international minutes (either 1.0 or 1.3 factored), which would seem to refer to output minutes and not input minutes in international store-and-forward calling, that approach is not justifiable for store-and-forward calling; store-and-foward is *sui generis* and as a practical matter cannot be treated the same as real-time calling. Thus, the general principles of the *Interim Order* for international calling must yeild to the specific input minute rules which we propose to establish here for calling to store-and-forward facilities, even if international messages are involved.

20. While this proposed treatment of the input to all such store-and-forward calls as domestic conceivably might affect the calculation subsequently of WU's compensation and holding-time ratios, we believe that it is consistent with the RCCA. Alternatively, while the "ratioed" input minutes proposal which was considered at the meetings might alleviate WU's concern in some respects, the "unbundling" provisions of the RCCA could cause a time-varying component to appear in subscriber's rates for service, which might lead ultimately to some subscriber confusion.[8]

[8] At present, such confusion might not occur immediately. The IRCs' store-and-forward facilities are overwhelmingly used for international outputs, and WU's store-and-forward facilities (except for service to Canada and Mexico) are not presently being used for international outputs other than for forwarding of messages to the IRCs. Even when WU is authorized to provide international services, the initial traffic magnitudes are likely to be small. Thus, the IRCs' international/total store-and-forward output ratios on calls from other carriers currently approach unity, and WU's international/total store-and-forward output ratios on calls from other carriers currently approach zero (i.e., the reciprocal domestic/total ratio for WU approaches unity, and is not currently unity solely because of the existence of international service to Canada and to Mexico and of forwarding of "Infomaster" messages to the IRCs).

21. In view of this, we here propose adoption of the approach of treating carrier-to-carrier *compensation* or interconnected calls to store-and-forward facilities as domestic calls, with such compensation to be calculated on the basis of input minutes. This approach establishes a rate structure which is consistent with the facilities which actually are "employed"; it recognizes any efficiencies which may be inherent in the use of store-and-forward facilities; it may be implemented technically without material facility modifications by any carrier; and, in the final analysis, it is the most rational result which can be reached in these circumstances. As was noted previously, there simply is no clean way to segregate intrnational and domestic uses of store-and-forward facilities; in such circumstances, special treatment of store-and-forward is required. Furthermore, such a structure explicitly recognizes the efficiencies which may be inherent in store-and-forward calling inasmuch as subscribers making such calls will not bear access costs which they do not occasion.

22. To the extent that the IRCs find that this approach might result in public rates which differ on single calls which alternatively might be made real-time or store-and-forward, they are free to make appropriate changes in their tariffs to ameliorate such a problem, consistently with the Act. Perhaps the simplest way of doing so would be to modify the store-and-foward tariffs themselves. While the RCCA does mandate "unbundling", it otherwise assures that the IRCs "have the right to establish the total price charged by such party to the public for any such service which is originated by such party, consistent with the provisions of section 203." Section 222(c)(2). We are not persuaded that there is any benefit to retaining the same rate for real-time and store-and-forward messages, and indeed we can see how subscribers may be denied the benefits of efficiencies which result from store-and-forward calling if the same rates are maintained for real-time and store-and-forward calls. However, it is clear that the RCCA does not mandate any particular relationships between store-and-forward and real-time rates in

customer rates; the IRCs are generally free to set such rates competitively, and may do so here. We would hope that competitive pressures would cause the benefits of store-and-forward efficiencies more directly to redound to the benefit of the users of store-and-forward facilities. In sum, we would not perpetuate the present denial of such efficiencies in subscribers' rates by proposing the adoption of a carrier-to-carrier compensation plan which similarly denies such efficiencies.

23. To the extent that treatment of access to store-and-forward facilities on the basis of input minutes, considered domestic, might have some effect on the holding time ratios which affect the 1.3 factor (if use of it is chosen), so be it. At such future time as our treatment of store-and-forward herein manifests an effect on realized holding time ratios (and we believe that the 1.3 factor reflects present real-time message holding time ratios which are not affected by our treatment of store-and-forward facilities herein), the parties will be free to make an appropriate showing that the 1.3 factor should be changed. As the Commission has noted, the 1.3 factor is not scientifically precise; it is based on a "rough justice" approximation to reality on the basis of the imprecise information available to us. WU's claim at the meetings that the 1.3 factor should be increased to 1.33 to leave it whole presumes a degree of precision which does not exist, and further presupposes that international store-and-forward output messages by the IRCs presently should yield 1.3 factored compensation to WU. In the circumstances with which we are confronted, where treatment of store-and-forward generally was at most only ambiguously addressed in the *Interim Order*, WU cannot claim that it is "losing" anything; at most it will not receive 1.3 factored revenues which it could not properly have claimed. Moreover, the 1.3 factor itself is subject to adjustment, which presumably will occur within three months on the basis of better data than was available for the purposes of the *Interim Order*, thus WU will have an adequate opportunity to seek correction of any dislocations which might occur as a result of our proposed treatment of store-and-forward herein. And finally, the purpose of the 1.3 factor is to compensate a domestic carrier for extra holding-time and incomplete calls involved in international calling; in store-and-forward calling, output minutes normally are equal to input minutes, thus only a 1.0 factor would be justified in any event.

24. Moreover, we agree with the carriers that the store-and-forward facility carrier should in some respects be considered the "originating" carrier for all store-and-forward calls, regardless of whether the store-and-forward calls result in domestic or international outputs. Under the *Interim Order*, "originating" carrier status would require interconnection to store-and-forward services to be on a carrier-paid basis, with the store-and-forward carrier compensating the interconnected subscriber's carrier on a domestic input minute basis, and with the store-and-forward carrier providing subscriber billing. It is clear that the carriers can exchange appropriate data base information to permit bills to be rendered to originating subscribers, in view of non-unique "answerbacks", and we tentatively propose that all carriers do so upon request, or that they adopt alternative procedures which permit bills to be rendered[9]. We expect that the carriers will do so copperatively with the object of minimizing administrative cost. Further, since such information exchange appears likely to be mutual and similar to analogous exchanges of information which facilitate subscriber billing currently, we propose to require that carriers exchange such "answerback" identification information for all purposes without charge to one another, unless a carrier demonstrates to us that it is disproportionately disadvantaged, in which case we will consider requiring all carriers to charge one another for this service.

25. Furthermore, WU claimed at the meetings that its store-and-forward facilities ("Infomaster") cannot associate with particular outputs the specific input time which resulted in such outputs (because the computer does not carry through such records). If we were to require that the subscriber's carrier bill its subscriber at its domestic public rate for an input call to another carrier's store-and-forward facilities as well as to its own, and that the carrier operating the store-and-forward facilities bill the subscriber for use of such facilities and for output messages, this problem would be avoided. This approach would meet our efficiency objectives and would be consistent with the "equal in quality and type" provisions of the RCCA and of the *Interim Order*.

26. However, the IRCs seek to retain the ability of WU's customers to access all of their international services, realtime and store-and-forward, in the same manner, i.e. through carrier-paid three digit access, which would be inconsistent with this treatment. The simplest and most practical way to solve this problem, in our view, would be to permit both access techniques to be used, but also to ensure that "unbundled" subscriber rates for such access are the same regardless of whether the call is to WU's store-and-forward facility (on a subscriber-paid basis) or to an IRC's store-and-forward facility (on a carrier-paid basis). Apart from which carrier actually does the billing, the difference presently occurs in the 85% discounting factor for carrier-to-carrier interconnection services and we could eliminate this difference by requiring that store-and-forward calls not invoke the discount factor if carrier-paid access were also permitted. However, if carrier-paid access were also permitted on the same facilities as real-time access, it is unclear whether adequate controls would be possible to ensure that all input minutes were properly reported among the carriers.

27. Accordingly, if the carriers make an adequate showing that accurate reporting of minutes is possible, and that such reporting is capable of being verified by the domestic carrier involved, we will consider providing the carriers an option in addition to the previously proposed approach of having store-and-forward calls treated as domestic calls on input, billed by the subscriber's carrier. Specifically, we will consider allowing the carrier operating the store-and-forward facility to have the option of serving as the "originating" carrier in all respects, including billing the subscriber for domestic access to its facilities on a carrier-paid basis and compensating the domestic carrier for such access, provided that it does so at the domestic carrier's public rate with no discount.

28. Under the general approach (a subscriber-paid access option), the store-and-forward carrier has no other-carrier compensation component to include in its bill, thus this arrangement would comport with the "unbundling" requirements of the RCCA. Under the additional option, should it be adopted (a carrier-paid access option), the subscriber's carrier's public rate would be "unbundled" and included in the bill rendered by the carrier operating the store-and-forward facility. In both cases, the subscriber's carrier's public charge would be included equally in subscribers' bills and we conclude that this arrangement would be consistent with the "equal in type and quality"

[9] The parties may wish to comment upon what alternatives might prove useful as a means of ensuring accurate billing.

requirements of the RCCA and the *Interim Order.*[10]

2. 110 Baud/ASCII Access to TWX

a. Discussion of the Problem

29. TWX and telex differ both in speed and in code. TWX operates at 110 baud using the ASCII character set and code, while telex operates at 50 baud using an older character set and code, so-called "Baudot", which does not include many characters included in the ASCII set. While telex is employed internationally (and also within the United States), TWX is employed only in the United States and Canada (for historic reasons, i.e. because TWX began as a Bell System telephone network-based offering at a time when Bell Canada was largely integrated with the Bell System generally). Because there are large numbers of TWX subscribers in the United States and Canada, various speed/code conversion facilities have been used to permit such subscribers to make and receive international telex calls (which cannot be handled on a TWX basis) and domestic telex calls (to subscribers which have telex machines, generally for international calling purposes, and which use them also for domestic calling).

30. Such conversions have been performed by the IRCs for inbound and outbound international calling (i.e., they have interconnected with WU on a TWX protocol basis for interconnected international calling by WU's TWX subscribers) and by WU for domestic TWX/telex calling. Equipment is in place for these services and is being used.

31. In its Tariff F.C.C. No. 280, WU continues to offer interconnection to TWX using TWX protocols for international interconnection, but in its Tariff F.C.C. No. 282. it offers domestic interconnection to TWX using telex protocols alone. Moreover, such TWX interconnection is service-limited to "interconnection with the domestic telex services of other common carriers." No domestic TWX interconnection at 110 baud, using ASCII coding, is offered.

32. In their May 20 filings, a number of the other carriers argued that this would result in unnecessary double conversions, i.e., from their customers using TWX terminals at 110 baud with ASCII coding, to telex protocols at 50 baud with Baudot coding (and suppression of all ASCII codes which do not exist in Baudot), and again by WU to TWX protocols. The other carriers argued that such double conversion is unnecessary and inefficient, and that not only is a throughput speed penalty paid by limiting throughput to the lower 50 baud speed (and associated conversion time), but also information is unnecessarily lost (i.e., the ASCII characters which do not exist in the Baudot set are lost). This led to extensive discussion at the meetings.

33. In general, WU was willing to offer 110 baud/ASCII access to TWX to those carriers which legitimately can make a showing that they actually themselves provide 110 baud/ASCII services, but it was unwilling to do so if such carriers sought such access solely to permit them to do telex/TWX conversion rather than WU. WU argues that the RCCA would require such interconnection only on "reasonable request", Section 222(c)(1)(A)(i), and that if the IRCs themselves are not providing 110 baud/ASCII services such a request would not be "reasonable." While the IRCs had argued in their filings for interconnection to TWX which would avoid unnecessary double conversions (i.e., from their own 110 baud/ASCII customers), they argued more broadly at the meetings for full 110 baud/ASCII access to TWX. Graphnet claimed to be providing 110 baud/ASCII services to its subscribers, and that it could make a request of WU for 110 baud/ASCII interconnection which would be "reasonable" in WU's own terms.

34. Considerable discussion ensued on the issue of whether 110 baud/ASCII access should be provided to TWX, regardless of whether the other carrier in fact then converted to telex protocols. WU urged its tariffed limitation based on a service concern: its TWX subscribers would have no way of determining whether another carrier's subscriber's machine in fact would reproduce the entire transmitted message, or only a part of it due to the code-stripping which occurs when TWX is converted to telex. In unconstrained 110 baud/ASCII TWX interconnection, a WU TWX customer would not know whether the other carrier's subscriber is using a TWX terminal, or a telex terminal through the other carrier's own code/speed conversion equipment. Under WU's telex protocol-limited TWX interconnection tariff, its TWX customers would know that such code stripping will occur, as special TWX numbers would be used for access to the WU conversion facility by WU's TWX customers.

35. At this point, WU offered to provide 110 baud/ASCII access to TWX generally, but "without restraint." "Restraint" is a technical term of art, and was explained at the meetings as being a technique which is used when a higher-speed device is transmitting towards a lower-speed facility. Since the lower speed facility cannot accept information at the originating device's speed, a buffer is placed between the device and the facility for temporary storage. However, since the length of the originating device's message is unknown, such a buffer in theory might be required to be of infinite capacity to ensure no loss of information. In the real world, finite capacity buffers are used, and a signal is permitted to be sent back to the originating device to stop it periodically, and to allow the buffer to be emptied. This signaling technique is "restraint." Thus, when WU offered to provide 110 baud/ASCII access to TWX "without restraint", it effectively proposed denial to other carriers of the ability to down-convert WU's subscribers' TWX transmissions to telex speed, while allowing end-to-end 110 baud/ASCII communications to proceed through such an interface. Thus, WU's proposal represented a means of avoiding unnecessary TWX/telex/TWX double conversions, while limiting the utility of such interconnections to other carriers which themselves might perform code/speed conversion. The IRCs rejected this proposal.

36. Other proposals were then made, including a proposal that the carrier with facilities using the smaller code set (i.e. telex) do all speed/code conversions, and a proposal that WU and the other carriers split speed/code conversions 50/50 (i.e. that WU should perform the conversions in calling towards other carriers and the other carriers should perform such conversions in calling towards WU). WU objected to both proposals. The first would leave WU with no speed/code conversion function, a function which it claimed is properly associated with the offering of traditional record services, and the second would unnecessarily obsolete the equipment which is presently installed and in service, and which is currently accepting the IRCs' TWX-converted telex signals in international service interconnections.

[10] Under either option, in calls made by WU subscribers to the IRC's store-and-forward facilities WU would be compensated at its public rate, and not 85% thereof. There is no way of avoiding this result without implicating the equality provisions of the RCCA, or requiring extensive modification of WU's "Infomaster" facilities. However, it might be noted that the receipt of 100% compensation rather than 85% compensation should substantially ameliorate any adverse effects on WU of removal of store-and-forward international calling from 1.3 factored compensation (if such compensation is chosen by WU). Furthermore, under these options WU would not be sustaining expenses associated with significant modification of "Infomaster." This further should ameliorate any adverse effects on WU.

37. Finally, WU proposed to follow the following principles, with or without agreement of the other carriers, in treating this issue: (1) WU will provide 110 baud/ASCII interconnection to TWX only if the requesting carrier demonstrates that it is making a "reasonable request" for such interconnection; (2) reasonableness in this context will be shown by 110 baud/ASCII terminal population, terminal-to-terminal traffic forecasts, and the existence of a tariffed 110 baud/ASCII service; (3) such interconnection will be provided "with restraint"; and (4) if a carrier elects and is provided such access, it will be ineligible for 50 baud speed/code converted TWX access. WU's representatives were unable to provide more detail on what would be their view of a "reasonable request" under these general principles. They noted that provision of 110 baud/ASCII access under these principles will be less efficient than provision of other forms of interconnection [11], and that for this reason further analysis will be required.

b. Tentative Interim Resolution of TWX Interconnection

38. There is much merit, in the interim, in WU's initial proposal made in response to the other carriers' written filings. With the exception of Graphnet, it does not appear that the other carriers presently are offering 110 baud/ASCII realtime communications among their subscribers' termnals, and while we recognize that such offerings might arise in the future, the purpose of this order is to arrive at workable interim arrangements. We do not see why adoption of WU's proposal to provide 110 baud/ASCII TWX interconnection "without restraint" (that is, in a way which would frustrate speed/code conversion by other carriers) necessarily would foreclose provision of additional interconnection "with restraint" in the future, and we believe that, should an appropriate showing be made, such arrangements could be provided in addition to any then-existing "without restraint" arrangements. Accordingly, we propose to prescribe that WU file tariffs which implement its offer to provide 110 baud/ASCII interconnection to TWX "without restraint", without prejudice to the issue of whether additional provision of 110 baud/ASCII TWX interconnection "with restraint" is necessary or desirable under the provisions of the RCCA and the Commuications Act generaly.

3. Ordering Clauses

39. We conclude that the store-and-forward and TWX access issues must be addressed expeditiously and that we have sufficient information before us tentatively to do so. It is clear that agreement among the carriers on these matters simply was not possible because the policy choices among alternatives had not specifically been made. We regard the priciples which we are proposing to establish herein as legal and policy ones which may expeditiously be addressed in comments, and we are acordingly establishing an abbreviated fourteen day time period for the filing of comments.

40. In view of the foregoing, it is hereby ordered, pursuant to Sections 4(i), 4(j), 201–05, 218, 222 and 403 of the Communications Act of 1934 as amended, and 5 U.S.C. § 553, That notice is hereby given that this tentative decision may be made final, by interim or final order. An original and five copies of comments may be filed with the Commission on this tentative decision prior to the elapse of fourteen calendar days from release of this order, in accordance with the provisions of Section 1.419 of the Commission's Rules. In reaching its decision, the Commission may take into consideration information in the docket file herein, information in File No. I–S–P–82–002, and information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

41. It is further ordered, that this proceeding remains subject to the restrictive *ex parte* rulemaking provisions of the Commission's Rules, see generally Sections 1.1207, 1.1209 and 1.1229, and that the public is so advised.

42. It is further ordered, that the Commission's initial analysis pursuant to the Regulatory Flexibility Act, Public Law 96–354 remains unchanged, i.e. that this statute does not apply to the matters under consideration herein which center on rates, financial issues and technical arrangements for interconnection.

43. And, it is further ordered, that the Secretary shall cause a copy of this Tentative Decision to be published in the **Federal Register.**

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-19291 Filed 7-16-82; 8:45 am]

BILLING CODE 6712-01-M

[11] WU observed that interconnection to TWX is efffectuated through multiple-trunk "TIM" devices which are shared among the trunks connected therewith. For straight-through interconnection (i.e., "without restraint") the TIM handles 48 trunks. For code-converted interconnection (i.e., the 50 baud telex-like TWX interconnection which is offered under WU's Tariff F.C.C. No. 282) the TIM handles 24 trunks. For 110 baud/ASCII interconnection to TWX "with restraint" the TIM would only handle 16 trunks, and therefore would be less efficient.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Taking Migratory Game Birds with a Crossbow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to amend Federal migratory bird hunting regulations to allow hunters who use crossbows to take migratory game birds. Since enactment of the Migratory Bird Treaty Act in 1918, these Federal regulations have prohibited the use of crossbows as a means of taking migratory game birds. If the Federal prohibition is removed, then each State would be free to regulate the use of crossbows to take migratory game birds in any way it chooses.

DATES: Comments on this notice must be received by August 18, 1982.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005 or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 20–02–34. All materials received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb or William B. Timmerman, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Background

Since passage of the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703–712, in 1918, Federal regulations have restricted the means which hunters may use to take migratory game birds. While these regulations have evolved over the years, they have always addressed what weapons may be used.

On July 31, 1918, President Wilson proclaimed the first Migratory Bird Treaty Act regulations. Within these, Regulation 3 stated "[M]igratory game birds . . . may be taken during the open season with a *gun only*, not larger than number 10 gauge. . . ." [Emphasis added]. Variations of the "shotgun only" restriction continued to appear in Regulation 3 until President Franklin D. Roosevelt proclaimed amended regulations on August 11, 1939 (4 FR 3621), which stated "[M]igratory game birds . . . may be taken . . . with *bow and arrow or* with a *shotgun*. . . ." [Emphasis added.] By 1960 regulations of the Department of the Interior identified both permitted and prohibited methods of taking migratory game birds. As part of a recodification of Department regulations on September 1, 1960 (25 FR 8398), the crossbow and arrow appeared under 50 CFR 10.3(b)(1) as a prohibited method of taking. Today, the Service only identifies prohibited methods of taking and the use of crossbows is prohibited under 50 CFR 20.21(a).

The National Crossbow Hunters Association has requested that the Service amend its regulations on the methods of taking to allow the use of crossbows. The association notes that all bows (including compound bows) used by an archer, except crossbows, are permitted, even though the ballistics of crossbow projectiles are comparable to arrows propelled from compound bows. Further, the Association believes that the use of crossbows would not adversely affect the management of migratory game birds. Finally, the Association notes that the continued Federal prohibition prevents States from choosing among various regulatory approaches to crossbow hunting. The use of crossbows vairies widely among the States. Some allow game hunting, others only nongame hunting or target shooting. Unless Federal regulations are amended, no State can allow crossbow hunting for migratory game birds because the MBTA prohibits States from enacting less restrictive laws. The Association has briefly summarized its own arguments for deleting the prohibition on the use of the crossbow as follows:

1. The crossbow has proven to be materially equivalent to the longbow which is allowed to take migratory game birds.

2. The management of migratory game bird populations would not be effected [sic] by the deletion of the prohibition of crossbows.

3. The States would be allowed to regulate crossbow hunting in their own States to their own best interests without unnecessary restraints from the Federal government.

In response to the Association's request, the Service briefly presented this issue for public comment on February 29, 1980 (45 FR 13643), along with the Proposed 1980–1981 Migratory Game Bird Hunting Regulations (45 FR 13630). The Service indicated that it would consider the requested change for implementation in the 1980–81 hunting season, but failed to serve notice that a rulemaking proceeding was anticipated. The Service further stated that such a change would be in conflict with existing game laws and regulations in a number of States. No specific proposal was made at that time pending review and comment by wildlife administrators in the States, other interested agencies, and the public.

The Service believes that deleting the prohibition on the use of crossbows will not adversely affect the conservation of migratory game birds. While no exact figures are available on the number of crossbow hunters who would hunt migratory game birds if the ban is lifted, the Service projects the number to be fewer than 5000. This total is insignificant when compared to the Service estimate of 5.3 million hunters who currently hunt migratory game birds. Further, the Service can only speculate on the number of migratory game birds that would be killed or crippled by bolts (i.e., arrows) fired from crossbows. However, the Service believes that the use of crossbows will cause no more than a negligible increase in the number of birds taken or crippled by currently allowed methods of hunting.

Although the reasons for the original Federal ban on crossbows are unrecorded, historically the crossbow has been identified as the ideal "poacher's weapon." The modern crossbow is silent, accurate, capable of multiple shot firing (repeating crossbow), and capable of being fired from inside a motor vehicle. These attributes make detection of poachers using crossbows difficult and when coupled with other generally prohibited hunting practices, such as spotlighting, make the crossbow a suitable weapon for illegally hunting various game species. Authorizing hunters to take migratory game birds with a crossbow may affect State and Federal efforts to prevent such illegal hunting. Individual States also may have additional reasons why they restrict or prohibit crossbows for hunting beyond the Federal ban. For instance, high crippling losses may occur when crossbows are used to take certain resident species of wildlife or the use of crossbows may cause concern for public safety in certain geographical locations. Any Federal action should not be viewed by the public as invalidating any State interest in the regulation of crossbow hunting.

Effect of This Proposal if Published as a Final Rule

Responsibility for regulating crossbow hunting would be returned to the States if 50 CFR 20.21(a) is amended by deleting the term "crossbow." Although no Federal prohibition would then exist, each State would have the authority under the MBTA (16 U.S.C. 702, 50 CFR 20.2(d)) to enact more restrictive laws which give further protection to migratory game birds. A number of regulatory approaches could result. For instance, a State could continue the current prohibition, place restrictions on the type of crossbow or projectile used, shorten the open season for crossbow hunters, or limit crossbow hunting to designated areas.

The primary authors of this proposal are Jon T. Webb and William B. Zimmerman, Division of Law Enforcement, U.S. Fish and Wildlife Service.

Determination of Effects of Rules

The Department of the Interior has determined that this is not a major rule under Executive Order 12291.

The Department has also certified that the rules will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. These determinations are discussed in more detail in a Determinations of Effects which has been prepared by the Service. A copy of that document may be obtained in contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT."**

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Suite 300, Washington, D.C., and may be examined during regular hours. Single copies also are available upon request by contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT."**

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the

proposed rule or the draft environmental assessment. These comments and any additional information received will be considered by the Department in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this proposal.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife.

Proposed Regulation Promulgation

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is proposed to be amended as follows:

PART 20—MIGRATORY BIRD HUNTING

1. The authority citation for Part 20 is revised to read as follows:

Authority: Migratory Bird Treaty Act, Sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

§ 20.21 [Amended]

2. Amend § 20.21(a) by deleting the word "crossbow."

Date: June 7, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82–19419 Filed 7–16–82; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 410

Fish and Wildlife Coordination Act

AGENCY: National Oceanic and Atmospheric Administration, Commerce; Office of the Secretary, Interior.

ACTION: Withdrawal of Proposed Rulemaking.

SUMMARY: On December 18, 1980, the Departments of the Interior and Commerce jointly proposed rulemaking to implement the Fish and Wildlife Coordination Act as per a Presidential directive of July 12, 1978 (45 FR 83412). That proposal became subject to review by the Presidential Task Force on Regulatory Relief (see 47 FR 1700). This proposed rulemaking is hereby withdrawn in favor of administrative actions preparing memoranda of agreement and other Executive instructions.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 [202–343–5634].

Dated this 4th day of June, 1982.

G. Ray Arnett,

Assistant Secretary of the Interior.

John W. Byrne,

Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

[FR Doc. 82–19463 Filed 7–16–82; 8:45 am]

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Notices

Federal Register
Vol. 47, No. 138
Monday, July 19, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Specialty Steel Surge Monitoring; Determination

AGENCY: International Trade Administration, Commerce.

SUMMARY: In monitoring specialty steel imports for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that imports and import penetration of specialty steel products during the fourth quarter of 1981 and the first quarter of 1982 have reached such high levels as to require the immediate undertaking of surge reviews of trade from certain countries in stainless steel sheet and strip, rod, pipe and tube, and alloy tool steel.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Import Administration, U.S. Department of Commerce, Room 3099, Washington, D.C. 20230, (202) 377–3793.

SUPPLEMENTARY INFORMATION: On January 8, 1981 the Department of Commerce announced the Administration's decision to monitor imports of specialty steel products for surges apparently caused by unfair trade practices. This is the fifth of a series of reviews which the Department has issued, based upon its assessment of the specialty steel import situation. The last review was published in the December 29, 1981 **Federal Register** (46 FR 62888). These notices include a detailed listing of the specific Tariff Schedules of the United States Annotated (TSUSA) categories included in the Department's monitoring procedures.

By monitoring specialty steel imports for surges caused by dumping or subsidization, the Department is better able to enforce promptly the trade laws of the United States, in a manner consistent with our international obligations, in cases where the imports could be causing material injury to our industry.

If the Department of Commerce finds that a surge in specialty steel imports appears to be the result of unfair competition, an antidumping or countervailing duty investigation could be initiated. No action will be taken where the surge appears to be the result of fair competition. The monitoring system is designed to ensure enforcement of the trade laws, not to set or imply import quantity or price levels.

An outline of the major factors noted in the Department's fifth review follows. This review is based primarily upon quarterly data for the fourth calendar quarter of 1981 and the first calendar quarter of 1982. It also takes into account quarterly levels for previous years, and the ten-year weighted averages for 1971 through 1980. Detailed data presented in the Appendix to this notice includes those averages and a listing of the specific TSUSA import categories covered by the monitoring procedures.

Total imports of products subject to specialty steel monitoring and their share of the U.S. market increased during the four consecutive quarters from the first quarter of 1981 through the first quarter of 1982. Import penetration (the ratio of total imports to U.S. apparent consumption) increased from 10.6 percent in the first quarter of 1981 to 23.2 percent in the fourth quarter of 1981 and 23.6 percent in the first quarter of 1982. The levels for the fourth quarter 1981 and the first quarter of 1982 far exceed the ten year average of 14.4 percent for all products during the ten year base period of 1971 through 1980. The last time quarterly import penetation exceeded 23 percent was when it peaked at 23.1 percent during the second quarter of 1975, which was during the period for which the U.S. International Trade Commission (USITC) found injury in the 1976 escape clause case. During the second quarter of 1975, imports of specialty steel products now subject to surge monitoring totalled 45,345 net tons. Total imports during the fourth quarter of 1981 reached 64,319 net tons and further increased to 69,645 net tons during the first quarter of 1982.

Since the objective of the specialty steel surge mechanism is to identify instances where the initiation of a formal investigation of possible unfair foreign trade practices is warranted, the Department of Commerce will not undertake surge reviews for those product/country combinations in which antidumping or countervailing duty investigations are now pending. The following five formal investigations were initiated as a result of the filing of petitions by domestic producers: an antidumping investigation of specialty steel pipe and tube from Japan, a countervailing duty investigation of stainless steel bar and rod from Spain, antidumping investigations of stainless steel sheet and strip from the Federal Republic of Germany and France, and a section 301 (of the Trade Act of 1974, as amended) investigation involving five countries and five product lines. The section 301 petition, filed by the Tool and Stainless Steel Industry Committee and the United Steelworkers of America, alleges that domestic subsidies granted by seven countries were inconsistent with their obligations under the General Agreement on Tariffs and Trade. On February 26, 1982 USTR initiated investigations involving five of those countries: Austria, France, Italy, Sweden, and the United Kingdom. There are five product lines involved: stainless steel sheet and strip, rod, plate, bar, and alloy tool steel.

The most recent petition filed by the domestic industry is a countervailing duty petition filed with the Department of Commerce on June 17, 1982 against Brazilian stainless steel bar and rod. The Department will determine whether to initiate a countervailing duty investigation in response to this petition by July 7, 1982.

Because imports and import penetration have already exceeded the levels for the period during which the USITC found injury and have been clearly trending upward, the Department of Commerce is immediately undertaking surge reviews of the following product/country combinations to assess whether the surges in imports appear to be the result of dumping or subsidization. While the Department will not conduct surge reviews of product/country combinations named in petitions filed by the industry, it will continue to closely monitor imports of those product/country combinations.

For the category of stainless steel sheet and strip, surge conditions exist. First calendar quarter of 1982 import

penetration (the share of U.S. apparent consumption accounted for by imports) was 16.9 percent. This is above the 1971 through 1980 ten-year weighted average of 9.5 percent and is above any quarterly import penetration level since 1974. Import penetration for the first quarter of 1982 was above the first, second, third and fourth quarter 1981 levels of 5.2, 7.3, 11.2 and 14.6 percent, respectively, and was above the first quarter 1980 level of 6.6 percent.

Import penetration of stainless steel sheet and strip from Spain reached 2.1 percent during the fourth quarter of 1981. This represents a significant increase over the zero, 0.1 and 0.8 percent levels registered during the first three quarters of 1981, respectively, and is the highest level for the 1975 through 1981 period. The 3,347 net tons of stainless steel sheet and strip imported from Spain during the fourth quarter of 1981 was also the peak figure for the 1975 through 1981 period, and it exceeded the levels of zero, 152 and 1,503 net tons imported during the first three quarters of 1981, respectively. Imports of stainless steel sheet and strip from Spain accounted for 1.2 percent of U.S. consumption during the first quarter of 1982, which is the second highest level registered since 1979 and is exceeded only by the fourth quarter 1981 level. The 1,980 net tons of stainless steel sheet and strip imported from Spain during the first quarter of 1982 is also the largest tonnage imported in any quarter since 1979, exceeded only by the tonnage imported during the fourth quarter of 1981.

The Department of Commerce is undertaking an examination of trade in stainless steel sheet and strip in the U.S. market from Spain to assess whether the surge appears to be the result of injurious dumping or subsidization.

In its review of third quarter 1981 import data, the Department of Commerce announced a surge in stainless steel sheet and strip from the Federal Republic of Germany (FRG) and began to examine trade in this product line from the FRG. The domestic industry filed a petition for an antidumping investigation on imports of West German stainless steel sheet and strip on April 26. The DOC initiated this petition on May 17. Since a formal unfair trade investigation has already been initiated, a surge review on imports of West German sheet and strip will not be conducted.

In its quarterly review of third quarter 1981 import data, the Department of Commerce announced a surge in stainless steel sheet and strip from France and began to examine trade in this product line from France. The domestic industry filed a Section 301 (of the Trade Act of 1974, as amended) petition on January 12 and an antidumping petition on May 10 against imports of stainless steel sheet and strip from France. The U.S. Trade Representative and the DOC initiated these petitions on February 26 and June 1, respectively. Since formal unfair trade investigations have already been initiated, we will not conduct a surge review on imports of sheet and strip from France.

Surge conditions do not exist for the category of stainless steel plate. Import penetration levels during the fourth quarter of 1981 and first quarter of 1982 were 9.9 and 11.0 percent, respectively, which are below the 1971 through 1980 ten-year weighted average of 11.6 percent.

Surge conditions exist for the category of stainless steel rod. Import penetration for the fourth quarter of 1981 and the first quarter of 1982 were 55.5 and 53.7 percent, respectively, which are above the 1971 through 1980 ten-year weighted average of 44.3 percent and are the highest levels since the second quarter of 1978. The fourth quarter 1981 import penetration level represents a substantial increase over the 36.3, 38.7, and 47.0 percent levels recorded during the first three quarters of 1981, respectively, and the 28.9 percent registered in the first quarter of 1980.

Import penetration of stainless steel rod from the FRG reached 5.9 percent for the first quarter of 1982, as compared to levels of 2.3, 1.1, 4.1 and 3.5 percent for each of the four quarters of 1981. This 5.9 percent import penetration level was the highest for the 1974 to 1981 period. The 782 net tons of stainless steel rod imported from the FRG during the first quarter of 1982 was the highest quarterly level for the 1974 to 1981 period, and exceeded the 294, 155, 608 and 518 net tons imported during each of the four quarters of 1981 and the 67 tons imported in the first quarter of 1980.

The Department of Commerce is undertaking an examination of trade in stainless steel rod from the Federal Republic of Germany to assess whether the surge appears to be the result of injurious dumping or subsidization.

During the fourth quarter of 1981 and the first quarter of 1982, import penetration of stainless steel rod from Brazil was 3.3 and 2.5 percent, respectively. On June 16, the domestic industry filed a countervailing duty petition on specialty steel imports of Brazilian rod. The Department initiated a countervailing duty investigation in response to this petition on July 6, 1982. Since a formal unfair trade complaint has been filed, the Department will not conduct an examination of trade in this product from Brazil.

Surge conditions exist for the category of stainless steel bar. Import penetration for the fourth quarter of 1981 and the first quarter of 1982 were 27.0 and 26.9 percent, respectively, which are above the 1971 through 1980 ten-year weighted average of 17.1 percent. These import penetration levels are higher than any quarterly level since 1974, with the previous peak being 26.6 percent during the third quarter of 1981. The import penetration levels for the fourth quarter of 1981 and the first quarter of 1982 are above the levels of 16.3, 20.4, and 26.6 percent for the first, second, and third quarters of 1981, respectively, and the level of 18.6 percent for the first quarter of 1980.

Import penetration of stainless steel bar from Brazil reached 3.0 percent for the fourth quarter of 1981 and 4.0 percent for the first quarter of 1982. These figures are above the 1.2, 1.6, and 1.8 percent levels for the first three quarters of 1981, respectively, and are also the highest levels for the 1974 to 1981 period.

Since a formal trade complaint against imports of specialty steel bar from Brazil was filed on June 16, and the Department initiated a coutnervailing duty investigation in response to this petition on July 6, we will not begin a surge review on this product from Brazil at this time.

In its review of third quarter 1981 import data, the Department of Commerce announced the commencement of a formal examination of trade in stainless steel bar from Spain. On April 14, 1982 the Department initiated a countervailing duty investigation of Spanish stainless steel bar in response to a petition filed by the domestic industry. As a result, the Department's examination of trade in stainless steel bar from Spain was terminated.

Because the increase in import penetration for stainless steel bar was accounted for by countries named in unfair trade petitions filed by the domestic industry, the Department of Commerce will not conduct surge reviews on imports of this product. The Department will continue to closely monitor imports of this product.

Surge conditions exist for the category of specialty steel pipe and tube. Fourth quarter 1981 and first quarter 1982 import penetration levels of 57.9 and 51.7 percent, respectively, are above the 1971 through 1980 ten-year weighted average of 41.5 percent. These have been exceeded only by the 58.9 and 62.2 percent levels registered in the third

quarter 1981 and the first quarter 1978, respectively.

Import penetration of specialty steel pipe and tube from Austria reached 1.1 and 1.3 percent during the fourth quarter of 1981 and the first quarter of 1982, respectively, as compared to the levels of 0.1, 1.0, and 0.9 percent for the first three quarters of 1981, and 0.0 percent during the first quarter of 1980, respectively. The first quarter level represents the highest import penetration for the 1974 to 1981 period, and prior to the fourth quarter of 1980 import penetration of Austrian pipe and tube never exceeded 0.2 percent. The 218 net tons of specialty steel pipe and tube imported from Austria during first quarter of 1982 was the peak figure for the 1974 to 1981 period, as it exceeded the volumes of 15, 133, 165 and 170 net tons imported during each of the four quarters of 1981, respectively.

Import penetration of stainless steel pipe and tube from the Republic of Korea reached 1.1 percent during the fourth quarter of 1981 and 2.3 percent in the first quarter of 1982. These figures are above the 0.1, 0.2, and 0.4 percent import penetration levels for the first three quarters of 1981, respectively, and are also the highest levels for the 1974 to 1981 period. The 374 net tons of specialty steel pipe and tube imports from the Republic of Korea during the first quarter of 1982 exceeded the tonnages imported in any year in the 1974 to 1981 period.

In its review of third quarter 1981 import data, the Department of Commerce announced the undertaking of an examination of trade in specialty steel pipe and tube from Italy to assess whether the surge appeared to be the result of injurious dumping or subsidization. During the fourth quarter of 1981, import penetration of specialty steel pipe and tube from Italy rose to a level of 5.3 percent, its highest level for the 1974 to 1981 period. This figure represents a significant increase over the 0.1, 1.2, and 3.8 percent levels for the first three quarters of 1981, repectively. Import penetration of Italian pipe and tube subsided somewhat to 3.3 percent during the first quarter of 1982, still representing the third highest level registered since 1974, and exceeded only by the levels recorded in the third and fourth quarters of 1981. Imports of specialty steel pipe and tube from Italy amounted to 806 net tons during the fourth quarter of 1981, which is above the 17 net tons, 157 net tons, and 696 net tons imported during the first three quarters of 1981, respectively, and is the highest quarterly total for the 1974 to 1981 period. The 539 net tons imported during the first quarter of 1982 represent the third largest quarterly tonnage imported from Italy, exceeded only by the third quarter 1981 surge level and the fourth quarter 1981 level.

In its review of third quarter 1981 import data, the Department of Commerce announced a surge in specialty steel pipe and tube from the FRG and began to examine trade in specialty steel pipe and tube from the FRG to assess whether the surge appeared to be the result of injurious dumping or subsidization. During the fourth quarter of 1981, imports of specialty steel pipe and tube from the FRG abated to one-half the level of the surge period and further decreased in the first quarter of 1982. The Department will continue to monitor imports of specialty steel pipe and tube from the FRG and will take appropriate action if conditions change.

The Department of Commerce is continuing its examination of trade in specialty steel pipe and tube from Italy and is undertaking an examination of trade in this product line from Austria and the Republic of Korea to determine whether the surges appear to be the result of injurious dumping or subsidization.

The Department of Commerce also announced, in its review of third quarter 1981 import data, a surge in imports of specialty steel pipe and tube from Belgium and began to examine trade in Belgian specialty steel pipe and tube. During the fourth quarter of 1981 and the first quarter of 1982, there were no imports of stainless steel pipe and tube from Belgium. As a result of this abatement, the Department is terminating its examination of imports of specialty steel pipe and tube from Belgium.

Surge conditions exist for the category of alloy tool steel. Import penetration for the first quarter of 1982 was 45.4 percent, which is above the 1971 through 1980 ten-year weighted average of 22.0 percent. The first quarter 1982 import penetration level is above the levels of 28.6, 32.0, 39.5 and 43.7 percent for each of the four quarters of 1981, respectively, and is above the level of 28.8 percent for the first quarter of 1980.

In its review of third quarter 1981 import data, the Department of Commerce announced a surge in alloy tool steel from Brazil and began to examine trade in this product line from Brazil to determine if the surge appeared to be the result of injurious dumping or subsidization. During the fourth quarter of 1981, import penetration of alloy tool steel from Brazil reached 4.0 percent, which is the highest quarterly level for the 1974 to 1981 period, and is a significant increase over the levels of 0.8, 0.5, and 1.6 percent for the first three quarters of 1981, respectively.

Import penetration of Brazilian alloy tool steel subsided somewhat to 2.4 percent in the first quarter of 1982. This level, however, is the second highest level of import penetration for the 1974 to 1981 period, exceeded only by the level registered in the fourth quarter of 1981. Imports of Brazilian alloy tool steel totaled 1,041 net tons during the fourth quarter of 1981, as compared to 185, 126, and 399 net tons for the first three quarters of 1981, respectively. This fourth quarter total represents the largest volume of imports for the 1974 to 1981 period. The 599 net tons of Brazilian alloy tool steel imported during the first quarter of 1982, while less than the tonnage imported during the fourth quarter of 1981, was the second highest net tonnage for the 1974 to 1981 period, exceeded only by the level registered in the fourth quarter of 1981.

In the Department's review of first quarter 1981 import data, a surge in alloy tool steel imports from the FRG was announced. The Department began to examine trade in alloy tool steel from the FRG to determine if the surge appeared to be the result of injurious dumping or subsidization. During the fourth quarter of 1981, import penetration of alloy tool steel from the FRG was 13.3 percent, which was the second highest level for the 1974 to 1981 period, surpassed only by the 1981 third quarter surge level of 16.3 percent. The 3,451 net tons of alloy tool steel imported from the FRG during the fourth quarter of 1981 was surpassed, for the 1974 to 1981 period, only by the third quarter 1981 total of 4, 150 net tons. Prior to the second quarter of 1981, the quarterly import tonnage figure for alloy tool steel from the FRG never exceeded 2,000 net tons.

Import data for the first quarter of 1982 indicates that alloy tool steel from the FRG subsided somewhat from the fourth quarter 1981 level. However, the 3,124 net tons of FRG alloy tool steel imported during the first quarter of 1982 and the corresponding 12.7 percent import penetration level were still the highest levels on record aside from the

surge levels of the pervious quarters.The Department of Commerce is continuing its examination of trade in alloy tool steel from the FRG and Brazil to assess whether the surges appear to be the result of injurious dumping or subsidization

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

TABLE 1.—IMPORT MARKET SHARES BY PRODUCT CATEGORY

[Percent of U.S. apparent consumption [1] supplied by imports]

Year	S.S. sheet and strip	S.S. plate	S.S. bar	S.S. rod	Alloy tool steel	S.S. pipe and tubing	All products
1971	19.7	17.9	13.7	57.7	14.4	44.5	20.5
1972	10.2	24.0	14.5	50.9	14.7	33.9	14.3
1973	6.1	13.3	12.5	42.3	18.0	20.8	10.5
1974	7.5	9.3	15.2	48.8	18.4	26.5	12.1
1975	13.9	16.8	24.6	68.4	28.0	41.5	20.8
1976	10.7	20.0	18.2	51.3	25.6	61.2	17.5
1977	9.0	8.4	17.4	41.2	21.8	46.3	13.7
1978	9.8	9.6	17.5	39.1	24.5	52.0	14.6
1979	7.0	5.0	16.4	31.5	27.3	36.4	11.9
1980	5.9	2.7	21.6	37.9	[2]27.7	46.6	13.3
Ten-year weighted average	9.5	11.6	17.1	44.3	22.0	41.5	14.4

[1] Apparent Consumption = Net Domestic Shipments plus Imports minus Exports.
[2] The figure of 27.7 percent which appears here has been revised downward since the publication of the first review due to revisions in U.S. Census Data. This revision does not alter the existence of surges previously announced for this product category.

Sources

Imports: U.S. Department of Commerce, Bureau of the Census, IM146.

Exports: U.S. Department of Commerce, Bureau of the Census, EM546.

Shipments: American Iron and Steel Institute, AIS10–S and AIS10, Data Reflect net shipments to reporting companies.

Specialty Steel Products Lines: TSUSA Categories

(1982 U.S. Tariff Schedules)

(1) Stainless Steel Sheet and Strip

607.7610	608.2900
607.9010	608.4300
607.9020	608.5700
608.2600	

(2) Stainless Steel Plate

607.7605	607.9005

(3) Stainless Steel Bar

606.9005	606.9010

(4) Stainless Steel Rod

607.2600	607.4300

(5) Alloy Tool Steel

606.9300	607.5420
606.9400	607.7205
606.9505	607.7220
606.9510	607.8805
606.9520	607.8820
606.9525	608.3405
606.9535	608.3420
606.9540	608.4905
607.2800	608.4920
607.3405	608.6405
607.3420	608.6420
607.4600	609.4520
607.5405	609.4550

(6) Specialty Steel Pipe and Tube

610.3701	610.5205
610.3727	610.5230
610.3731	610.5231
610.3741	610.5234
610.3742	610.5236
610.5130	

[FR Doc. 82-19480 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-25-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

TIME AND PLACE: August 3, 1982, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) An overview for future plans in the area of foreign availability by Toli Welihozkiy.

(4) A round table discussion on how the Foreign Availability Subcommittee can assist with the effort.

(5) Discussion of foreign availability technical data form.

(6) Discussion of world computer data bank.

(7) Discussion of subcommittee attendance.

Public participation: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: July 14, 1982

Richard Isadore,

Acting Director, Office of Export Administration.

[FR Doc. 82-19501 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: August 3, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda:

General Session

1. Opening remarks by the Subcommittee Chairman.

2. Presentation of papers or comments by the public.

3. Report on review of distribution license policy.

4. Swiss Blue import certificate update.

5. Post-COCOM procedures.

6. Status of a short form 6031P—Computer Performance Parameter Sheet.

7. New business.

Public participation: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: July 14, 1982.

Richard Isadore,

Acting Director, Office of Export Administration.

[FR Doc. 82–19502 Filed 7–16–82; 8:45 am]

BILLING CODE 3510–25–M

Computer Systems, Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: August 4, 1982, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: July 14, 1982.

Richard Isadore,

Acting Director, Office of Export Administration.

[FR Doc. 82–19503 Filed 7–16–82; 8:45 am]

BILLING CODE 3510–25–M

Vitamin K From Spain; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On March 2, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on vitamin K from Spain. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were invited to comment on the preliminary results. We received no comments. Therefore, we have determined that countervailing duties equal to the calculated value of the net subsidy, 4.80 percent of the f.o.b. invoice price of the merchandise, shall be assessed on all shipments entered on or after January 1, 1980 and exported on or before December 31, 1980.

Further, due to changes in the Spanish banking practices occurring subsequent to the period of review, we have determined that cash deposits of estimated countervailing duties of 2.42 percent of the f.o.b. invoice price of the merchandise shall be collected on future entries, pending the results of the next administrative review.

EFFECTIVE DATE: July 19, 1982.

FOR FURTHER INFORMATION CONTACT:
Lorenza Olivas or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202, 377–1775/2786).

SUPPLEMENTARY INFORMATION:

Background

On March 2, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 8805) the preliminary results of its administrative review of the countervailing duty order on vitamin K from Spain (T.D. 76–321, 41 FR 50419). The Department has now completed that review.

Scope of the Review

The merchandise covered by the review is vitamin K. Such merchandise is currently classifiable under item 412.6420 of the Tariff Schedules of the United States Annotated.

The review covered the period January 1, 1980 through December 31, 1980. The Department reviewed two programs: (1) the Desgravacion Fiscal a la Exportacion, which was the only program found countervailable in the final determination; and (2) an operating capital loans program, which was found countervailable in another investigation.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. As a result, we determine that the net subsidies conferred on vitamin K by the two programs during the period of review are 3.68 percent and 1.12 percent *ad valorem*, respectively. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 4.80 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980.

The provisions of T.D. 76–321 or T.D. 79–19 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the Trade Agreements Act of 1979, applying to all entries made prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties on all shipments of Spanish vitamin K which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at the applicable rates set forth in T.D. 76–321 or T.D. 79–19.

Since the publication of our preliminary results, we have learned that, effective March 1, 1981, the Spanish government increased the interest rate for operating capital loans from 8 to 10 percent while eliminating the ceiling on comparable short-term commercial loans. Our investigation after this discovery showed that the average interest rate for commercial short-term loans of up to one year was 19.45 percent for the remainder of 1981. This results in a 9.45 percent differential between the interest rate for operating capital loans and the interest rate for comparable commercial loans. In addition, the Spanish government reduced the maximum percentage of eligiblity for operating capital loans by 20 percent, effective November 19, 1981, and by an additional 5 percent, effective April 20, 1982. As a result of both types of changes, we have determined, for purposes of deposit of estimated countervailing duties, that the net subsidy attributable to the operating capital loans program has increased from 1.12 percent to 2.42 percent.

Therefore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties of 2.42 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of October 1982. The amount of countervailing duties to be imposed on exports made during 1981 will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all shipments exported on or after January 1, 1981.

The Department encourages interested parties to review the public record and submit applciations for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–19508 Filed 7–16–82; 8:45 am]

BILLING CODE 3510–25–M

Certain Fasteners From India; Preliminary Results of Administrative Review of Countervaling Duty Order and Tentative Determination To Revoke in Part

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and Tentative Determination to Revoke in Part.

SUMMARY: The Department has conducted an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on certain fasteners from India. The review covers the importantion of duty-free fasteners and generally the period from January 6, 1982 through June 30, 1982. The Commerce Department is authorized to collect countervailing duties on duty-free products from GATT member countries only if the International Trade Commission has found that imports of the merchandise concerned materially injure, or threaten to materially injure, a United States industry. There has been no such determination with respect to duty-free fasteners from India. As a result, the Department has tentatively determined to revoke the countervailing duty order on certain fasteners from India with regard to covered duty-free fasteners. This revocation would apply to all duty-free fasteners entered on or after January 6, 1982, the date upon which the fasteners concerned became duty-free. Interested parties are invited to comment on these preliminary results and tentative revocation.

EFFECTIVE DATE: July 19, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Black or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202, 337–1774/2786).

SUPPLEMENTARY INFORMATION:

Background

On July 21, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 48607) an affirmative final countervailing duty determination regarding certain fasteners from India. Since India was not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act of 1930 ("the Tariff Act") at that time, and all of the fasteners subject to the order were at that time dutiable, the investigation has been conducted under section 303 of the Tariff Act and had not been referred to the United States International Trade Commission ("the ITC") for an injury determination.

Effective January 6, 1982 (not January 5, as incorredtly stated in the notice of intent to conduct this review), fasteners from India entering under items 646.5400 and 646.5600 of the Tariff Schedules of the United States Annotated ("TSUSA") acquired duty-free status under the Generalized System of Preferences ("GSP"). On January 27, 1982, India requested the ITC to institute an investigation to determine whether an industry in the U.S. would be materially injured, or would be threatened with material injury, by reason of imports of Indian fasteners if the countervailing duty order on such merchandise were revoked. In a letter dated March 16, 1982, the ITC advised the Indian government that it had no authority under the applicable statutes (section 104(b) of the Trade Agreements Act of 1979 and section 751(b) of the Tariff Act) to conduct an injury investigation of fasteners.

Under section 303(a)(2) of the Tariff Act, which applies in this case, the Department lacks authority to impose countervailing duties on duty-free goods where an international obligation of the U.S. requiring an injury determination exists (e.g., GATT membership), unless an affirmative injury determination is made.

On July 8, 1982, the Department announced its intent to review, under section 751(b)(1) of the Tariff Act, the countervailing duty order on certain fasteners from India with regard to covered duty-free fasteners (47 FR 29695). The Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are those fasteners from India which were included under the original order and which now receive duty-free treatment, under GSP, upon importation into the United States. Such fasteners are

currently classifiable under items 646.5400 and 646.5600 of the TSUSA. Dutiable imports of fasteners, currently classifiable under TSUSA items 646.4920, 646.4940, 646.5800, 646.6020, 646.6040, 646.6320 and 646.6340, are not covered by the review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, absent an affirmative injury determination, the Department lacks legal authority to impose countervailing duties on such duty-free fasteners from India. Therefore, we tentatively determine to revoke the order on such products effective January 6, 1982, the date when the merchandise became duty-free. Accordingly, the Department intends to instruct the Customs Service to proceed with liquidation of all unliquidated entries of these fasteners made on or after January 6, 1982 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

The current requirement for a deposit of estimated countervailing duties on such duty-free fasteners, of 18 percent of the f.o.b. invoice price, will continue until the publication of the final results of the present review.

Interested parties may submit written comments on these preliminary results on or before August 18, 1982 and may request disclosure and/or a hearing on or before July 29, 1982. The Department will publish the final results of this administrative review and the final determination with regard to the revocation including the results of its analysis of issues raised in written comments or at a hearing.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(b)(1) and (c) of the Tariff Act (19 U.S.C. 1675(b)(1), (c)) and sections 355.41(b) and 355.42 of the Commerce Regulations (19 CFR 355.41(b), 355.42).

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

July 13, 1982.

[FR Doc. 82-19509 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Novelty Trimming Works, Inc., 317 St. Paul's Avenue, Jersey City, New Jersey 07307, producer of tassels and cords (accepted June 17, 1982); (2) American Leather Manufacturing Company, 2195 Elizabeth Avenue, Rahway, New Jersey 07065, producer of leather (accepted June 18, 1982; (3) Racquetech Company, Inc., 9812 Independence Avenue, Chatsworth, California 91311, producer of tennis rackets (accepted June 18, 1982); (4) Hanson Industries, Inc., 5717 Arapahoe Avenue, Boulder, Colorado 80306, producer of ski boots and skis (accepted June 24, 1982); (5) Double F Ranch, Star Route 4, Box 55, Raymondville, Missouri 65555, producer of cattle (accepted June 25, 1982); (6) Griffin Industries, Inc., 141 Fifth Avenue, New York, New York 10010, producer of women's under garments (accepted June 28, 1982); (7) Stanly Knitting Mills, Inc., P.O. Drawer 479, Oakboro, North Carolina 28129, producer of yarn (accepted June 28, 1982); (8) Rylco Rubber Products, Inc., 1218 Walnut Avenue, Trenton, New Jersey 08625, producer of rubber tubing, packing and gaskets (accepted June 29, 1982); (9) Burke Manufacturing Company, Inc., P.O. Box 613, Waynesboro, Georgia 30830, producer of men's and women's jackets and vests (accepted June 29, 1982); (10) Malleable Iron Range Company, 715 North Spring Street, Beaver Dam, Wisconsin 53916, producer of furnaces, heaters and stoves (accepted July 2, 1982); (11) Kennetex, Inc., P.O. Box 616, Kennett Square, Pennsylvania 19348, producer of yarn (accepted July 7, 1982); (12) Martha Manning Company, 1700 St. Louis Road, Collinsville, Illinois 62234, producer of women's skirts, pants, blouses, jackets and dresses (accepted July 7, 1982); (13) Quakertown Clothing Company, Inc., P.O. Box 12, Quakertown, Pennsylvania 18951, producer of men's and women's coats and pants (accepted July 8, 1982); (14) Dollin Packaging Corporation, 600 South 21st Street, Irvington, New Jersey 07111, producer of cartons and boxes (accepted July 9, 1982); (15) Lello Fashions, Inc., 1453 75th Street, North Bergen, New Jersey 07047, producer of women's coats, jackets, suits, and skirts (accepted July 9, 1982); (16) Covert Manufacturing Company, 1801 Avenue B, Watervliet, New York 12189, producer of metal fasteners (accepted July 9, 1982); (17) Pierce Pacific Manufacturing, Inc., P.O. Box 1009, Tualatin, Oregon 97062, producer of construction and logging equipment (accepted July 12, 1982); (18) Clear Lumber Company, P.O. Box 68, Sweet Home, Oregon 97386, producer of softwood lumber; and (19) Elaine's Fashion, Inc., 179 Jersey Avenue, Port Jervis, New York 12771, producer of women's coats and suits (accepted July 12, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the projgram under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-19510 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claim pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 08-82.

SUMMARY: 50 CFR 296.6 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claim received under the Title IV Program. Any interested person may, within 30 days of publication of this Notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to the admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before August 18, 1982.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Charles L. Cooper, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202–634–4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that upon receipt of a timely-filed claim which is not clearly ineligible because of statutory exemptions from eligibility, the Chief, FSD publish a 30-day notice of the claim in the **Federal Register** (50 CFR 296.6(a)(1)(iii)). Upon expiration of the 30-day period following publication of the **Federal Register** notice, the claim will be processed by the Chief, Financial Services Division.

Dated: July 12, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

The following claims have been received.

Claim No.	Nature of Loss and Location	Amount	
FCF-48-82	On 5-19-82 claimant lost plastic bag netting with 25 steel rigs while trawling for shrimp at the following coordinates: 29°18'16.35" N., 92°45'10.37" W.	$275.00	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		275.00	Total.
FCF-49-82	On 6-21-82 claimant lost one complete rig, 2 sets of 11'×44" boards, 2-55' nets, bent shaft, and tickler chain while trawling for shrimp at the following coordinates: 28°45'35.03" N., 92°38'50.26" W.	Unknown	Gear loss.[1]
		Unknown	Economic loss.
		Unknown	Consequential loss.
		Unknown	Total.
FCF-50-82	On 6-20-82 claimant lost one complete rig, cable, tri-net and bent outrigger while trawling for shrimp at the following coordinates: 29°22'15.07" N., 91°50'06.49" W.	Unknown	Gear loss.[1]
		Unknown	Economic loss.
		Unknown	Consequential loss.
		Unknown	Total.
FCF-51-82	On 6-20-82 claimant lost 2-75' nets, dummy door, tickler chain, and lazy line while trawling for shrimp at the following coordinates: 7960X26941.1, 7980Y46949.9.	Unknown	Gear loss.[1]
		Unknown	Economic loss.
		Unknown	Consequential loss.
		Unknown	Total.

[1]Amounts not yet reported at this publishing.

[FR Doc. 82-19347 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-22-M

Permit Modification

On May 26, 1982, Notice was published in the **Federal Register** (47 FR 22999), that a request had been filed with the National Marine Fisheries Service by Eleanor M. Dorsey, Friday Harbor Laboratories, P.O. Box 459, Friday Harbor, Washington, 98250, for a modification to Scientific Research Permit No. 295, to radio tag up to 60 minke whales (*Balaenoptera acutorastrata*) and collect skin biopsies from up to 50 minke whales in addition to the activities originally authorized in the Permit.

Notice is hereby given that on July 9, 1982, pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service granted a modification to Permit No. 295 issued to Eleanor M. Dorsey for the above taking, subject to certain conditions set forth therein.

Documentation relating to this modification and permit are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE,, BIN C15700, Seattle, Washington, 98115.

Dated: July 9, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-19500 Filed 7-16-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Automatic Target Recognition; Change in Notice of Advisory Committee Meeting

The location of the meeting of the Defense Science Board Task Force on Automatic Target Recognition on 10–11 August 1982 as published in the **Federal Register** (Vol. 47, No. 113, Friday, 11 June 1982, FR Doc. 82–15828) has been changed to LaJolla, California. In all other respects, the original notice cited above remains the same.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 13, 1982.

[FR Doc. 82-19448 Filed 7-16-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Develop a Resource Displacement Policy Request for Recommendations

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to Develop a Resource Displacement Policy, Announcement of Planning Session, and Request for Advice, Recommendations.

FILE NO.: RDP–1.

SUMMARY: BPA is in the initial stages of developing a policy to guide the displacement of resources for which BPA controls the generation. Displacement is the substitution of one generating resource for another, generally for economic reasons. BPA is now seeking advice, recommendations, and suggestions for its use in developing a Resource Displacement Policy proposal. Interested persons may submit comments in writing and/or at a planning session scheduled to discuss issues related to this subject.

RESPONSIBLE OFFICIAL: David J. Anderson, Chief, Branch of Contract Negotiations, is the official responsible

for development of the Resource Displacement Policy.

EFFECTIVE DATE: Advice, recommendations, and suggestions concerning the development of the proposed policy will be accepted through September 17, 1982. All documents should be designated with the file number RDP–1. Additionally, interested persons are invited to attend a public planning session to discuss issues related to displacement. The planning session will begin at 8:30 a.m., Tuesday, August 10, 1982, in Room 464, BPA Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon.

ADDRESSES: Persons who wish to be kept informed of developments in this process should direct their requests to Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212. Advice, recommendations, and suggestions should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–230–3478. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. Introduction

Displacement is the substitution of one generating resource for another, generally for economic reasons. Displacement occurs fairly frequently in the Northwest because the power system is based on hydroelectric resources augmented by higher cost thermal and other resources. In good water years, secondary or surplus power becomes available from the hydroelectric resource for limited periods, generally during the spring runoff. BPA's displacement policy will guide the agency's decisions as to when and under what conditions higher cost thermal and other resources should be shut down and displaced for a time by lower cost (hydroelectric) resources.

Development of a policy to guide BPA in the displacement of resources for which BPA controls the generation is an integral part of implementation of BPA's responsibilities under the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). BPA said it would develop this policy in its August 28, 1981, letter transmitting power sales contracts to its direct-service industrial (DSI) customers. Under section 7(c) of those contracts, BPA may restrict deliveries to the DSI loads, "for the purpose of displacing the operation or use of Federal System resources, if and to the extent that displacement is consistent with Bonneville's legal rights, legal obligations, and policies concerning displacement."

Copies of the August 28, 1981, letter to the DSIs, the DSI contracts, and other documents which discuss the need for and probable effect of the Resource Displacement Policy are available from the BPA Public Involvement office.

BPA is now seeking advice, recommendations, and suggestions for its Resource Displacement Policy proposal during the earliest stages of the policy development effort. All interested persons are encouraged to submit suggestions which they believe would be useful in targeting areas of concerns. Some issues related to the operational and marketing aspects of displacement have already been identified and are described in section II below. It is expected that other issues will surface during the policy development process.

The BPA billing credits policy now under development has been identified as a policy which might, when finally adopted, include provisions affecting the Resource Displacement Policy. Page 23 of BPA's Notice of Proposed Billing Credits Policy provides that BPA may displace billing credit resources. The Resource Displacement Policy may include provisions stating when billing credit resources should be displaced.

As part of the Resource Displacement Policy development process, BPA has scheduled an informal planning session to met with its customers and other interested persons who wish to participate in comprehensive discussions of what elements should be contained in the policy proposal. The meeting will begin at 8:30 a.m. on August 10, 1982, in Room 464, BPA Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon.

The policy will be developed in accordance with BPA's Procedure for Public Participation in Major Regional Power Policy Formulation (46 FR 26368) and in compliance with required National Environmental Policy Act procedures. BPA plans to publish its Resource Displacement Policy proposal in the **Federal Register** during November 1982. Any scheduled information and comment forums to receive suggestions will be announced at that time. The final Resource Displacement Policy is tentatively scheduled for completion in March 1983. BPA will consider all advice, recommendations, suggestions, and comments received from BPA's customers and other interested persons throughout the policy development process.

II. Issues Identified by BPA to Date

A. Under what water and load conditions will BPA displace?

B. Which resources should be displaced?

C. Under what order of priority should resource be displaced? Economic, by class of resource, or by some other order?

D. Should BPA continue, under some circumstances, to operate resources that it would otherwise displace?

1. Should BPA continue to operate such resources if there is a buyer for the displaceable power? If so, on what terms would BPA sell such power?

2. What classes of customers should be served with such displaceable power?

3. Should there be any displaceable resource or class of resources that BPA should not continue to operate and market?

4. What contractual arrangement should be required for the purchase of displaceable power?

E. How much freedom should BPA have to displace each resource it controls?

1. Should displacement be a negotiable matter with the resource offeror?

2. If the contract with the resource offeror gives BPA displacement flexibility, should BPA's operational decision to displace be circumscribed by a predetermined policy? How much

displacement flexibility should BPA have?

F. What are the environmental factors affecting the Resource Displacement Policy and any individual displacement decision?

G. What are the fish and wildlife constraints affecting the Resource Displacement Policy and any individual displacement decision?

Issued in Portland, Oregon, July 13, 1982.

Peter T. Johnson,

Administrator.

[FR Doc. 82-19617 Filed 7-16-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 6228-001]

Cascade Charter Township; Application for License (5 MW or Less)

July 15, 1982.

Take notice that Cascade Charter Township (Applicant) filed on May 11, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Cascade Dam Hydropower Project No. 6228. The project would be located on Thornapple River in Kent County, Michigan. Correspondence with the Applicant should be directed to: Mr. Paul Slater, Treasurer, Cascade Charter Township, 2865 Thornhills, S.E., Grand Rapids, Michigan 49506.

Project Description—The proposed project would consist of: (1) an existing reservoir with a surface area of 280 acres and a storage capacity of 2,800 acre-feet; (2) an existing dam approximately 41 feet high and 550 feet long consisting of two earthern embankments, a spillway section, and a powerhouse structure; (3) the proposed installation of one turbine/generator in the powerhouse with a total installed capacity of 1,000 kW; (4) transmission along an existing power transmission easement to a Consumer Power Company substation located approximately one-half mile from the site; and (5) appurtenant facilities. The average annual generation is expected to be approximately 5.0 GWh.

Purpose of Project—The purpose of the project is to generate electricity from a renewable natural resource in order to supply electricity to be sold to the regional power company and to develop a small scale water power project in accordance with the national policies for conservation of fossil fuels, reduction of oil imports, and recycling of natural resources. The Township also wishes to maintain its role in any potential development at the Cascade Dam site to insure the development maintains the existing environmental and recreational aspects of the impoundment area.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comment should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 20, 1982, either the competing application itself [See 18 C.F.R. 4.33 (a) and (d)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 20, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19432 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6461-000]

The City of Port Angeles Light Department; Application for Preliminary Permit

July 15, 1982.

Take notice that The City of Port Angeles Light Department (Applicant) filed on June 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6461 to be known as the Morse Creek Hydroelectric Project located on the Morse Creek in Port Angeles in Clallam County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lew Cosens, Director, City of Port Angeles Light Department, P.O. Box 1150, Port Angeles, Washington 98362.

Project Description—The proposed project would consist of: (1) an existing City of Port Angeles' 10-foot-high by 30-foot-long diversion weir and intake structure; (2) an existing 30-inch by 36-inch, 750-foot-long water conduit; (3) a new 4-foot-diameter, 10,000-foot-long pipeline; (4) a 370-foot-long penstock; (5) a powerhouse to contain one turbine-generating unit with a rated capacity of 3.2 MW operating under a head of 420 feet and generating approximately 21 million kWhs of energy; and (6) a 4.5-mile-long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 19, 1982, the competing application itself

[see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 20, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR. § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 20, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19433 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4593-001]

East Mississippi Electric Power Association, Surrender of Preliminary Permit

July 15, 1982.

Take notice that East Mississippi Electric Power Association, Permittee for the Okatibbee Reservoir Project No. 4593, has requested that its preliminary permit for the project be terminated. The preliminary permit was issued on November 13, 1981, and would have expired on April 30, 1983. The proposed project would have utilized the U.S. Army Corps of Engineers' Okatibbee Reservoir Dam on Okatibbee Creek in Lauderdale County, Mississippi.

The Permittee stated that it wished to surrender the permit due to the lack of available loan funds from the Rural Electrification Administration.

East Mississippi Electric Power Association filed the request on June 4, 1982, and the surrender of the preliminary permit for Project No. 4593 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19434 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-364-000]

Kansas-Nebraska Natural Gas Co., Inc.; Application

July 14, 1982.

Take notice that on June 8, 1982, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP82-364-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for blanket authorization to make sales of natural gas in interstate commerce from its interstate transmission facilities to persons engaged in, or desiring to engage in, the business of selling compressed natural gas (CNG) for use as a motor fuel or other similar uses, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make direct sales of natural gas from its interstate transmission facilities to various customers in Nebraska, Kansas, Colorado, and Wyoming who would convert the natural gas into CNG and sell it to others within the same state for use as a motor fuel. Applicant states that it has received a number of inquiries from fleet users and CNG filling stations regarding CNG for use as a motor fuel. These filling stations, it is maintained, would account for 35 Mcf per day each of Applicant's sales and would not significantly affect Applicant's system supplies.

Applicant has also filed with the Commission concurrently a Petition For Declaratory Order requesting that the Commission declare that the sale of natural gas from Applicant's distribution facilities or from the distribution facilities of distributors served by Applicant at wholesale to customers who convert the gas into CNG and sell it as a motor fuel within the same state is not a sale subject to the Commission's jurisdiction under the Natural Gas Act. It is stated that if the Commission should deny the Petition, Applicant would request that the blanket certificate authority sought by this application be made applicable to those sales from distribution facilities of Applicant and its wholesale customers as well.

Applicant proposes that it would provide the Commission with a list of jurisdictional CNG distributors receiving from Applicant a maximum of 50 Mcf per day or 10,000 Mcf annually without further authority being obtained from the Commission. Applicant further proposes to indicate sales which have been abandoned during each year in its annual customer list update. It is asserted that in its annual filing Applicant would include a statement showing for each service abandoned during the year a description and location of the facilities abandoned and their cost the reason why the service or facilities were abandoned, together with a copy of the written request or permission, or statement in lieu thereof, for termination of service, or in the event a written request or permission cannot be obtained from the customer, a detailed explanation of how abandonment is in the public interest and a showing of the effect, if any, of the abandonment upon any rate schedules or tariffs on file with this Commission.

It is asserted that the rates Applicant would charge for initiating and providing the proposed service would be in accordance with its filed interstate tariffs in effect for the zone in which the sale by Applicant would be made.

Any person desiring to be heard or to make any protest with reference to said

application should on or before August 3 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19435 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6407-000]

Klamath Irrigation District; Application for Preliminary Permit

July 15, 1982.

Take notice that Klamath Irrigation District (Applicant) filed on June 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6407 to be known as the K.I.D. Upper "C" Drop Hydroelectric Project to be located on the existing U.S. Bureau of Reclamation's (USBR) "C" Canal Drop, a part of the USBR's Klamath Project in Klamath County, near Klamath Falls, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Malcom Crawford, Manager, Llamath Irrigation District, 6640 K.I.D. Lane, Klamath Falls, Oregon 97601, with a copy to CH2M Hill, Attn: Mr. Neal P. Dixon, P.O. Box 2088, Redding, California 96099.

Project Description—The project would entail retrofitting and rehabilitating an existing abandoned powerhouse located at the Upper "C" Drop and would consist of: (1) the powerhouse, to contain one turbine-generating unit with a proposed rated capacity of 760 kW, operating under a head of 22 feet; and (2) a 12-kV tap line to connect to an existing Pacific Power and Light Company transmission line crossing the project. The estimated annual energy production is 2.7 million kWhs.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of rehabilitating and operating the project. No new roads would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 19, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before September 20, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 20, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19436 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6361-000]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 14, 1982.

Take notice that on May 21, 1982, Lawrence J. McMurtrey (Applicant) filed an application under Section 408, of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6361) would be located on Tenas Creek, a tributary of Suiattle River in Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th Street, N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) an inlet structure; (2) an 11,000-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse containing one generating unit with a rated capacity of 4.9 MW;

and (4) an 8-mile-long, 55-kV transmission line. The power generated will be sold to the Puget Sound Power & Light Company, the Bonneville Power Administration, or Intalco Aluminum Company. The Applicant estimates that the average annual energy production would be 19.2 GWh. The project is located entirely within the boundaries of the Mt. Baker-Snoqualmie National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State of Washington Department of Fisheries and the State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 30, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19437 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5122-001]

Mac Hydro-Power Company, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 14, 1982.

Take notice that on February 23,1982, Mac Hydro-Power Company, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5122) would be located on Mill Creek, near Mill Creek, in Tehama County, California and occupy U.S. lands within Lassen National Forest. Correspondence with the Applicant should be directed to: H. L. "Pete" Childers, Mac Hydro-Power Company, P.O. Box 5193, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 2-foot-high, 30-foot-long concrete diversion and intake structure; (2) an 18,000-foot-long, 48-inch-diameter low presure conduit; (3) a 600-foot-long, 42-inch-diameter steel penstock; (4) a powerhouse containing one generating unit rated at 1,100 kW; and (5) a transmission line. The average annual energy generation is estimated to be 3.2 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set froth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit

to the Commission, on or before August 30, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19438 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3261-001]

Modesto Irrigation District; Surrender of Preliminary Permit

July 15, 1982.

Take notice that Modesto Irrigation District (MID), Permittee for the La Grange Project No. 3261, has requested that its preliminary permit be terminated. The permit was issued on May 4, 1981, and would have expired on November 1, 1982. The project would have been located on MID's Main Canal in Stanislaus County, California.

MID filed its request on June 21, 1982, and the surrender of the permit for Project No. 3261 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19439 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-316-004]

Montana-Dakota Utilities Co.; Petition to Amend

July 14, 1982.

Take notice that on June 10, 1982, Montana-Dakota Utilities Co. (Petitioner), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. CP81-316-004 a petition to amend the order issued February 19, 1982, in Docket No. CP81-316 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to install and operate a leased gas compressor facility, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued February 19, 1982, authorized Petitioner, *inter alia*, to construct and operate gas compressors and loop line facilities for the transportation of supplies of gas to Petitioner's Elk Basin Field in Park County, Wyoming, for injection into storage.

It is stated that Petitioner has contracted to lease a gas compressor unit for the Madden sales point in Fremont County, Wyoming. It is submitted that the installation of this compressor unit would provide Petitioner with the capacity to deliver some of its off-system sale volumes to Colorado Interstate Gas Company. Petitioner asserts that the said compressor would provide an additional 12,000 Mcf of natural gas per day. Hence, Petitioner requests herein authorization to install and operate a leased gas compressor facility to be located at the Madden sales point in Fremont County, Wyoming. It is explained that the lease rental is $13,750 per month for a one-year period.

Applicant explains that the addition of the proposed compressor unit would enable Applicant to deliver an additional 12,000 Mcf of gas per day at the Madden sales point and would reduce the delivery at the Elk Basin sales point by 12,000 Mcf per day; hence, Applicant would not have to transport the gas from its supply source in the Wind River Basin to the Elk Basin sales point.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commissioin's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19440 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6190-001]

Mountain Gems Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 14, 1982.

Take notice that on May 24, 1982, Mountain Gems Corporation (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as ameneded),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6190) would be located on Lewis Fork Fresno River in Madera County, California. Correspondence with the Applicant should be directed to: Mr. John J. Silveira, Sierra PowrQuip Associates, Inc., 3961 American River Drive, Sacramento, California 95825.

Project Description—The proposed project would consist of: (1) a 12-foot-high diversion structure; (2) a 30-inch-diameter, 800-foot-long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 460 kW; and (4) a 1,000-foot-long, 12-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company's line northeast of the powerhouse.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption form licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days form the date of issuance of this notice, it will be presumed to have no comments. One copy of an ageny's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 30, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33g (b) and (c) (1980). A competint license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will considered all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19441 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-86-004]

Natural Gas Pipeline Company of America; Petition To Amend

July 14, 1982.

Take notice that on June 14, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP80-86-004 a petition to amend the order issued February 6, 1980, pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction and operation of budget-type gas supply facilities the cost of which would exceed the total cost limitation prescribed by § 157.7(b), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued February 6, 1980, it was authorized pursuant to § 157.7(b) of the Commission's Regulations to construct and operate certain natural gas facilities with a maximum total annual cost of $20,000,000.

Because of the effects of inflation on construction costs in the gas industry, the Commission's addition of certain facilities under Part 284 of the Regulations within the budget program, and the unavoidable circumstances that can lead to project cost overrun, Applicant explains, it is estimated that the aggregate cost of the construction of budget gas supply facilities would be $10,000,000 over and above the present $20,000,000 limitation.

Any person desiring to be heard to make any protest with reference to said petition to amend should on or before July 30, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the portestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19442 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-124-005]

Northern Border Pipeline Co.; Petition For Clarification of Orders

July 14, 1982

Take notice that on June 14, 1982, Northern Border Pipeline Company (Petitioner), P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP78-124-005 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for clarification of the Commission's orders issued April 28, 1980, and April 24, 1981, in Docket No. CP78-124, or in the alternative, pursuant to Section 7(c) of the Natural Gas Act for amendment of such orders so as to authorize Petitioner to transport overrun gas volumes in accordance with its tarriff, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is submitted that on January 26, 1979, Petitioner filed in Docket No. CP78-124 a supplemental application pursuant to Section 7(c) of the Natural Gas Act for, *inter alia,* authorization to transport Canadian natural gas from Alberta prior to the time of commencement of delivery of Alaskan gas to the lower 48 United States. It is further submitted that during the course of such proceeding a *pro forma* copy of Petitioner's FERC Gas Tariff, Original Volume No. 1 was filed. Such tariff, Petitioner states, included Rate Schedule OT-1, Overrun Service, which provides for the transportation of natural gas volumes in excess of the maximum receipt quantity set forth in Exhibit A to the U.S. Shippers Service Agreement executed by the respective Shipper.

Petitioner states that by order issued April 28, 1980, in Docket No. CP78-124, it was authorized to construct and operate pipeline facilities for the transportation in interstate commerce of up to 800,000 Mcf of natural gas per day for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), United Gas Pipe Line Company, and Panhandle Eastern Pipe Line Company.

It is further stated that on September 18, 1980, Petitioner filed a second supplemental application for, *inter alia,* authorization to transport in interstate commerce up to 175,000 Mcf of natural gas per day to be imported from Canada by Northern and Natural Gas Pipeline Company of America (Natural). It is submitted that included in such filing was a *pro forma* copy of Petitioner's FERC Gas Tariff, Original Volume No. 2, which also provides for the transportation of natural gas volumes in excess of each company's respective maximum contract receipt quantity.

Petitioner states that by order issued April 24, 1981, it was authorized to construct and operate facilities proposed in its second supplemental application and to provide transportation service to Northern and Natural pursuant to Rate Schedules X-1 and X-2.

Petitioner asserts that it interprets the above-described orders issued in Docket No. CP78-124 to authorize the transportation of overrun volumes as provided for in both Original Volume Nos. 1 and 2 of its approved tariff, and, therefore, requests that the Commission clarify such orders by specifying that Petitioner, in accordance with its approved tariff, is authorized to transport overrun gas volumes.

However, if the Commission does not agree with Petitioner's interpretation Petitioner requests, in the alternative, that the orders in said docket be amended so as to authorize the transportation of overrun gas volumes in accordance with Petitioner's tariff.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19443 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-123-017, et al.]

Northwest Alaskan Pipeline Co.; Petition for Clarification of Orders

July 14, 1982.

Take notice that on June 11, 1982,[1] Northwest Alaskan Pipeline Company (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-123-017, *et al.* a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for clarification of the Commission's orders issued April 28, 1980, and June 20, 1980, in Docket No. CP78-123, *et al.* or in the alternative, for amendment pursuant to Sections 3 and 7 of the Natural Gas Act of the orders issued April 28, 1980, as amended, and April 29, 1980, so as to authorize Petitioner to import up to the daily quantities authorized for export by Pan-Alberta Gas Ltd. (Pan-Alberta) in the April 30, 1980, decision of the National Energy Board of Canada (NEB), as well as to amend its sales authorization to deliver on a best-efforts basis gas in excess of the daily contract quantities up to the amount authorized for export in the NEB's decision of April 30, 1980, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is submitted that by order issued April 28, 1980, in the instant dockets Petitioner was authorized to import from Canada up to 800,000 Mcf of natural gas per day to be transported through the Eastern Leg of the Alaskan Natural Gas Transportation System (ANGTS) pursuant to a gas purchase agreement with Pan-Alberta.

It is further submitted that on April 30, 1980, the NEB decisions referenced by the Commission in such order authorized six years of firm exports for delivery through the Eastern Leg of the ANGTS; for the first five years, Pan-Alberta was authorized to export, on a daily basis, up to 400,000 Mcf of gas, and in addition was granted a "tolerance of two percent by which the Licensee may exceed the daily limitation."

Petitioner states that by order issued April 29, 1980, in the instant dockets, it was authorized to sell a daily volume of 800,000 Mcf of natural gas to Northern Natural Gas Company, Division of InterNorth, Inc., United Gas Pipe Line

[1] The application was initially tendered for filing on June 11, 1982, however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 14, 1982; thus, filing was not completed until the later date.

Company and Panhandle Eastern Pipe Line Company.

Petitioner asserts that because of the operational characteristics and/or market requirements of Petitioner's customers there may be days on which gas in excess of the daily contract quantity under the gas purchase and sales contracts is delivered on a best-efforts basis up to the maximum quantity of 880,000 Mcf that the NEB authorized Pan-Alberta to export on a daily basis.

Petitioner states that it interprets the above-described import authorization to allow Petitioner to import, on a daily basis, up to 880,000 Mcf of gas plus a two percent tolerance authorized for export by the NEB decision of April 30, 1980. In addition, Petitioner states that it interprets its above-described sales authorization to allow Petitioner to sell to its customers on any given day in excess of 800,000 Mcf of gas in total or the daily average annual contract quantities specified in the sales contracts with respect to each customer, as long as Petitioner's daily sales do not exceed the 800,000 Mcf daily average quantity specified in the sale contract for a contract year.

If the Commission is not in agreement with these interpretations, Petitioner requests, in the alternative, that the Commission amend the order issued April 28, 1980, so as to authorize import of up to the daily quantities authorized for export by Pan-Alberta in the NEB's April 30, 1980, decision, and to amend the order issued April 29, 1980, so as to authorize sales and deliveries on a best-efforts basis in excess of the daily contract quantities up to the amount authorized for export in the NEB's April 30, 1980, decision as long as deliveries do not exceed such quantities authorized on an average daily basis for a contract year.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 30, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19444 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6465-000]

Public Utility District No. 1 of Snohomish County; Application for Preliminary Permit

July 14, 1982.

Take notice that Public Utility District No. 1 of Snohomish County (Applicant) filed on June 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 6465 to be known as the Boulder Creek Hydroelectric Project located on Boulder River partially within the Mt. Baker-Snoqualmie National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

Project Description— The proposed project would consist of: (1) a 10-foot-high diversion structure; (2) a 5,000-foot-long, 8-foot-diameter lined tunnel; (3) a 5,300-foot-long, 6-foot-diameter penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 8,900 kW; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $200,000.

Competing Applications—This application was filed as a competing application to City of Darrington's application for Project No. 5916 filed on January 22, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16,1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, at the above address. A copy of any petition of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19445 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6376-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 14, 1982.

Take notice that on June 1, 1982, Western Hydro Electric, Incorporated (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6376) would be located on Cabin Creek in Mason County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Incorporated, Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) a 32-foot-long, 4-foot-high diversion structure; (2) a 6,600-foot-long, 36-inch-diameter pipeline; (3) a 1,500-foot-long, 27-inch-diameter penstock; (4) a powerhouse containing one generating unit with an installed capacity of 1,994 kW; and (5) an approximately 7-mile-long, 12.5-kV transmission line. The Applicant estimates that the average annual energy production would be 10.5 GWh. The project is located entirely within the Olympic National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the State of Washington Department of Fisheries, and State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 30, 1982 either the competing license application that Proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION","COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19446 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-638-000]

Arizona Public Service Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that on July 1, 1982, Arizona Public Service Company (Arizona) tendered for filing revised Exhibit B to the Wholesale Electric Power Agreement between Arizona and Citizens Utilities Company (Citizens).

Arizona states that this Exhibit does not affect the rates applicable to Citizens and is provided for informational purposes. Said Exhibit merely amends the anticipated contract demands for the years through 1990 and adds the years of 1991 and 1992.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19488 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-642-000]

Central Power & Light Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that Central Power and Light Company ("Company"), on July 2, 1982, tendered for filing ("Agreement"), between Company and South Texas Electric Cooperatives, Inc. and Medina Electric Cooperative, Inc. The Company has requested that the Agreement be designated as rate schedule 70 and be made effective as of May 27, 1982. The Agreement will expire on December 31, 1982 unless extended by the parties. The proposed rate for transmission services is based upon comparable service under CPL rate schedule No. 65 currently provided by Company to the Public Utility Board for the City of Brownsville, Texas.

Any person desiring to be heard or to protest the application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19489 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-637-000]

Connecticut Light & Power Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that on July 1, 1982, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Service Agreement dated December 24, 1981 between (1) CL&P, the Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMEC) and (2) Braintree Electric Light Department (BELD).

CL&P states that the Transmission Agreement provides for a transmission service to BELD for the wheeling of BELD's weekly entitlement in system power pursuant to an agreement between BELD and the Vermont Marble Company, Proctor, Vermont, (VMC) for an indefinite period commencing on December 24, 1981.

The transmission charge rate is a weekly rate equal to 1/52nd of the annual average cost of transmission service on the Northeast Utilities system at the at the time that service commenced and is determined in accordance with Schedule A of the Transmission Service Agreement. The weekly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-week), and (ii) the number of kilowatts which BELD is entitled to receive from VMC during such week. The weekly transmission charge is reduced by 50% to give due recognition for payments made by BELD to intervening transmission systems.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on December 24, 1981.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, WMECO and BELD.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19490 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-639-000]

Connecticut Light & Power Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that on July 1, 1982, the Connecticut Light and Power Company (CL&P) tendered for filing a Notice of Succession to reflect the merger of the Hartford Electric Light Company into CL&P, as of the close of business on June 30, 1982.

CL&P and HELCO have been wholly-owned subsidiaries of Northeast Utiltites since 1966 and are not being fully merged as part of the Northeast Utilities system's continuing program to optimize efficiency of operations and simplify the system's corporate structure.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19491 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-644-000]

Florida Power & Light Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 2, 1982, tendered for filing documents entitled Amendment Number Eleven and Amendment Number Twelve to Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and the Utilities Commission, City of New Smyrna Beach.

Amendment Number Eleven updates the rates for transmission service provided by FPL, bringing them in accord with the increased rates filed by the Commission on July 1, 1981, in *Florida Power & Light Company*, Docket No. ER81-588-000.

FPL states that under Amendment Number Twelve FPL will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with Orlando Utilities Commission.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Amendments be made effective immediately. FPL states that copies of the filing were served on the Director of

Utilities, Utilities Commission, City of New Smyrna Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19492 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-643-000]

Florida Power & Light Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 2, 1982, tendered for filing documents entitled Amendment Number Seven to Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Tampa Electric Company.

Amendment Number Seven updates the rates for transmission service provided by FPL, bringing them in accord with the increased rate filed by the Commission on July 1, 1981, in *Florida Power & Light Company*, Docket No. ER81-588-000.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately. FPL states that copies of the filing were served on the Manager, Inter-System Planning, Tampa Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19493 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-645-000]

Pacific Gas & Electric Co; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (Pacific) on July 6, 1982, tendered for filing an Economy Energy Contract between Pacific and Arizona Electric Power Cooperative (Aepco) dated June 1, 1982.

The Contract provides for non-firm energy sales between the Parties at mutually agreed upon times and locations as scheduled by the Parties' dispatchers. The rates for such sales shall be either in the form of an average of the Seller's incremental energy cost and the Purchaser's decremental energy cost, or at a rate mutually acceptable by both Parties with the intent of providing a benefit to each Party. In addition, on or about the first day of the following month, the Seller shall render a bill to the Purchaser for such transactions to be payable within fifteen (15) days of receipt of said bill.

Any transmission charges and energy losses incurred during transmission of such economy energy shall be shared equally by both Parties unless otherwise agreed to by the Parties.

Pacific respectfully requests, pursuant to Section 35.11 of the Commission's Regulations waiver of the Commission's usual notice requirement so as to permit an effective date for the Contract of June 1, 1982. No customers under any other rate schedules will be affected if such waiver is granted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before July 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants Parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19494 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-641-000]

Pacific Gas & Electric Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that on July 2, 1982, Pacific Gas & Electric Company (PG&E) tendered for filing a Certificate of Concurrence, attached, for the Portland General Electric Company's filing of the Energy Sales and Exchange Agreement between the Portland General Electric Company and PG&E.

PG&E states that the above mentioned Agreement provides for the terms and conditions for sales and exchanges of power between both companies. This agreement, which supersedes the Letter of Intent dated November 6, 1980 will continue until termination on any June 30 provided a written notice is given three years in advance.

PG&E requests an effective date of November 1, 1980, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1982. Protests will be considered by the Commission in determining the appropriate action taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19495 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-640-000]

Southwestern Public Service Co.; Filing

July 14, 1982.

The filing Company submits the following:

Take notice that Southwestern Public Service Company (Southwestern) on July 2, 1982, tendered for filing a Contract Amendment for electric power service to Farmer's Electric Cooperative, Inc., Clovis, New Mexico (FEC). The service is to be rendered through Southwestern's 115 KV transmission system to its connection with FEC.

Southwestern states that FEC is a Full Requirements customer and the Contract Amendment provides for Full Requirements Electric Service to FEC's new 115/69 KV interchange near Tucumcari, New Mexico, under rate schedules currently filed and allowed by this Commission, subject to refund, in Docket No. ER80-573, for Full Requirements customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19496 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-168-000]

Steam Supply Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 13, 1982.

On June 28, 1982, Steam Supply Co., c/o James U. Hamersley, Counsel, 1700 K Street, Suite 1301, Washington, D.C. 20006, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to section 292.207 of the Commission's rules.

The biomass small power production facility will be located in Tulsa, Oklahoma. The primary energy source will be biomass in the form of municipal solid waste. Use of natural gas in the facility will not exceed one percent of the total Btu input. The electric power production capacity of the facility will be 13 megawatts. The facility will be capable of producing steam for sale to Tulsa Refining, Inc. Applicant owns no other small power production facilities which are located within one mile of the facility and uses the same energy source. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street,NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commision's Rules of Practice and Procedure. All such petitions or protests must be filed on or before August 18, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19497 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-626-000]

Western Massachusetts Electric Co.; Filing

July 13, 1982.

The filing Company submits the following:

Take notice that on June 28, 1982, Western Massachusetts Electric Company (WMECO) tendered for filing as a change in rate schedule the Fairmont-Holyoke 115 kV Interconnection Agreement (Agreement), dated as of May 15, 1980 between WMECO, Holyoke Water Power Company (HWP) and City of Holyoke, Massachusetts Gas and Electric Department (City of Holyoke).

WMECO states that the Agreement supersedes two agreements: Interconnection and Capacity Coverage Agreement, dated April 20, 1966 as amended and Supplemented, between WMECO and City of Holyoke (WMECO Rate Schedule FPC No. 31) and Interconnection Agreement, dated November 8, 1967, between WMECO, HWP and City of Holyoke (WMECO Rate Schedule No. FPC No. 38; HWP Rate Schedule No. FPC No. 13). Both the above agreements expired by their terms on December 31, 1972.

WMECO states that the Agreement provides for continued use by City of Holyoke of transmission facilities owned by WMECO and HWP and that the Agreement provides for adjustment in the payments made by the City of Holyoke to WMECO and HWP in order to reflect changes in the costs experienced by WMECO and HWP after January 1, 1973 and after January 1, 1979.

WMECO requests that the Commission, pursuant to Section 35.11 of its regulations, waive its customary notice period and permit the Agreement to become effective January 1, 1973.

WMECO states that copies of the Agreement and filing have been mailed to HWP and City of Holyoke.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 26, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19498 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-627-000]

Western Massachusetts Electric Co.; Filing

July 13, 1982.

The filing Company submits the following:

Take notice that on June 28, 1982, Western Massachusetts Electric Company (WMECO) tendered for filing as an initial rate schedule the Southampton-Holyoke 115 kV Interconnection Agreement (Agreement), dated as of May 15, 1980 between WMECO and City of Holyoke,

Massachusetts Gas and Electric Department (City of Holyoke).

The Agreement provides for an interconnection of the electric system of the City of Holyoke with that of WMECO at its 115 kV Agawam-Midway transmission line in Southampton, Massachusetts.

WMECO requests that the Commission, pursuant to Section 35.11 of its regulations, waive its customary notice period and permit the Agreement to become effective January 1, 1982.

WMECO states that copies of the Agreement and filing have been mailed to City of Holyoke.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 26, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19499 Filed 7-16-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AD FRL 2158-3; Docket No. A-79-01]

Denial of Petitions for Reconsideration of Stack Height Regulations; Clean Air Act

AGENCY: Environmental Protection Agency [EPA]

ACTION: Notice of denial of petitions for reconsideration of stack height regulations.

SUMMARY: On February 8, 1982 (47 FR 5864), EPA published rules required under Section 123 of the Clean Air Act to assure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan is not affected by any stack height exceeding good engineeering practice height, or by any other dispersion technique. The Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania have petitioned the Administrator to reconsider the stack height regulations. EPA is denying the petitions on the grounds that the petitioners did not submit any new information warranting reconsideration of the rules.

DATE: This determination is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD-15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541-5540.

SUPPLEMENTARY INFORMATION:

A. Docket Statement

The petitions for reconsideration and all pertinent information concerning the development of the stack height rules have been filed in Docket No. A-79-01. The Docket is open for inspection by the public between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the EPA Central Docket Section (A-130), West Tower Lobby, Gallery One, 401 M Street, S.W., Washington, D.C. 20460. Background documents normally available to the public, such as **Federal Register** notices and Congressional reports, are not included in the docket. A reasonable fee may be charged for copying documents.

B. Background

Section 123 of the Clean Air Act requires EPA to promulgate rules to assure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by stack heights exceeding good engineering practice (GEP) height or any other dispersion technique.

EPA proposed rules to establish limitations on stack heights and other dispersion techniques on January 12, 1979 (44 FR 2608). A public hearing was held in May 1979 (44 FR 24329), and an additional opportunity to comment on revised technical documents was provided in May 1981 (46 FR 24596). On October 7, 1981 (46 FR 49814) EPA proposed to make certain changes in the rules in response to comments received (the second proposal).

EPA promulgated the stack height rules on February 8, 1982 (47 FR 5864). The final rules contain some additional minor changes made in response to comments submitted on the second proposal.

On April 6, 1982 Sierra Club Legal Defense Fund, Inc. (Sierra Club) and the Natural Resources Defense Council, Inc. (NRDC) filed a joint petition for reconsideration of these rules. The Commonwealth of Pennsylvania filed a petition for reconsideration on April 20, 1982.

The joint petition from Sierra Club and NRDC appears to have been submitted pursuant to section 307(d)(7)(B) of the Act.[1] The Commonwealth has not named a statutory basis for its petition.

Section 307(d) applies only to certain enumerated Agency actions, not including the promulgation of regulations under section 123. See section 307(d)(1). Therefore, EPA has decided to treat both petitions as petitions for revision of a rule under section 3(e) of the Administrative Procedure Act, 5 U.S.C. 553(e), which establishes a general right to petition for issuance, amendment or repeal of an agency rule. The standard of review for a petition for revision is whether the petitioner has presented new information that warrants reconsideration of the rule. See generally *Oljato Chapter of Navajo Tribes* v. *Train*, 515 F. 2d 654 (D.C. Cir 1975). Under this standard, EPA has concluded that these petitioners have presented no information warranting revision of the stack height rules.

C. Petitions for Reconsideration

1. Substantive Objections.

Neither petition presents new factual information or new policy arguments. Instead, the petitioners object to certain modifications made in response to comments submitted in response to the second notice of proposed rulemaking. In essence, petitioners are challenging EPA's decision to change its proposed rules without providing an additional opportunity to comment.

It is clear that the Agency is not required to reconsider its rules in light of such a claim. If petitions for revision were to be granted on such grounds, the Agency would be required to repropose its rules every time it modified a proposal in response to comments. The Administrative Procedure Act does not require such a result. *See, e.g., International Harvester Co.* v. *Ruckelshaus*, 478 F. 2d 615, 632 (D.C. Cir. 1973). Substantial changes in the original plan may be made provided they are in character with the original scheme and a logical outgrowth of the comments already received. *BASF Wyandotte Corp.* v. *Costle*, 598 F. 2d 637 (1st Cir.

[1] Section 307(d)(7)(B) provides that the Administrator shall convene a proceeding to reconsider certain actions enumerated in Section 307(d)(7)(l) if a person raising an objection can demonstrate that 1) it was impracticable to raise such objection during the comment period or that grounds for the objection arose after the comment period, and 2) the objection is of central relevance to the rule.

1979), and *Sierra Club* v. *Costle*, 657 F. 2d 298 (D.C. Cir. 1981).

The Agency has discretion, of course, to grant a petition for revision even where reconsideration is not clearly required. However, the Agency has concluded that petitioners' arguments do not warrant reconsideration of this rulemaking. All of the modifications cited by petitioners are logical outgrowth of comments submitted during the comment period on the second proposal. None were based on any new factual information that had not been subject to public scrutiny.

Moreover, in this rulemaking the Agency provided a 15-day "rebuttal period" after the close of the standard comment period on the second proposal. The purpose of this rebuttal period was to allow members of the public to address issues raised by other comments submitted during the comment period. Accordingly, EPA believes that petitioners have already had an opportunity to comment on the comments that persuaded the Agency to modify the second proposal.

EPA has prepared a support document containing brief responses to petitioners' major contentions. This document has been placed in Docket A–79–01. Copies can be obtained from the Central Docket Section or by writing to Mr. Bruce Polkowsky at the address given above.

2. Objections to Contacts with Persons Outside the Agency.

Sierra Club and NRDC also objected to three contacts with persons outside the Agency which are documented in Docket No. A–79–01.

First, Sierra Club and NRDC note that a January 25, 1982 letter from Congressman Richard Shelby to the Administrator refers to an earlier telephone call. The letter states that the call concerned Congress' review of the Clean Air Act. Sierra Club and NRDC infer that the Administrator and Congressman Shelby also discussed the stack height regulations because the letter states "as you know, I and some of my colleagues have been particularly concerned with the unjustifiable costs" of implementing Section 123. Sierra Club and NRDC request EPA to meet the requirements of Section 307(d)(5) by placing a record of the conversation in the docket.

As explained above, this rulemaking is not subject to the requirements of Section 307(d). Nevertheless, EPA would comply with this request if the conversation pertained to the stack height rules and if a record of the conversation existed. No record of any such conversation has been found. However, EPA has discovered a previous letter from Congressman Shelby to the Administrator which had been inadvertently omitted from the stack height docket. A copy has been placed in Docket No. A–79–01. This earlier letter explains the Congressman's assumption that the Administrator was already aware of his concerns about the stack height regulations. It contains no new factual information which affected the Administrator's decision.

Second, Sierra Club and NRDC object to EPA's consideration of five comments filed after the close of the comment period on the second notice of proposed rulemaking. The two groups request EPA to withdraw any changes to the rules which were based on these comments.

EPA has a long-standing general practice of accepting late comments. This practice was generally affirmed by the U.S. Court of Appeals for the District of Columbia Circuit in *Sierra Club* v. *EPA*, 657 F. 2d 298 (D.C. Cir 1981). So long as the such comments do not contain information that is vital to the support of the rule, EPA may consider them without providing an additional opportunity to comment.

Sierra Club and NRDC have not shown that any of the five comments submitted late in this rulemaking contained information vital to the stack height rules. EPA has reviewed the comments, and concluded that none contains such information.

Finally, Sierra Club and NRDC object to a meeting between EPA staff and representatives of the Utilities Air Regulatory Group held on November 29, 1981. This meeting was held at the request of the utilities for the purpose of explaining comments they had filed during the comment period. Sierra Club and NRDC characterize this meeting as an improper *ex parte* contact.

This meeting was not improper, although EPA was required to make a written record of the meeting and place it in the docket. See generally *Sierra Club* v. *Costle*, 657 F. 298 (D.C. Cir. 1981). EPA has fulfilled this obligation (see Docket Entry No. IV–E–9). Additionally, as noted in the written record of the meeting, the meeting concerned theories and data already presented to the Agency in the utilities' comments. Therefore, no new information that could have affected the Agency's action was provided at the meeting.

D. Conclusion

For the reasons described above, I have determined that the petitions for reconsideration filed by Sierra Club, NRDC and the Commonwealth of Pennsylvania present no new information warranting the reopening of the stack height rules promulgated on February 8, 1982. Accordingly, the petitions are denied.

Although the requirements of Section 307(d) do not apply, under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of today's date.

Dated: July 13, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–19483 Filed 7–16–82; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL HOME LOAN BANK BOARD

FSLIC Bidding Guidelines for Fidelity Federal Savings & Loan Association of San Francisco

A. On April 15, 1982, the Federal Savings and Loan Insurance Corporation ("FSLIC") held a bidding conference in San Francisco, California, to solicit bids for the acquisition of Fidelity Federal Savings and Loan Association of San Francisco, also known as Fidelity Savings of San Francisco ("Fidelity"). As part of that conference the FSLIC staff invited a number of banks, bank holding companies, savings and loan associations, savings and loan holding companies and other financial institutions in California and elsewhere. Bids were to be submitted to the FSLIC no later than May 14, 1982.

B. A number of bids were received from institutions headquartered in California and elsewhere. Each bid has been carefully reviewed by the FSLIC staff from the standpoint of the cost to the FSLIC of requested assistance for the acquisition and conformity with state and federal laws and regulations. In addition, an evaluation was made of the overall viability of each bid taken as a whole.

C. As a result of this review the staff of the FSLIC has preliminarily determined that the bid submitted by Citicorp (the "benchmark bid") is substantially more favorable to depositors, Fidelity and the FSLIC. In view of the unusual interest which the Fidelity bidding process has raised, the interstate and interindustry nature of the benchmark bid, and the exceptionally large size of the institution to be acquired, the FSLIC staff has decided that a further round of bidding will be held. The second round of bidding will be governed by the procedures set forth below.

Bidding Procedures

1. *Eligible bidders.* Any savings and loan association or commercial bank, or an authorized holding company of either, may participate in the bidding if it meets each of the following conditions for eligibility:

a. The bidder is chartered by the State of California or by the United States (or an agency of the United States);

b. The bidder is headquartered and has its principal business operations in California;

c. The bidder has total assets of at least $500 million if a savings and loan association or savings and loan holding company, or total assets of at least $1 billion if a commercial bank or bank holding company.

2. *First Round Bidders.* Each eligible bidder that submitted a timely bid during the first round ("First Round Bidder") will be provided a summary of the benchmark bid, on July 16, 1982, and may submit a revised bid. If an acceptable bid from a First Round Bidder is received by FSLIC before the Bidders Conference, the conference will not be held, but the FSLIC staff may determine to allow other First Round Bidders to submit bids until the close of business on August 2, 1982, as described in paragraph 6 below. If no acceptable bid from a First Round Bidder is received before the Bidders Conference, but such a bid is received prior to the August 2, 1982, deadline, no bid from a non-First Round Bidder will be opened or considered. An acceptable bid is a bid that the FSLIC staff determines is appropriate for recommendation to the Federal Home Loan Bank Board ("Bank Board"). A bid deemed "acceptable" will not necessarily be the bid finally recommended by the FSLIC staff to the Bank Board for approval.

3. *Absence of New Acceptable Bids.* If no acceptable bid from an eligible bidder or acceptable revised bid from a First Round Bidder is received in accordance with these procedures by August 2, 1982, the FSLIC staff will present the benchmark bid to the Bank Board.

4. *Bidder's Package.* Each eligible bidder will be furnished with a Bidder's Package containing a summary of the benchmark bid, together with a set of materials describing the assets, liabilities and operations of Fidelity. The information contained in the Bidder's Package or otherwise provided during the course of the bidding is confidential. Bidders will be required to sign a protective statement limiting its use to the bidding process as a condition of receipt. Fidelity has agreed to allow bidders access to its books and records at reasonable times and places by appointment upon request made through its Supervisory Agent.

5. *Bidder's Conference.* Subject to the provisions of item 2 above, the Bidder's Package will be distributed to non-First-Round Bidders at a Bidders Conference on July 22, 1982, at 10:00 a.m. in the Washington, D.C. offices of the FSLIC. While questions will be answered at that conference, these written procedures will govern in the case of any inconsistency or dispute.

6. *Return Date.* A bid may be submitted only by completing the Bid Form which will be distributed at the conference, and signing the Bid Form as indicated. Bids must be returned to the Director at 1700 G Street, N.W., Washington, D.C., Attn: *Gene Hall* no later than the close of business on August 2, 1982. Bids received after this date will not be evaluated and will be returned without comment or action.

7. *Bid Contents.* The signed Bid Form (with any attachments) constitutes a bid, which will be considered an offer to acquire Fidelity. A bid should also be summarized in a cover memorandum of no more than 2 pages. Attachments to the Bid Form may include such other information as a bidder thinks fit. As a minimum, information provided in the bid should include: (1) a concise statement of the price the bidder is willing to pay and/or the amount of capital to be infused into Fidelity; (2) the amount, nature and timing of any requested financial assistance; (3) the legal form and structure of the acquisition and the resulting entity, identifying any legal or regulatory approvals necessary; (4) a fully-supported and justified set of pro forma financial and cash-flow statements for the resulting entity for the five years following the acquisition; (5) interest rate assumptions used in calculating the bid including alternate assumptions if more than one scenario is included; (6) the nature and duration of any Supervisory Forbearance requested, and; (7) all other material terms of the proposed transaction, in sufficient detail to enable FSLIC to evaluate the bid. If a bidder is in material actual competition with Fidelity in any geographic and product market, the bid should also contain a statement of the anticipated effect on competition if that bid is accepted. Schedule 1 to the Bid Form sets out a list of items suggested, but not required, as part of each bid.

8. *Evaluation.* All bids will be evaluated in comparison with the benchmark bid and each other in the light of all relevant factors and circumstances. The FSLIC staff reserves the right to determine whether any bid is submitted in accordance with these procedures and to waive any technical or formal defect therein.

a. Each bid will be reviewed for:

(1) Cost to the FSLIC of requested assistance for the acquisition;

(2) Conformity with state and federal laws and regulations;

(3) Demonstrated degree of managerial and financial resources of the bidding institution;

(4) Ability of the bidding institution to immediately accept and successfully operate an acquisition of this size;

(5) Validity of financial plans and forecasts contained as elements of the bid;

(6) Feasibility of the proposed plan of business operations after acquisition; and

(7) Overall impact of the proposed acquisition on the convenience and needs of the community to be served, and on competition in relevant markets.

b. The FSLIC will also take into consideration the competitive or anti-competitive effects of the transaction proposed by any bid, the views of the Attorney General on the competitive factors involved in any bid for the acquisition of Fidelity by a savings and loan holding company, and any other relevant factors which may appear from a bid or from its analysis of the bidding institution.

c. The FSLIC will give preference to a bid from a bidding institution headquartered in the State of California unless a comparison of that bid with the benchmark bid indicates that the insurance liability or risk to the FSLIC resulting from the benchmark bid will be substantially less than the insurance liability or risk that would result from the bid submitted by a California-based institution. *See* 12 CFR 556.5. In this regard, the viability of the resulting institution as well as the cost of requested assistance from FSLIC, as both may be evidenced by, among other things, factors set forth in item 8(a) above, will be significant considerations.

d. If two or more acceptable bids are received from institutions headquartered in Californnia, the FSLIC will give preference to that bid which has the lowest insurance liability and risk to the FSLIC.

e. Notwithstanding any of the above, a bid

(1) Will not be accepted if it would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or an attempt to monopolize the savings and loan business in any part of the United States, and

(2) Will not be accepted if it would substantially lessen competition in any section of the country, or tend to create a monoploy, or in any other manner would be in restraint of trade, *unless* the FSLIC finds that the anticompetitive effects of the proposed acquisition are clearly out-weighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

f. The FSLIC expects to announce the successful bid not later than August 16, 1982. Each participating bidder will be notified by telephone. A written acceptance or rejection letter will follow by first-class mail.

9. *Further Negotiations.* Completion of the transaction is subject to satisfactory documentation based on further direct negotiations to be conducted between the FSLIC and the institution submitting the bid. In particular, it should be noted that with respect to any negative spread assistance, the cost of money calculations should be reflective of the average cost of savings and borrowings other than from the Federal Home Loan Bank of San Francisco for savings and loan associations in the Federal Home Loan Bank of San Francisco District or some other mutually agreeable index. Final acceptance of any bid is subject to approval by the Federal Home Loan Bank Board.

10. *Disclosure.* The FSLIC staff reserves the right to disclose to any bidder, or to the institution which submitted the benchmark bid, the Bid Form and any other materials submitted by any bidder in the second round.

11. *Later Proceedings.* If no bid is clearly favorable, the FSLIC reserves the right to request subsequent bids from the most favorable in-state bidder and from Citicorp in a final round.

12. *Further Information.* The FSLIC staff may contact bidders by telephone for further information to clarify, explain or expand on the terms of a bid.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-19651 Filed 7-16-82; 11:53 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Interested parties may obtain a copy of the item and the justifications submitted from Ronald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, NW., Room 9305, Washington, D.C. 20573, telephone number (202) 523-5326.

Comments may be submitted to the Agency Clearance Officer and Jim Hedlund, Desk Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3228, Washington, D.C. 20503, telephone number (202) 395-7340. All comments should be submitted on or before August 3, 1982.

Summary of Item Submitted for OMB Review

46 CFR 536—Publishing and Filing of Tariffs by Common Carriers by Water in the Foreign Commerce of the U.S.—Currency Adjustment Factors. (Docket 82-36)

The proposed rule prescribes the form and manner in which ocean carriers may file currency adjustment factors in their tariffs to offset fluctuations in currencies. The proposed rulemaking is intended to require a carrier, if he chooses to use Currency Adjustment Factors, to file a tariff provision incorporating currency schedules allowing for surcharges and discounts. The Commission estimates that approximately 415 U.S. foreign commerce common carriers will amend at least 3 tariffs each to reflect the currency surcharge provision in their tariffs for a total burden of 9960 man hours. Total estimated annual cost to the Government is $9500.

Francis C. Hurney,

Secretary.

[FR Doc. 82-19477 Filed 7-16-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than date indicated on the application.

A. **Federal Reserve Bank of New York.** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation,* New York, New York (consumer finance, sales finance, and credit insurance activities; California): To engage through a *de novo* office of its indirect subsidiary, Finance One of California, Inc., in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as could be made or acquired by a finance company under California law; servicing such loans and other extensions of credit; and offering credit-related life insurance; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit secured by real and personal property, and offering credit-related single and joint life insurance and decreasing or level term (in the case of single payment loans) life insurance, directly related to extensions of credit made or acquired by Finance One of California, Inc., by licensed agents or brokers to the extent permissible under applicable state insurance laws and regulations. This office will be located in Walnut Creek, California, serving Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Butte, Glenn, Lake, Colusa, Sutter, Yuba, Sierra, Nevada, Placer, Sonoma, Napa, Yolo, El Dorado, Marin, Sacramento, Amador, San Francisco, Contra Costa, San Joaquin,

San Mateo, Alameda, Calavaras, Alpine, Mono, Solano, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties, California. Comments on this application must be received not later than August 12, 1982.

Board of Governors of the Federal Reserve System, July 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19429 Filed 7-16-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Harleysville National Corporation* Harleysville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Harleysville National Bank and Trust Company, Harleysville, Pennsylvania. Comments on this application must be received not later than August 12, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Bank Holding Company,* Treasure Island, Florida; to become a bank holding company by acquiring 80 percents of the voting shares of First Bank of Pinellas County, Treasure Island, Florida. Comments on this application must be received not later than August 12, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *HNB Corporation,* Huntsville, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of the successor by merger to Huntsville National Bank, Huntsville, Texas. Comments on this application must be received not later than August 12, 1982.

Board of Governors of the Federal Reserve System, July 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19430 Filed 7-16-82; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of May 18, 1982

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 18, 1982.[1]

The information reviewed at this meeting suggests that real GNP will change little in the current quarter after the appreciable further decline in the first quarter, as business inventory liquidation moderates from last quarter's extraordinary rate. In April the nominal value of retail sales expanded, while industrial production and nonfarm payroll employment continued to decline. The unemployment rate rose 0.4 percentage point to 9.4 percent. Although housing starts edged up in March for the fifth consecutive month, they remained at a depressed level. The rate of increase in prices on the average appears to be slowing somewhat further in the current quarter; so far this year both the consumer price index and the producer price index for finished goods have risen little on balance, and the advance in the index of average hourly earnings has remained at a reduced pace.

The weighted average value of the dollar against major foreign currencies, after rising somewhat further in early April, has fallen sharply over the past month, reflecting in part a decline in U.S. interest rates relative to foreign rates and market expectations of further declines. The U.S. foreign trade deficit in the first quarter was one-third less than in the preceding quarter.

M1 increased sharply in April, but the expansion was concentrated in the first half of the month and was largely retraced later. Growth of M2 moderated somewhat, owing to a slackening of the expansion in the nontransaction component. Short-term market interest rates and bond yields on balance have declined since the end of March, and mortgage interest rates have edged down further.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee agreed that its objectives would be furthered by growth of M1, M2, and M3 from the fourth quarter of 1981 to the fourth quarter of 1982 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent.

In the short run, the Committee seeks behavior of reserve aggregates consistent with growth of M1 and M2 from March to June at annual rates of about 3 percent and 8 percent respectively. The Committee also noted that deviations from these targets should be evaluated in light of changes in the relative importance of NOW accounts as a savings vehicle. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 10 to 15 percent.

By order of the Federal Open Market Committee, July 13, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-19431 Filed 7-16-82; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of May 18, 1982, is filed as part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Montana; Transfer of Federally Owned Lands

July 7, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On March 2, 1982, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 93.599 dated January 2, 1975 (88 Stat.

1954), the below-described property was transferred by the Administrator of the General Services Administration to the Secretary of the Interior without reimbursement, to be held in trust by the United States for the benefit and use of the Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Montana:

Tract 2

All that part of the NW¼NW¼ of Section 23, T 27 N., R. 42 E., Montana Meridian, lying between two lines parallel to and distant, respectively, 50 feet northwesterly and 135 feet southeasterly from the following described center line: Beginning at a poing in the north line of the NW¼NW¼ of Section 23, distant easterly 220.3 feet from the NW section corner; thence southwesterly along a stright line, a distance of 278.6 feet to a point in the west line of the NW¼NW¼, Section 23, making an angle of 52 degrees, 13 minutes, distant southerly 170.8 feet from the NW section corner thereof, containing 1.56 acres more or less, being a right-of-way through and across Indian Allotment 1320, Fort Peck Indian Reservation.

Tract 2A

All that part of the NE¼NE¼ of Section 22, T 27 N., R. 42 E., Montana Meridian, lying between two lines parallel to and distant, respectively, 50 feet northwesterly and 135 feet southerly from the following center line: Beginning at a point in the east line of the NE¼NE¼ of Section 22, distant southerly 170.8 feet from the NE¼ corner thereof; thence southwesterly along a stright line, making an angle of 52 degrees, 13 minutes, with said line, a distant of 1366.6 feet to a point of curve, thence southwesterly along a curve to the left, having a radius of 955.366 feet, a distance of 247.1 feet to a point of tangent, thence southwesterly along a straight line, a distance of 117.1 feet to a point in the west line of said NE¼NE¼ of Section 22, distant southerly 1279.6 feet from the northwest corner thereof, containing 7.37 acres more or less, being a right-of-way through and across Indian Allotment No. 1322, Fort Peck Indian Reservation.

Tract 27

Lots 3, 4, 5, 6, and 7, Block 8
Lots 4 and 5, Block 9
Townsite of Milk River, Valley County, Montana, containing 7,000 sq. ft. each, total 49,000 sq. ft.

Tract 28

Lots 1, Block 8
Townsite of Milk River, Valley County, Montana, containing 7,000 sq. ft.

Tract 29

Lots 8, Block 9
Townsite of Milk River, Valley County, Montana, containing 7,000 sq. ft.

Tract 30

Lots 6, Block 9
Townsite of Milk River, Valley County, Montana, containing 7,000 sq. ft.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Assiniboine and Sioux Tribes. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

Kenneth Smith

Assistant Secretary—Indian Affairs.

[FR Doc. 82-19481 Filed 7-16-82; 8:45 am]

BILLING CODE 4310-02-M

Proposed Sanitary Landfill Project on Port Gamble Klallam Indian Reservation, Washington; Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings

July 6, 1982.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Intent.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs intends to have prepared and to issue an Environmental Impact Statement (EIS) on a lease (25 CFR Part 131) of part of the Port Gamble Klallam Indian Reservation in Washington for use as a sanitary landfill. This notice is being published as required by the National Environmental Policy Act (NEPA) regulations (40 CFR 1501.7) to obtain information and comments from other agencies and the public on the scope of issues to be addressed in the EIS. Participation in this scoping process by all interested parties is solicited. Public scoping meetings will be held.

DATES: Two public scoping meetings will be held on August 11, 1982 at the Klallam Tribal Community Center on Little Boston Road, within the Klallam Indian Reservation. These meetings will commence at 2 p.m. and 7 p.m. The meeting location is approximately 7 miles northwest of Kingston, Kitsap County, Washington; Little Boston Road may be reached from the Hansville Road. In accordance with the Council on Environmental Quality Regulations for implementing procedural provisions of the National Environmental Policy Act (40 CFR 1501.7, 1506.6), the purpose of these meetings will be to determine the scope of issues to be addressed in the EIS and to identify significant issues related to the proposed action. Comments may be presented orally or in writing at the public scoping meetings. Written comments to supplement or in lieu of oral presentations should be received by September 1, 1982 to be included in the scoping record.

ADDRESSES: Comments should be addressed to: Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Bob Taylor, Environmental Coordinator, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, Telephone: (503) 231-2208, (FTS) 429-2208.

SUPPLEMENTARY INFORMATION: The Port Gamble Klallam Tribe proposes to negotiate a lease agreement providing for the use of approximately 40 acres of reservation lands as a sanitary landfill facility. The Tribe's purpose in proposing this project is to diversify from the existing, limited economic base of fishing and timber production and provide additional economic development opportunity for the Tribe. Review and approval of the negotiated lease agreement by the Bureau of Indian Affairs will be required.

The basic design concept for the proposed sanitary landfill project is the compaction and baling (with an impermeable cover) of solid wastes before their transport or emplacement in the landfill. This concept will provided ease of handling, result in significant (5-to-1 or greater) volume reduction, minimize the loss of windblown wastes, and minimize infiltration of water into the wastes and resulting leachate production. Only nontoxic, nonhazardous wastes will be accepted in the landfill.

The primary identified user and leasee of the proposed sanitary landfill would be Marine Disposal Corporation, which collects commercial solid wastes in the Seattle area. The waste stream from this source is estimated at 1,000 tons per day; at the rate, the 40-acre landfill site would have an estimated lifetime of 10 years. Compaction and baling of solid wastes will be done by Marine Disposal Corporation in Seattle. The bales, approximately 3' x 3' x 4' in size and 2,500 pounds, will be transported across Puget Sound by barge to Port Gamble Bay.

The Port Gamble Klallam Tribe's proposed project includes a timber pile dock approximately 500' long in Port Gamble Bay to receive baled wastes, an electrically-powered tramway system to carry bales over the shoreline bluff to an evaluation of about 120', a staging area where bales will be transferred to flatbed trucks, and a haul road (located entirely within reservation lands) of about 2 miles to the landfill site which will be dedicated to project use.

The landfill site is located in the northeast corner of the reservation, a little more than ½ mile inland from Hood Canal, in an area that was logged in about 1977. The site has a maximum existing elevation of more than 320', with over 100' of topographic variation.

Portions of the site are located in both the Little Boston Creek and North Creek drainages, which empty into Port Gamble Bay and Hood Canal. Excavation of approximately 1.9 million cubic yards of soils would be required for cover material. The excess materials would be available for sale or local fill.

The landfill would be developed in sequential cells over its lifetime. Operations would include the emplacement of daily lifts of solid waste bales and covering with soil at the end of each day. The preliminary landfill design does not include either a constructed liner or a leachate control system.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and the Department of Interior procedures (516 DMI–6) for compliance with those regulations.

We estimate that a draft EIS will be made available to the public about November 30, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

Wilford G. Bowker,

Acting Area Director.

[FR Doc. 82-19476 Filed 7-16-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Notice of Filing Period for Good Neighbor Program Applications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Period for Filing Applications Under the Good Neighbor Program.

SUMMARY: In February 1981, the Secretary of the Interior initiated a "Good Neighbor Program," designed to make public lands available for a wide range of recreation and public purposes. The Secretary invited the Western Governors to identify Federal lands needed for community expansion or other public purposes. Since that time, 361 requests have been filed with the Bureau of Land Management for public lands located almost entirely in the 10 Western States. Approximately 12,700 acres of public lands have been sold or leased since the initiation of the program.

The issuance of Executive Order No. 12348 on February 25, 1982, by the President, dealing with "Federal Real Property" management dictates that the "Good Neighbor" and "Federal Real Property" programs be viewed as part of a combined effort to dispose of unneeded Federal property in a manner that would provide added revenue as a means to help reduce the National debt.

Bureau of Land Management State Offices are not in the process of notifying the remaining requestors that they have until September 1, 1982, to formalize their requests into formal applications. Requests of record, and not formalized into applications by September 1, 1982, will not be given further consideration.

DATE: Applications for public lands, administered by the Bureau of Land Management, must be filed by September 1, 1982.

ADDRESS: Applications should be filed with the Bureau of Land Management State Office having jurisdiction over the lands covered by requests.

FOR FURTHER INFORMATION CONTACT: Bill Krech, (202) 343–8693

Dated: July 9, 1982.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 82-19466 Filed 7-16-82; 8:45 am]

BILLING CODE 4310-84-M

[AA-37846]

Alaska Native Claims Selection

Correction

In FR Doc 82–17885 appearing at page 28807, in the issue of Thursday, July 1, 1982 make the following corrections:

On page 28807, second column, sixth line beneath the heading, application "AA–6706–F" should read "AA–6707–F".

On page 28808, first column, seventeenth line of the second complete paragraph, "265,000, 176" should read "265,000.176".

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 9, 1982. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 3, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

GEORGIA

Elbert County

Elberton, *Elberton Residential Historic District,* Roughly bounded by Elbert, Oliver, Adams, Thomas, Edwards, and Heard Sts.

Habersham County

Clarkesville, *Asbury Henry House (Clarkesville MRA),* 211 E. Waters St.
Clarkesville, *Baron-York Building (Clarkesville MRA),* 714 N. Washington St.
Clarkesville, *Church Cornelius House (Clarkesville MRA),* 304 N. Washington St.
Clarkesville, *Church Furniture Store (Clarkesville MRA),* N. Washington St.
Clarkesville, *Clarkesville Garage (Clarkesville MRA),* 304 N. Washington St.
Clarkesville, *Daes Chapel Methodist Church (Clarkesville MRA),* N. Washington St.
Clarkesville, *Furr-Lambert House (Clarkesville MRA),* 223 Grant St.
Clarkesville, *Griggs-Erwin House (Clarkesville MRA),* Bridge St.
Clarkesville, *Hill A. P. House (Clarkesville MRA),* N. Washington St.
Clarkesville, *Jackson Pharmacy (Clarkesville MRA),* 712 N. Washington St.
Clarkesville, *Lewis J. A. House (Clarkesville MRA),* N. Washington St.
Clarkesville, *Market Building (Clarkesville MRA),* N. Washington St.
Clarkesville, *Martin Building (Clarkesville MRA),* 802–808 Washington St.
Clarkesville, *Mauldin House (Little Pink Cottage) (Clarkesville MRA),* 102 E. Water St.
Clarkesville, *McMillan Robert House (Clarkesville MRA),* Allen Lane
Clarkesville, *McMillan-Garrison House (Clarkesville MRA),* 403 S. Washington St.
Clarkesville, *Porter-York House (Clarkesville MRA),* Bridge St.
Clarkesville, *Reeves Building (Clarkesville MRA),* N. Washington St.
Clarkesville, *South Washington Street Historic District (Clarkesville MRA),* S. Washington St. between Laurel Dr. and Spring St.
Clarkesville, *Washington-Jefferson Street Historic District (Clarkesville MRA),* Washington, Jefferson, and Wilson Sts. between Green St. and Laurel Dr.

Twiggs County

Jeffersonville vicinity, *Chapman John Plantation, S.E. of Jeffersonville on GA 96*

LOUISIANA

Ascensiôn Parish

Donaldsonville, *Landry Tomb,* Ascension Catholic Church Cemetery, St. Vincent and Claiborne Sts.
Donaldsonville, *Lemann Store,* 314 Mississippi St.

Avoyelles Parish

Marksville, *Joffrion House,* 605 N. Monroe

Bossier Parish

Elm Grove vicinity, *Cashpoint Plantation House*, N. of Elm Grove off LA 71

Iberville Parish

Rosedale, *Church of the Nativity*, Laurel St.

Orleans Parish

New Orleans, *Orpheum Theatre*, 125–129 University Pl.

St. Landry Parish

Grand Coteau, *Burleigh House*, Burleigh Lane
Washington vicinity, *Arlington Plantation House*, N. of Washington off LA 103

St. Mary Parish

Baldwin, *Darby House*, 102 Main St.
Baldwin, *Tillandsia*, 202 Charenton Rd.
Centerville, *Cary Joshua B. House*, US 90 and LA 317

St. Tammany Parish

Covington, *Frederick House*, 238 Vermont St.

Tangipahoa Parish

Tangipahoa, *Green Shutters*, Franklin St.

Tensas Parish

Waterproff vicinity, *Burn The*, N. of Waterproof off LA 65

Terrebonne Parish

Houma, *Wesley House*, 1210 E. Main St.

Washington Parish

Angie vicinity, *Magee Robert D. House*, W. of Angie off SR 438

Winn Parish

Winnifield, *Long George Parker House*, 1401 Maple St.

MASSACHUSETTS

Berkshire County

Becket, *Becket Center Historic District*, MA 8, Hamilton and YMCA Rds.

Hampden County

Westfield, *Landlord Fowler Tavern*, 171 Main St.

Hampshire County

Northampton, *Grove Hill Mansion (Dimock Estate)*, Florence Rd. and Front St.

Middlesex County

Billerica, *Manning Manse*, 56 Chelmford Rd.
Lowell, *Allen House*, 57 Rolf St.
Lowell, *South Common Historic District*, Roughly bounded by Summer, Gorham, Horndike, and Highland St.
Lowell, *Wamesit Canal-Whipple Mill Industrial Complex*, 576 Lawrence St.
Lowell, *Washington Square Historic District*, Roughly bounded by Merrimack, Park, Andover, Oak, Harrison, and Willow Sts.

MICHIGAN

Hill dale County

Hillsdale, *Hillsdale County Courthouse*, Howell St.

Muskegon County

Muskegon, *Muskegon YMCA Building*, 297 Clay Ave., W.

NEW HAMPSHIRE

Belknap County

Gilford, *Kimball Castle (The Broads)*, Locke's Hill Rd.
Tilton, *Tilton Charles E. Mansion*, School St.

Carroll County

North Conway, *Eastern Slope Inn (Hotel Randall)*, Main St.

Cheshire County

Jaffrey vicinity, *Jaffrey Mills (Stone Brothers and Curtis (White Brothers) Mill)*, 41 Main St.

Hillsborough County

Amherst, *Amherst Village Historic District*, Roughly bounded by Mack Hill, Old Manchester, Court House, Amherst, Davis, Foundry, and Boston, Post Rds.
Manchester, *New Hampshire State Union Armory*, 60 Pleasant St.
Manchester, *Thorpe T. L. Building*, 19 Traction St.
Milford, *Milford Cotton and Woolen Manufacturing Company*, 2 Bridge St.

Merrimack County

Concord, *Chamberlin House, 44 Pleasant St.*
Franklin, *Franklin Falls Historic District*, Roughly bounded by Bow, River, Schoot, Aylers Sts., and the Winnipesaukee River.

Rockingham County

East Derry, *East Derry Historic District (The Upper Village)*, Rougly bounded by Hampstead, Lane, and Cemetery Rds.

NEW YORK

Chenango County

New Berlin, *New Berlin Historic District*, Academy, Cushman, Genesee, Main and Railroad Sts. [includes both sides]

Dutches and Columbia County

Pine Plains vicinity, *Melius-Bentley House*, N. of Pine Plains on Mr. Ross Rd.

Monroe County

Rochester, *Times Square Building*, 45 Exchange St.

Montgomery County

Fonda vicinity, *County Farm (Montgomery County Buildings TR)*, SW of Fonda on NY 5 Fonda vicinity, *New Courthouse (Montgomery County Buildings TR)*, Broadway and Court Sts.
Fonda vicinity, *Old Courthouse Complex (Montgomery County Buildings TR)*, Broadway, Railroad, and Park Sts.

New York County

New York, *Apartment Buildings at 131–135 E. 66th St. and 130–134 E. 67th St.*, 131–135 E. 66th St, 130–134 E. 67th St.
New York, *Astor Row Houses*, 8–62 W. 130th St.

Warren County

Hague vicinity, *Grace Memorial Union Chapel*, S. of Hague on Sabbath Day Point Rd.

SOUTH CAROLINA

Georgetown County

Minim Island Shell Midden (38GE46),

TEXAS

Bexar County

San Antonio, *Central Trust Company Building*, 603 Navarro St

Denton County

Denton vicinity, *Cranston Site (41DN16) (19th-Century Pottery Kilns of Denton Co. TR)*, S. of Denton off FM 2181
Denton vicinity, *Lambert J. C. Site (41DN74) (19-Century Pottery Kilns of Denton Co. TR)*, S.E. of Denton off FM 2181
Denton vicinity, *Roark-Griffith Site (41DN18) (19th-Century Pottery Kilns of Denton Co. TR)*, S. of Denton off US 380
Denton vicinity, *Serren A. H. Site (41DN75) (19th-Century Pottery Kilns of Denton Co. TR)*, S. of Denton off FM 2181
Denton vicinity, *Wilson-Donaldson Site (41DN19) (19th-Century Pottery Kilns of Denton Co. TR)*, S. of Denton off FM 2181

Harris County

Houston, *State National Bank Building*, 412 Main St.

Jeff Davis County

Fort Davis, *Grierson-Sproul House*, Court Ave.

Kerr County

Kerrville vicinity, *Tulahteka*, S of Kerrville on TX 16

Pecos County

Sheffield vicinity, *Canon Ranch Archeological District*, NW of Sheffield on I–10

Robertson County

Hearne, *Allen, Robert C. House*, 402 Cedar St.

Travis County

Austin, *Long Hog Hollow Archeological District*, Off US 183

Walker County

Huntsville, *Thomason, John W. House*, 1207 Avenue J

UTAH

Carbon County

Price, *Star Theatre*, 20 E. Main St.

VERMONT

Windham County

Bellows Falls, *Bellows Falls Downtown Historic District*, Depot, Canal, Rockingham, Bridge, Mill and Westminster Sts.

[FR Doc. 82–19511 Filed 7–16–82; 8:45 am]

BILLING CODE 4310–70–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the West Cameron Block 17 Federal Unit Agreement No. 14–08–001–8927, submitted on July 8, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the West Cameron Block 17 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 12, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 19482 Filed 7–16–82; 8:45 am]

BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

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–79029. By decision of June 30, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to KLEYSEN TRANSPORT, LTD., of Certificate No. MC–140943 (Sub-No. 11)X, issued to CHEYENNE ROAD TRANSPORT, LTD., which authorizes the transportation of *fertilizer, feed and feed ingredients, lumber and wood products, and soybean meal,* between ports of entry on the international boundary line between the U.S. and Canada located in MT, ID, ND, and WA, on the one hand, and, on the other, specified points in the U.S.; and Certificate No. MC–140943 (Sub-No. 9), issued to K. T. S. TRANSPORT, LTD., which authorizes the transportation of *Mercer commodities,* between points in MT, WA and WY, on the one hand, and, on the other, points along the international boundary line between the U.S. and Canada, adjacent to WA, ID, and MT. Representative: Grant Merritt, 4444 IDS Center, 80 South Eight Street, Minneapolis, MN 55402.

Note.—By decision of March 5, 1981, published in the **Federal Register** issue of May 12, 1981, Cheyenne was authorized to transfer its then outstanding certificates to Kleysen.

MC–FC–79880. By decision of June 30, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TRICO EQUIPMENT INCORPORATED Of Ahoskic, NC of Permit No. MC–155016 issued to BRANDON CLEMENTS d.b.a. BRANDON CLEMENTS TRUCKING CO. of Waverly, VA authorizing the transportation of (1) *building materials;* and (2) *lumber and wood products,* between points in the United States, under continuing contract(s) with Commonwealth Wood Preservers, Inc. of Newport News VA. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. TA lease is sought. Transferee is a carrier.

MC–FC–79870. By decision of July 1, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DRIFTER TRUCKING, INC. of Owensville, MO, of a portion of Certificate MC–145734 (Sub-No. 25) issued to T. F. S., INC. of Grand Island, NE, authorizing the transportation of animal and poultry feed and inedible frozen meat (with exceptions), from Kansas City and St. Joseph, MO to points in CA, WA, and OR. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transferee holds no authority. TA lease is not sought.

MC–FC–79888. By decision of June 29, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Learco, Inc., of Holyoke, MA of Certificate No. MC–154909 issued to MPDS, INC. of N. Grafton, MA, authorizing: (1) for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle

in which no one package exceeds 100 pounds, between points in the United States. Applicant's representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. TA lease is not sought. Transferee is not a carrier.

MC–FC–79889. By decision of June 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LEGAN BUS LINE, LTD., of Certificate No. MC–145524 (Sub-No. 1) issued to ROCKY MOUNTAIN TRANSPORTATION. INC., authorizing the transportation (A) over regular routes of *passengers and their baggage,* and express, and newspapers in the same vehicle with passengers, (1) between Great Falls and East Glacier, MT, and (2) between Valier, MT and junction U.S. Hwy 89 and MT Hwy 44, serving all intermediate points and serving the junction of U.S. Hwy 89 and MT Hwy 44 for the purpose of joinder only; and (B) over irregular routes, of *passengers and their baggage,* in charter and special operations, between points in Cascade, Toole, Pondera, and Teton Counties, MT on the one hand, and, on the other, points in CA, ID, MT, NV, ND, OR, SD, UT, WA and WY. Applicants' representative: Owen B. Katzman, 1828 L Street, N.W. Suite 1111, Washington, DC 20036.

Note(s)—(1) Application for temporary authority has been filed. (2) Transferee is a motor carrier.

MC–FC–79895. By decision of June 30, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to A.M. COX d.b.a. AMCO TRANSPORTATION of Certificate No. MC–152137 (Sub-1) issued to A. M. Cox and James Conner d.b.a. AMCO Transportation authorizing: over irregular routes, Machinery, between points in Pulaski County, AR, and points in LA, MS, NM, OK and TX. Applicant's representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103. TA lease is not sought. Transferee is not a carrier.

MC–FC–79896. By decision of June 30 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to OTTO L VEGLIO, JR. of Permit No. MC–124625 issued to Earl O'Brien, d.b.a. ACADEMY LIMOUSINE SERVICE authorizing the transportation of *passengers and their baggage,* limited to the transportation of not more than seven passengers in any one vehicle but not including the driver, between Stratford, CT, on the one hand, and, on the other, points in NY, NJ, MA and RI under a continuing contract(s) with Sikorsky Aircraft Division of United Aircraft. Applicants' representative: Catherine C. Brannelly, 1115 Main Street, Bridgeport, CT 06604.

Note(s).— Transferee is a non-carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19453 Filed 7–16–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 279]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 9, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

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 21694 (Sub-5)X, filed June 7, 1982. Applicant: GERARD EXPRESS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: Edward L. Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Lead and Sub 4F: (1) Broaden (a) electrical equipment and supplies used in repairing electrical equipment to "machinery and supplies used in repairing machinery" in the lead, and (b) plastic granules (except in bulk, in tank vehicles) to "chemicals and related products" in Sub 4F; and (2) change Newark, NJ to Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union Counties, NJ and Bronx, Kings, New York, Queens, and Richmond Counties, NY; Bangor and Bath, ME to Cumberland, Penobscot and Sagadahoc Counties, ME; Annapolis, Baltimore, Elkton and Sparrows Point, MD to Anne Arundel and Cecil Counties and Baltimore, MD; Brattleboro, Burlington, Marlboro and Fair Haven, VT to Cheshire, Chittenden, Windham and Rutland Counties, VT; Miles, Quantico, and University, VA to Mathews, Prince William, and Stafford Counties, Cabell, Harrison, Kanawha, Marion, Ohio, Wayne Counties, WV and Belmont and Lawrence Counties, OH for Charleston, Clarksburg, Huntington, Riversville, Waynesboro and Wheeling, WV; Claremont, Concord, Nashua and Portsmouth to Sullivan, Merrimack, Hillsborough and Rockingham Counties, NH; Hillside to Bergen County, NJ; and Allegheny, Beaver, Butler, Washington and Westmoreland Counties, PA for Pittsburgh, PA in the lead; and Bergen, Essex, and Hudson Counties, NJ and Bronx, New York, and Queens Counties, NY for North Bergen, NJ; Caroline and Dorchester Counties, MD for Federalsburg, MD; and Lackawanna and Wayne Counties, PA for Carbondale, PA.

MC 67646 (Sub-106)X, filed November 16, 1981 and previously noticed in **Federal Register** of December 24, 1981, republished as corrected, this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). No. MC–43421 and Sub-Nos. 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 55, 56, 59F, 61F, 62F, 63 and 67F certificates, acquired in MC–F–14490F, broaden and remove restrictions as previously published and, in addition, expand to counties the following points,

all formerly intermediate points on regular routes, now rendered off-route points because of relocation combined in some instances with abandonment of segments of the designated highways: lead, Kane, Kendall, DuPage, and Will Counties, IL (Aurora, IL, US Hwy 30); Livingstone County, IL (Pontaic, IL, US Hwy 66); DeKalb and LaSalle Counties, IL (Leland, IL, US Hwy 34); Berrien County, MI (Niles, MI, US Hwy 112); Van Wert County, OH (Van Wert, OH, US Hwy 30); Bond County, IL (Greenville, IL, US Hwy 40); Sub-No. 37, Berkshire County, MA (Lenox, MA, US Hwy 20); Sub-No. 67, Phelps County, MO (St. James, MO, US Hwy 66); Pulaski County, MO (Wayneville, MO, US Hwy 66); Laclede, Webster, and Dallas Counties, MO (Conway, MO, US Hwy 66); Bryan County, OK (Colbert, OK, US Hwy 69); Collin County, TX (McKinney, TX, US Hwy 69); Henry County, IA (Mt. Pleasant, IA, US Hwy 218); Johnson County, IA (North Liberty, IA, US Hwy 218); Johnson and Linn Counties, IA (Shueyville, IA, US Hwy 218); and Tama County, IA (Montour, IA US Hwy 30). The purpose of this republication is to reflect the Restriction Removal Board's reappraisal of its position with respect to noticing the proposed expansions, previously rejected by the board.

MC 113622 (Sub-20)X, filed June 21, 1982. Applicant: SAMPSON HAULING CORP., P.O. Box #95, Pavilion, NY 14525. Representative: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701. Lead and Subs 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 and 19 certificates: (1) broaden the commodity descriptions (a) from sand, gravel and bituminous road building materials in lead, from sand, gravel and crushed stone in Sub 4; from sand in Sub 6; from sand and gravel in Subs 7, 15 and 16; from such road and construction materials and may be transported in dump trucks, in bulk, and such bulk commodities as are susceptible of being unloaded by dumping, in dump trucks in Sub 12; from slag in Subs 10 and 16, and from riprap, conglomerate aggregate, sand, gravel and stone in Sub 19 to "commodities in bulk (except petroleum and petroleum products)"; from transit-mix concrete in lead "clay, concrete, glass or stone products"; (c) from front end loaders (tractor shovels) and parts and components thereof in Subs 5, 9, and 11, and from cranes in Sub-No. 14 to "machinery except electrical"; (d) from salt in Subs 12, and 13 to "chemicals or allied products"; and (e) from pepper in Sub-No. 12 to "food and related products"; (2) to remove the restrictions from (a) lead, "in transit-mix trucks"; (b) lead and Sub 12 "in dump trucks", (c) Sub 12 "in containers", "in packages" and "in bulk", (d) Subs 7, 12, 15, 16 and 19 "in dump vehicles", (e) lead "in seasonal operations extending from the 1st day of May to the 15th day of November, inclusive, of each year", (f) Sub 7, 13, and 15 delete facilities limitation, restriction (g) Subs 5, 9 and 14, delete ex-water restrictions; (h) delete interlining restrictions in Subs 11 and 14; (3) replace (a) Machais, NY, and points within ten miles of Machais with "Cattaraugus County, NY", Sub 4; (b) Batavia, NY with "Genesee County, NY", Subs 5, 9, 11, 14; (c) Erie, PA with "Erie County PA", Subs 6 and 10; (d) at or near Alfred Station (Allegany County), NY with "Allegany County, NY," Subs 7 and 15; (e) Buffalo; NY with "Erie County, NY," Subs 9, 11 and 14; (f) Niagara Falls and Lewiston, NY with "Niagara and Erie Counties, NY", Subs 11 and 14; (g) Watkins Glen and Retsof, NY with "Schuyler and Livingston Counties, NY"; Lodlowville and Watkins Glen, NY with "Tompkins and Schuyler Counties, NY"; Retsof, Livingston County, NY with "Livingston County, NY"; and Watkins Glen, NY with "Schuyler County, NY" in Sub-No. 12; (h) Milo, NY with "Yates County, NY" in Sub-No. 13; (i) points in the New York, NY, Harbor Zone with "New York, NY;" (j) Freedom and Yorkshire (Cattaraugus County), NY with "Cattaraugus County, NY," Sub 15; and (k) Machais (Cattaraugus County), NY with "Cattaraugus County, NY," Sub 16; and (4) replace one-way with two-way authority in lead and all subs.

MC 126034 (Sub-8)X, filed April 26, 1982, noticed in **Federal Register** June 10, 1982, republished to notice the following omission: Applicant: McHUGH BROTHERS HEAVY HAULING, INC., P.O. Box 196, Penndel, PA 19047. Representative: E. Stephen Heisley, 1919 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006. Sub-No. 7: broaden to "points in Atlantic, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Warren Counties, NJ, and points in Philadelphia, Montgomery, and Bucks Counties, PA" from points in Pennsylvania and New Jersey that are within a 40 mile radius of Philadelphia, PA, and are on and north of a line beginning near Toms River, NJ, over named highways to the junction of Pennsylvania Hwy 32 at the Delaware River.

MC 142923 (Sub-2)X, filed June 24, 1982. Applicant: FLASH EXPRESS CO., INC., 29 Vanderburg Road, P.O. Box 181, Marlboro, NJ 07746. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Sub 1 permit, broaden the territorial description to between points in the U.S.

MC 144693 (Sub-16)X, filed June 18, 1982. Applicant: GLENN'S TRUCK SERVICE, INC., 3812 N. 21st, St. Louis, MO 63107. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Subs- 2F, 3, 4F, 8, and 10X: (1) Broaden (a) paper and paper products to "pulp, paper and related products" in Subs- 2F, 3, and 4F; (b) woodburning stoves to "machinery and metal products" in Sub-8; and (c) foodstuffs and materials, equipment and supplies to "food and related products" in Sub-10X; (2) change one-way to radial authority; (3) replace St. Genevieve County, MO and Randolph County, IL, for St. Genevieve, MO; Christian County, IL, for Taylorville, IL; and Jefferson, St. Louis, and St. Charles Counties, MO, St. Louis MO, and Madison, Saint Clair, and Monroe Counties, IL, for St. Louis MO in Sub-No. 2F; Hamilton County, OH and Boone, Kenton, and Campbell Counties, KY, for Cincinnati, OH; Lake and Porter Counties, IN, for Gary, IN; and Kalamazoo County, MI, for Kalamazoo, MI in Sub-No. 3; Des Moines County, IA and Henderson County, IL, for Burlington, IA; and Will County, IL, for Lockport, IL in Sub-No. 4F; and Kankakee County, IL, for Bradley, IL, and (4) remove the originating at restriction in Subs 2F and 4F.

MC 146944 (Sub-5)X, filed July 7, 1982. Applicant: LYKES TRANSPORT, INC., P.O. Box 97, Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. Broaden territory in Sub-3 Permit to "between points in the United States" under contract(s) with named shipper.

[FR Doc. 82-19452 Filed 7-16-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to

comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–119

Decided: July 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148151 (Sub-7), filed May 24, 1982, previously filed in the fiscal year on June 11, 1982. Applicant: RAY BELLEW & SONS, INC., 7810 Almeda Genoa Rd., Houston, TX 77075. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713)–437–1768. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI); and (2) transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI); (b) *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in the U.S. (except AK and HI); (c) *used household goods*, for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI); and (d) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, between points in the U.S. (except AK and HI).

Note.—This republication corrects the docket number and commodity description.

MC 148151 (Sub-8), filed July 1, 1982. Applicant: RAY BELLEW & SONS, INC., 7810 Almeda Genoa Road, Houston, TX 77075. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161210 (Sub-1), filed June 29, 1982. Applicant: J–R TRANSPORTATION SERVICES, INC., RD #6, Box 385, Hammonton, NJ 08037. Representative: Ray DeSimone (same address as applicant), (609) 561–9257. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 162600, filed June 21, 1982. Applicant: VIRGO DISTRIBUTING CORP., 860 North Ave. East, Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 162711, filed June 28, 1982. Applicant: ROBERT J. STAUFFER, d.b.a. STAUFFER TRANSPORTATION & AGENCY, P.O. Box 4145, Ontario, CA 91761. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 162740, filed June 30, 1982. Applicant: BERT T. JOHNSON, d.b.a. CROSS COUNTRY HOT SHOT, P.O. Box 853, Channelview, TX 77530. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI); and (2) transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI); (b) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (c) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI); and (d) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162780, filed July 1, 1982. Applicant: BRUCE BAGETTE, d.b.a. WHITE HAT TRUCKING, Route 1, Warren, AR 71671. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841 (617), 657–6071. Transporting *food and other edible products and by products intended for*

human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2-150

Decided: July 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 11592 (Sub-36), filed June 29, 1982. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365 Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036, 202-223-5900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Camp Dodge and Johnston, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 142712 (Sub-1), filed June 28, 1982. Applicant: JERRY PAUL, d.b.a. JERRY PAUL TRUCKING, 611 Main St., Clovis, NM 88101. Representative: Thomas F. Sedberry, 2600 Austin National Bank Tower, Austin, TX 78701, 512-472-8355. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and ammunitions), between points in the U.S. (except AK and HI).

MC 145633 (Sub-3), filed June 28, 1982. Applicant: MAKI INTERNATIONAL, INC., P.O. Box 13049, Port Everglades Station, Fort Lauderdale, FL 33316. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, 305-434-7621. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L Mergenovich,

Secretary.

[FR Doc. 82-19456 Filed 7-16-82; 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

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 162793 (Sub-1-1TA), filed July 2, 1982. Applicant: ALL POINTS BROKERS, INC., 3445 Patterson Plank Road, North Bergen, NJ 07047. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415. *Contract carrier:* irregular routes: *Kerosene heaters and related parts and accessories* (1) between Bethel and Brookfield, CT, on the one hand, and, on the other, points in DC, DE, ME, NC, NH, NJ, NY, PA, RI, VA and VT; and (2) between Chesapeake, VA, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, NJ, NY, PA, SC and WV under continuing contract(s) with Kero-Sun, Inc., Kent, CT. Supporting shipper: Kero-Sun, Incorporated, P.O. Box 549, Kent, CT 06757.

MC 162793 (Sub-1-2TA), filed July 9, 1982. Applicant: RICHARD G. BOLIO, JR., R. D. 1, Box 113, East Hardwick, VT 05836. Representative: Richard G. Bolio, Jr. (Same as applicant). *Contract carrier:* irregular routes: *Petroleum products, in bulk in tank vehicles* from East Hardwick, VT, to points in NY, ME, MA, and NH, under continuing contract(s) with Sweet & Burt, Inc. of Morrisville, VT. Supporting shipper: Sweet & Bunt, Inc., P.O. Box 751, Morrisville, 05661.

MC 162792 (Sub-1-1TA), filed July 2, 1982. Applicant: JOSEPHINE HARTLE, d.b.a. CROWN LIMOUSINE, 62 Roosevelt Drive, Trumbull, CT 06611. Representative: Joseph Hartle, 272 West Ceder Street, Norwalk, CT 06854. *(1) Passengers and their baggage in the same vehicle, in door to door limousine service* from points in CT to points in NY, NJ, MA, RI and return; (2) *Printed matter* from Norwalk, CT to points in MA, RI, NY and NJ. Supporting shipper(s): Domino Printing, 68 Connecticut Ave., Norwork, CT; Stamford Auto Mart, 99 Main Street, Stamford, CT; and Courtney S. Enterprises, Suite 3 B, 325 Strawberry Hill, Norwalk, CT.

MC 63837 (Sub-1-2TA), filed July 2, 1982. Applicant: DIGGINS & ROSS, INC., 3 Sagamore Park Road, Hudson, NH 03051. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier:* irregular routes: *Electrical and electronic equipment and parts, computers, data processing components, and materials and supplies used in the manufacture, processing, distribution, sale and use of such commodities,* between points in the U.S., under a continuing contract(s) with Digital Equipment Corporation, Northboro, MA. Supporting shipper: Digital Equipment Corporation, 450 Whitney Street, Northboro, MA 01532.

MC 37918 (Sub-1-2TA), filed July 6, 1982. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 2 Tippet Road, Downsview, Ontario, CD M3H 5X3. Representative: William J. Hirsch P.C., 64 Niagara Street, Buffalo, NY 14202. *General commodities, (except Classes A and B explosives, household goods and commodities in bulk),* between port of entry on the International Boundary line between the U.S. and CD, located at Rouses Point, NY, on the one hand, and, on the other, Albany, NY. Supporting shipper(s): Can Plast Ltd., 4797 Couture, Montreal, Quebec, CD H1R 3H7; AAF-Ltd., 400 Stinson Blvd., Montreal, Quebec, CD H4N 2G1.

MC 98550 (Sub-1-1TA), filed June 16, 1982. Applicant: HEBDEN & MCKENZIE TRANSPORT, INC., 80 Broad Street, Boston, MA 02110. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *General commodities (except household goods, classes A & B explosives, hazardous material, commodities in bulk and commodities which because of size and weight*

require special equipment), between points in MA, CT, RI, VT, ME, NH, NY, NJ, PA, OH, MD, and DC, under continuing contract(s) with Doliff & Company, Boston, MA. Supporting shipper: Doliff & Company, 80 Broad Street, Boston, MA 02110.

MC 141758 (Sub-1–2TA), filed July 6, 1982. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Metal products* between Waterbury, CT, on the one hand, and, on the other, points and places in OH, MI, PA and MD under continuing contract(s) with Anchor Fasteners, a Division of Buell Industries, Inc. of Waterbury, CT. Supporting shipper: Anchor Fasteners, Division of Buell Industries, Inc., Huntington Avenue, Waterbury, CT.

MC 162009 (Sub-1–1TA), filed July 6, 1982. Applicant: RICHARD F. SCHMIDT, Pricketts Mill Road, R.D. 4, Vincentown, NJ 08088. Representative: Richard F. Schmidt (same as applicant). *Boats, Boat parts and accessories* between points in ME, NH, RI, MA, CT, NY, NJ, PA, DE, VA, NC, SC, GA, FL, DC, MD. Supporting shipper(s): Jade Marine, Inc., Gravely Hollow Road, Medford, NJ 08055; The Jetset, Route 73, Palmyra, NJ 08065.

MC 135203 (Sub-1–1TA), filed July 2, 1982. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Chemicals and allied products* between points in the U.S. (except AK and HI) under continuing contract(s) with Synray Corporation, Kenilworth, NJ. Supporting shipper: Synray Corporation, 209 North Michigan Avenue, Kenilworth, NJ 07033.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 162375 (Sub-2–1TA), filed July 6, 1982. Applicant: BLASTING SUPPLIES CO., INC., 11008 Philadelphia Road, Whitemarsh, MD 21162. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Contract Irregular: Commercial explosives,* from points in Millville, WV to points in MD, PA and VA for 270 days under continuing contract(s) with Nitrochem Energy Corp. of Allentown, PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Nitrochem Energy Corp., 1405 N. Cedarcrest Blvd., Allentown, PA 18104.

MC 128304 (Sub-II–10TA), filed July 6, 1982. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: irregular; commodities in bulk* between Akron, OH, on the one hand, and, on the other, Detroit, MI; Lakeland, FL; Chicago, IL; and Newcastle, PA for 270 days. Supporting shipper: Ohio Pure Foods, Inc., 681 W. Waterloo Rd. Akron, OH 44314.

MC 107012 (Sub-II–227TA), filed July 7, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Steelcase, Inc., Grand Rapids, MI, for 270 days. Supporting shipper: Steelcase, Inc., 1120 36th St., S.E., Grand Rapids, MI 49501.

MC 123091 (Sub-II–3TA), filed July 6, 1982. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Representative: Neal A. Jackson, 1156—15th Street, N.W., Washington, D.C. 20005. *Lumber and plywood* from points in NC, SC, GA, AL, MS, LA and AR to points in IL, IN, MI, OH, KY, PA and NY, for 270 days. Supporting shipper: Jack Rodgers Lumber Sales, Inc., P.O. Box 115, Canfield, OH 44406.

MC 162805 (Sub-II–1TA), filed July 6, 1982. Applicant: WEYER TRUCKING, ROBERT R. WEYER, d.b.a., 14921 McCallum, NE, Alliance, OH 44601. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Contract, irregular. *Such commodities as are used by or dealt in by manufacturers and distributors of industrial insulation* between Alliance, OH, on the one hand, and, on the other, Aurora, IL and points in Pennsylvania under a continuing contract(s) with Fibrex, Inc., of Alliance, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Fibrex, Inc., 21784 Lake Park, Alliance, OH 44601.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Altanta, GA 30309.

MC 162089 (Sub-3–2TA), filed July 6, 1982. Applicant: BODWAY TRUCKING, INC., 7660 Gainesville Avenue, Jacksonville, FL 32208. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract,* irregular; *paper and paper products,* between points in Duval County, FL on the one hand, and, on the other, points in AL, GA, NC, SC and TN under a continuing contract with Alton Packaging Corporation. Supporting shipper: Alton Packaging Corporation, 401 Alton Street, Alton, Illinois 62002.

MC 162814 (Sub-3–1TA), filed July 6, 1982. Applicant: COAL TRANSPORT, INC., P.O. Box 615, Carrie, KY 41725. Representative: Robert M. Murphy, P.O. Box 535, Quincy, MA 02269. *Contract carrier:* irregular routes: *oil country casing, line pipe, pipe supplies, and materials used in oil and gas well drilling* between points in WV, KY, PA, TN, and VA, under continuing contract(s) with supporting shipper: Branchland Pipe & Supply, 4034 Altizer Avenue, Huntington, WV 25705.

MC 115491 (Sub-3–3TA), filed July 7, 1982. Applicant: COMMERCIAL CARRIER CORPORATION, Post Office Drawer 67, Auburndale, FL 33823. Representative: Mr. Tony G. Russell, (Same as above). *Paper or fiberboard boxes, corrugated or other than corrugated.* From Jacksonville, FL to points in AL, GA, MS, NC and SC. Supporting shipper, Alton Packaging Corp., 401 Alton Street, Alton, IL 62002.

MC 115491 (Sub-3–3TA), filed July 7, 1982. Applicant: COMMERCIAL CARRIER CORPORATION, Post Office Drawer 67, Auburndale, FL 33823. Representative: Mr. Tony G. Russell, (Same as above). *Fly ash in bulk in tank vehicles,* from Gainesville, FL to points in GA. Supporting shipper, Monier Resources, Inc., P.O. Box 306, Auburndale, FL 33823.

MC 162812 (Sub-3–1TA), filed July 6, 1982. Applicant: EASTERN CARTAGE COMPANY, 275 Fairway Dr., Ashville, NC 28805. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General commodities (except classes A&B explosives, household goods as defined by the Commission and commodities in bulk),* between Asheville, NC, on the one hand, and, on the other, points in SC, and that part of TN on and east of U.S. Hwy 27 and that part of NC on and west of Interstate Hwy 77, restricted to traffic having a prior or subsequent movement by rail. Supporting shipper(s): National Piggyback, 381 Baxter St., Suite 202, Charlotte, NC 28202.

MC 155013 (Sub-3–8TA), filed July 6, 1982. Applicant: FREIGHTMASTER, INC., P.O. Box 664, Taylorsville, NC 18681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract carrier:* irregular: *Pulp, paper, pulpboard, and related products* between Conover, NC, Nicholasville,

KY, Maplesville, AL, Marengo County, AL, Tuscaloosa, AL and Waco, TX on the one hand, and, on the other, points on and east of the Mississippi River. Under continuing contract(s) with Gulf States Paper Corporation. Supporting Shipper: Gulf States Paper Corporation, P.O. Box 3199, Tuscaloosa, AL 35404.

MC 162813 (Sub-3–1TA), filed July 6, 1982. Applicant: LEHIGH PORTLAND CEMENT CO., d.b.a. LEHIGH TRUCKING, 537 East Lafayette St., Marianna, FL 32446. Representative: Robert R. Brinker, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. *Contract:* Irregular: *Furniture and fixtures,* from Philadelphia, PA, to Ty, Ty, GA, under continuing contract(s) with Continental Specialties of Ty Ty, GA. Supporting shipper: Continental Specialties, 215 Highway 82, Ty Ty, GA 31795.

MC 161969 (Sub-3–1TA), filed July 6, 1982. Applicant: LONDON TOURS, INC., Route 10, Box 741, London, KY 40741. Representative: Dennis P. Bailey, 902 E. 9th Street, London, KY 40741. *Passengers and baggage in special and charter operations* between London, KY; Knoxville and Nashville, TN, and Cincinnati, OH. Supporting shippers: Calvary Baptist Church, McWhorter & Green St., London, KY 40741, and Haymarket Restaurant, D.B. Pkwy. & I–75, London, KY 40741.

MC 162815 (Sub-3–1TA), filed July 6, 1982. Applicant: MORGAN SOUTHERN, INC., 470 E. Paces Ferry Rd., N.E., Suite 2001, Atlanta, GA 30305. Representative: David G. Morgan (same address as applicant). *General commodities (except A&B explosives, commodities in bulk, and hazardous waste)* between points in the U.S. (except AK & HI). There are 14 support statements attached to this application which may be reviewed at the ICC Regional Office, Atlanta, GA.

MC 154942F (Sub-3–2TA), filed July 7, 1982. Applicant: MUSIC CITY TRANSPORT, INC., P.O. Box 100022, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *Furniture and equipment, materials and supplies used in the transportation of furniture,* between Williamson County, TN, on the one hand, and, on the other, points in AL, AR, CO, CT, DC, FL, GA, IA, IL, IN, KY, KS, LA, MA, MD, MI, MN, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TX, UT, VA, WV and WI, under continuing contract(s) with Morning Surf East, Inc., 101 Alpha Drive, Franklin, TN 37064. Supporting shipper: Morning Surf East, Inc., 101 Alpha Drive, Franklin, TN 37064.

MC 162832 (Sub-3–1TA), filed July 7, 1982. Applicant: SOUTHERN REFRIGERATED CARRIERS, INC., 1720 Central Avenue, Memphis, TN 38104. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Contract carrier;* irregular routes; *Meat and meat products* between Rossville, TN, on the one hand, and, on the other, points in AL, AR, GA, KY, MS, MO, NC, SC, and TN under continuing contract(s) with John Morrell & Co., Chicago, IL. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604.

MC 162753 (Sub-3–1TA), filed July 6, 1982. Applicant: TED I. WIGGINS d.b.a. TED'S GARAGE, 8984 Normandy Blvd., Jacksonville FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville FL 32202. *Disabled Motor Vehicles and Trailers and Replacement Motor Vehicles and Trailers* between points in Duval County, FL on the one hand, and, on the other, points in GA. There are eight (8) statements in support of this application which may be examined at the Regional Office of the ICC, Atlanta, GA.

MC 162634 (Sub-3–1TA), filed July 7, 1982. Applicant: UNITED SUPREME TRANSPORTATION, INC., P.O Box 1016, Greer, SC 29651. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Contract;* irregular routes; *(A) Furniture; (B) Office Equipment; (C) Animal Feeds; and materials, equipment and supplies used in the manufacture, sale and distribution of commodities in (A), (B) and (C) above,* between points in the U.S. under continuing contracts with (1) Nicholson Farms of Inman, SC, (2) United Furniture Mfg., Inc., of Greer, SC, and (3) H. M. Hirsch Office Equipment Corp., of Union City, NJ. Supporting shippers: (1) Nicholson Farms, P.O. Box 31, Inman, SC 29349 (2) United Furniture Mfg., Inc., Hwy 14, Greer, SC 29651, and (3) H. M. Hirsch Office Equipment Corp., 119 Peter Street, Union City, NJ 07087.

MC 162865 (Sub-3–1TA), filed July 8, 1982. Applicant: DENNY BROADWAY d.b.a. BROADWAY TOURS, P.O. Box 457, Henderson, TN 38340. Representative: Edwin C. Townsend, Sr., 121 Tennessee Avenue South, Parsons, TN 38363. *Passengers and their baggage in a charter operation* between Chester County, TN and Orange County, FL, San Francisco and San Diego Counties, CA, Carroll County, AR and Harrison County, MS. There are nine (9) supporting shipper's statements which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 162864 (Sub-3–1TA), filed July 6, 1982. Applicant: SOUTHWAY TRUCKING CO., INC., Route 2, Box 243, Vale, NC 28168. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture and parts, materials, and supplies used in the manufacture of new furniture,* from the facilities of Drexel Heritage Furnishings, Inc. in Burke, Cleveland, Davie, Guilford, and McDowell Counties, NC, to points in FL. Supporting shipper: Drexel Heritage Furnishings, Inc., Drexel, NC.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–21TA), filed July 6, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Chrysler Corporation. Supporting Shipper: Chrysler Corporation of Highland Park, MI.

MC 118696 (Sub-4–37TA), filed July 6, 1982. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: *General commodities* (except Classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI). Restricted to traffic moving under continuing contract with ITOFCA, Inc. Supporting shipper: ITOFCA, Inc., 1001 West 31st Street, Downers Grove, IL 60515.

MC 143776 (Sub-4–2TA), filed July 6, 1982. Applicant: C.D.B., INC., 155 Spaulding Avenue, S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, Traffic Manager (same address as applicant). *Paper and related products, plastic products, ink copying machines, supplies used in the manufacture thereof,* between Hamilton, OH, on the one hand, and, on the other, Nashua, NH. An underlying ETA seeks 120-day authority. Supporting shipper: Nashua Corporation, 44 Franklin St., Nashua, New Hamphire 03061.

MC 151813 (Sub-4–1TA), filed July 6, 1982. Applicant: CONERTY-HENIFF TRANSPORT, INC., 4220 West 122nd Street, Alsip, IL 60658. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* Irregular: *Petroleum and related products; Chemicals; and Coal tar products;* between Lemont, IL;

Hammond, IN; Detroit, MI; Cincinnati, OH; and Pittsburgh, PA on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, & TA, under continuing contract with Union Oil Company of California. Supporting shipper: Union Oil Company of California, 1650 East Golf Road, Schaumburg, IL 60196.

MC 152353 (Sub-4–6TA), filed July 1, 1982. Applicant: WM. TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Rubber, metal, steel and steel products* between points in WI on the one hand, and, on the other hand, points in AL, IA, IL, MI, OH, SC and TX. Restriction: restricted to shipments originating or terminating at the facilities owned or used by I. Bahcall Steel & Supply Co. Supporting shipper: I. Bahcall Steel & Supply Co., 975 Meade Street, P.O. Box 1054, Appleton, WI 54912.

MC 152706 (Sub-4–6TA), filed July 6, 1982. Applicant: MIDWEST OIL TRANSIT, INC., Post Office Box 68083, Indianapolis, IN 46268. Representative: Robert B. Hebert, Harrison & Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Asphalt flux from points in Toledo, OH to points in Indianapolis, IN, via irregular routes. Supporting shipper: Asphalt Refining Company, 4902 West 86th Street, Indianapolis, IN 46268.

MC 154491 (Sub-4–2TA), filed July 6, 1982. Applicant: THOMAS R. HAPPERSETT, d.b.a. HAPPERSETT ENTERPRISES, Route 2, Aautoma, WI 54982. Representative: Michael J. Wyngaard, McBurney, Wyngaard & Wilson, 150 East Gilman Street, Madison, WI 53703. *Materials, equipment and supplies used or useful in the production, sale or distribution of flowers and in the operation of a floral business* from Kent and Lancaster, OH and Kokomo, IN to MN, IL and WI. Supporting shipper: Three.

MC 155022 (Sub-4–3TA), filed July 1, 1982. Applicant: PROCHNOW FARMS, INC., Route 5, Medford, WI 54451. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *windows, doors and materials, equipment and supplies used in the sale, manufacture or distribution of such commodities* between Medford and Merrill, WI, on the one hand and, on the other hand, points within the U.S. (except AK and HI). Restriction: restricted to transportation performed under continuing contract(s) with Harlyn Industries, Inc. Supporting shipper: Harlyn Industries, Inc., 520 south Whellen Avenue, Medford, WI 54451.

MC 162611 (Sub-4–1–TA), filed July 6, 1982. Applicant: HARLOW'S BUS SERVICE, INC., Rolette, ND 58366. Representative: Charles E. Jophnson, 220 N. 4th Street, P.O. Box 2056 Bismarck, ND 58502–2056. Transporting *passengers and related baggage* between Rolette, Ward and Burleigh Counties in ND on the one hand, and on the other, points in the US (except AK and HI). Underlying ETA seeks 120 day authority. Supporting shippers: Six shippers support the application.

MC 162816 (Sub-4–1TA), filed July 6, 1982. Applicant: JAMES L. KENNEDY, d.b.a. PIONEER EXPRESS, 1013 Woodbine Circle West, Galesburg, IL 61401. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), restricted to shipments which will be delivered within 24 hours of pick-up, subject to any one shipment not to exceed 8,000 pounds between points in the states of IL, MN, NE, MO, IA, WI, IN, MI, and MS. Supporting shippers: There are 8 statements of support attached to this application. An ETA was also filed on this date.

MC 162831 (Sub-4–1TA), filed July 7, 1982. Applicant: POINTER CARRIER, INC., 5906 Driftwood Avenue, Madison, WI 53705. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Common; irregular; (a) *building materials* between Dane and Milwaukee Counties, WI on the one hand and, on the other hand, points within FL; (b) *food and related products* between facilities of A. Sturm & Sons, Inc. in Waupaca County, WI on the one hand and, on the other hand Indianapolis, IN, St. Louis, MO, Minneapolis/St. Paul, MN and points in FL (Restriction: restricted to shipments not exceeding 20,000 pounds); (c) *lawn and garden equipment, snowmobiles and motorcycles* between Chicago, IL and Madison, WI (Restriction: restricted to shipments originating or terminating at the facilities of Englehart, Inc.); and (d) *sporting goods* between Chicago, IL and Madison, WI (Restriction: restricted to shipments originating or terminating at the facilities of Badger Sporting Goods Co.). Supporting shippers: Vogel Brothers Building Co., 2701 Packers Avenue, P.O. Box 7696, Madison, WI 53704; A. Sturm & Sons, Inc., 977 Depot Street, Manawa, WI 54949; Englehart, Inc., 1589 Greenway Cross, Madison, WI 53713; Badger Sporting Goods Co., 2814 Bryant Road, Madison, WI 53713. Supporting shippers: 4.

MC 147446 (Sub-4–1TA), filed July 9, 1982. Applicant: TOWN TRUCKING CO., 1500 South Roslyn Road, Roselle, IL 60172. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting: *Roofing and roofing materials, asphalt and materials and supplies used or useful in the manufacture and distribution of roofing and roofing materials and asphalt,* between Cook County, IL, on the one hand, and, on the other, points in IN, IL, WI, MO, IA, MN, MI, OH and KY. Supporting shipper: IKO Products, Inc., Ray Road, Wilmington, DE 19809.

MC 125973 (Sub-4–5TA), filed July 8, 1982. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Avenue, P.O. Box M799 A, Gary, IN 46401. Representative: Leonard R. Kofkin, Esq., Suite 1515, 140 South Dearborn Street, Chicago, IL 60603. *Contract carrier, irregular routes,* transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in IL, IN, KY, MI, and OH, under continuing contract(s) with FSC Corporation; Valley Liquors, Inc.; Romano Brothers Co.; and Rand McNally & Company. Supporting shippers: FSC Corporation, 13101 S. Pulaski Avenue, Alsip, IL 60658; Valley Liquors, Inc., 1703 Eastwood Drive, P.O. Box 830, Aurora, IL 60506; Romano Brothers Co., 2555 South Leavitt, Chicago, IL 60608; and Rand McNally & Company, 8255 North Central Park Avenue, Skokie, IL 60076.

MC 158357 (Sub-4–3TA), filed July 8, 1982. Applicant: LEONARD ZERNONE d.b.a. MEKIMLEN TRUCKING COMPANY, 1028 South Walnut, Arlington Heights, IL 60005. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Paper and paper products,* from the facilities of Trinity Mid-West Corp., located at or near Plainfield, IL, to points in IN and WI. Supporting shipper: Trinity Mid-West Corp., P.O. Box 301, Plainfield, IL 60544.

MC 161094 (Sub-4–1TA), filed July 9, 1982. Applicant: G & G TRUCKING, INC., 9780 South 60th Street, Franklin, WI 53132. Representative: Harold O. Orlofske, Post Office Box 368, Neenah, WI 54956. Transporting *machinery which because of its size or weight requires special handling or equipment* between the facilities of the Allis Chalmers Corp. at West Allis, WI on the one hand, and, on the other, Los Angeles, CA; San Francisco, CA; East

Alton, IL; St. Marys, KS; New Orleans, LA; Baltimore, MD; Beulah, ND; Houston, TX; and Longview, WA for 270 days. An underlying ETA seeks 120 days. Supporting shippers: Allis Chalmers Corp., P.O. Box 512, West Allis, WI 53201.

MC 162776 (Sub-4–1TA), filed July 9, 1982. Applicant: DMi TRUCKING, INC., State Road 64, P.O. Box 129, Huntingburg, IN 47542. Representative: Edward G. Bazelon, 29 South La Salle Street, Chicago, IL 60603. Contract, Irregular: (a) *Household and office furniture and materials, equipment and supplies* used in the manufacture and distribution thereof, between Huntingburg and Ferdinand, IN, Dothan, AL, and Gettysburg, PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX, under continuing contract(s) with DMi Furniture Inc. of Huntingburg, IN; (b) *upholstered furniture and tables and materials, equipment and supplies* used in the manufacture and distribution thereof, between Rushville, IN, Montoursville, PA, Madison and Cornelia, GA, Bryan and Jackson, TX, Corona, CA, Henderson, KY, and Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Schnadig Corporation of Chicago, IL; and (c) *paper and plastic disposables and ice cream cones, and materials equipment and supplies* used in the manufacture and distribution thereof, between Chicago, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, NE, and OH, under continuing contract(s) with Sweetheart Cup Corporation and Northwest Cone Company, Divisions of Maryland Cup Corporation, for 270 days. Supporting shippers: DMi Furniture Inc., State Road 64, P.O. Box 129, Huntingburg, IN 47542; Schnadig Corporation, 4820 West Belmont Ave., Chicago, IL 60641; and Sweetheart Cup Corporation and Northwest Cone Company, Divisions of Maryland Cup Corporation, 7575 South Kostner Ave., Chicago, IL 60652.

MC 162871 (Sub-4–1TA), filed July 8, 1982. Applicant: J. B. I., INC., 1717 Omaha Street, Osseo, WI 54758. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Malt beverages; rejected shipments, related advertising materials, and used malt beverage containers; and recyclable metal products* (1) between the facilities of West Wisconsin Dist. Co., Inc. at or near Eau Claire, WI on the one hand, and, on the other hand, Chicago, IL; Detroit, MI; St. Louis, MO; Columbus, OH; and Memphis, TN; (2) between the facilities of Gusto Distributing, Inc. at or near Eau Claire, WI on the one hand, and, on the other hand, Chicago, IL; Detroit, MI; St. Louis, MO; Memphis, TN; and Longview, TX. Supporting shipper: West Wisconsin Dist. Co., Inc., 525 Park Ridge Drive, Eau Claire, WI 54701.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 110567 (Sub-5–10TA), filed July 16, 1982. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304. Contract, Irregular: *such commodities as are distributed by retail grocery stores,* between Polk County, IA, on the one hand, and, on the other, points in Bureau, Carroll, Henry, Knox, La Salle, Lee, Ogle, Stark, Stephenson, Whiteside and Winnebago Counties, IL. Supporting shippers: 13.

MC 114028 (Sub-5–8TA), filed July 6, 1982. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. *Paper and paper products,* from Wycliff, KY, Madawaska and Rumford, ME, Luke, MD, Kalamazoo and Muskegon, MI, Jackson and Moss Point, MS, Riegelswood, NC, Tyrone, PA, and Franklin, VA, to Dubuque, IA. Supporting shipper: Wm. C. Brown Publishers, 2460 Kerper Blvd., Dubuque, IA 52001.

MC 147536 (Sub-5–17TA), filed July 6, 1982. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64802. Representative: David L. Sitton (same as applicant). *Pet food, materials, equipment and supplies* between points in Muscatine County, IA on the one hand, and, on the other, points in MT. Supporting shipper: Doane Products Co., Joplin, MO.

MC 150783 (Sub-5–37TA), filed July 6, 1982. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773. *Such commodities as are dealt in or used by wholesale, retail discount variety and department stores;* between points in Kay, Pottawatomie and Tulsa Counties, OK, and Benton, Crawford and Washington Counties, AR on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Dollar Saver Stores, Ponca City, OK.

MC 150836 (Sub-5–3TA), filed July 6, 1982. Applicant: JOHN A. FOWLER d.b.a. JOHN FOWLER TRUCKING, Route 4, No. 12 Robin Dale Lane, Burleson, TX 76128. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract: Irregular. *Such merchandise as is dealt in by retail grocery chains and food business houses and equipment, materials and supplies used in the conduct of such business* from points in Cobb County, GA to points in TX, TN and AR under a continuing contract with The Kroger Co. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 159214 (Sub-5–1TA), filed July 6, 1982. Applicant: J. C. PHILLIPS, d.b.a. D & L TRANSFER CO., 1346 Jasper, North Kansas City, MO 64116. Representative: Betty Hoffman (same as Applicant). *Electrical supplies, paint, adhesives, starch, empty containers, chemical products (except in bulk)* between North Kansas City, MO and points in CO and IL. Supporting shippers: Mozel Chemical Products, North Kansas City, MO; National Starch & Chemical Co., North Kansas City, MO; Joslyn Mfg. & Supply Co., North Kansas City, MO; Northern Container Corp., Chicago, IL; Tnemec Co. Inc., North Kansas City, MO.

MC 162335 (Sub-5–1TA), filed July 6, 1982. Applicant: WELLS TRUCKING, INC., Rt. 1, Box 185–C, Ponchatoula, LA 70454. Representative: Bryan Edwards, P.O. Box 535, Ponchatoula, LA 70454. *Contract; Irregular. *Food and Related Products,* between points in the U.S. Supporting shipper: Modern Maid Food Products, 200 Garden City Plaza, Garden City, NY 11530.

MC 162359 (Sub-5–1TA), filed July 6, 1982. Applicant: DUO-FAST ARKANSAS, INC., 8717 Stagecoach Road, Little Rock, AR 72210. Representative: Janet L. James, Suite 850—Twin City Bank, One Riverfront Place, North Little Rock, AR 72114. Contract; Irregular. *Beer, Malt Beverages and Related Products,* between Minneapolis, MN, Fort Smith, AR, Hot Springs, AR, Little Rock, AR, North Little Rock, AR, and other points in the U.S. Supporting Shipper: Mid-Ark Distributing, Inc., 7613 Hardin Drive, North Little Rock, AR 72117.

MC 162803 (Sub-5–1TA), filed July 6, 1982. Applicant: LES LAWVER d.b.a. LES LAWVER TRUCKING, Route 1, Box 20, Friend, NE 68359. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. Contract carrier, irregular routes: brick and railroad ties, between points in the United States (except AK and HI) under continuing

contract(s) with: (1) Great Plains Brick & Tie Co., 900 Sun Valley Blvd., Lincoln, NE. (2) Happs Inc., 3955 Dundee Road, Northbrook, IL 60062.

MC 162804 (Sub-5–1TA), filed July 6, 1982. Applicant: PENNY'S WRECKER SERVICE, INC., 6404 Geyer Springs Road, Little Rock, AR 72209. Representative: A. R. Pendergrass (same as above). *Wrecked, disabled or repossessed vehicles* between points in AR, LA, MS, TN and TX. Supporting shipper: Affiliated Food Stores, Inc., Little Rock, AR.

MC 162806 (Sub-5–1TA), filed July 6, 1982. Applicant: ATENHAN TRUCKING, INC., P.O. Box 683, Deshler, NE 68340. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. (1) *Metal products and machinery, and* (2) *materials, equipment and supplies utilized in the production and distribution of metal products and machinery,* between the facilities of Reinke Manufacturing Company, Inc. at or near Deshler and Geneva, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with Reinke Manufacturing company, Inc. Supporting shipper: Reinke Manufacturing Company, Inc., P.O. Box 566, Deshler, NE 68340.

MC 162808 (Sub-5–1TA), filed July 6, 1982. Applicant: Donald D. or Cynthia A. Johnson d.b.a. JOHNSON FARM LINES, Route 3, Box 152–A, Highway 103N, Clarksville, AR 72830. Representative: Donald D. or Cynthia Johnson (same as above). *Forest products, lumber and wood products, staves, pallets, and posts,* between points in AR, MO, OK, IA, NE, KS, MS, TN, TX, IL, WI, MN, SD, and LA. Supporting shipper(s): Clarksville Wood Products, Inc., Lamar, AR; Powell Lumber Co., Dallas, 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 162818 (Sub-6–1TA), filed July 2, 1982. Applicant: CEL, INCORPORATED—ADVANCED TOURS DIVISION, 1379 E. Colorado Blvd., Glendale, CA 91205. Representative: Jesusa D. Caldito, 313 Fischer St., Glendale, CA 91205. *Passengers and their baggage,* in special and charter operations, between Glendale, CA, on the one hand, and, on the other, points in NV and AZ, for 180 days. Supporting shippers: There are (7) seven shippers. Their statements may be examined at the Regional office listed.

MC 162819 (Sub-6–1TA), filed July 6, 1982. Applicant: JOE CONWAY TRUCKING CO., 6509 West Orangewood, Glendale, AZ 85301. Representative: Rod Williams (same as applicant). Transport *aluminum dross, saw fines and chips and aluminum ingots* between points in AZ on the one hand, and, on the other, points in CA, OR, NM, KS, NV, and WA, for 270 days. Supporting shipper: Reynolds Metals Company, P.O.B. 27003, Richmond, VA 23261.

MC 161844 (Sub-6–1TA), filed July 6, 1982. Applicant: J. T. DUNN & ASSOCIATES, INC., 556 E. 2100 S., Suite 100, Salt Lake City, UT 84106. Representative: Harvey Dunn (same as applicant). *Alcoholic beverages, wines & distilled spirits,* between points in the U.S. (except AK and HI), for 270 days. Restricted to the account of NMPC Recreational Service Division, San Francisco, CA. An underlying ETA seeks 120 days authority. Supporting shipper: NMPC Recreational Services Division, Building 1, Room 172, Treasure Island, San Francisco, CA 94103.

MC 150756 (Sub-6–11TA), filed July 7, 1982. Applicant: GUTHMILLER TRUCKING, INC., P.O.B. 206, Union City, CA 94587. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Plastic valves* from Santa Ana, CA, to points in CO, ID, OR, UT and WA, for 270 days. Supporting shipper: Colonial Engineering, 402 West Central, Santa Ana, CA 92707.

MC 153314 (Sub-6–6TA), filed July 2, 1982. Applicant: M & D TRANSPORTATION, INC., P.O.B. 775, Glendale, AZ 85311. Representative: Michael S. Varda, P.O.B. 2509, Madison, WI 53701. (1) *Furniture* from Corydon and New Salisbury, IN, to points in TX, and (2) *gypsum building products* from points in Delaware County, PA, and Tarrant County, TX, to points in the U.S. (except AK and HI), for 270 days. Supporting shippers: G.L.C. Furniture Warehouse, Inc., 1705 John Connally Dr., Carrollton, TX 75006 and Zerodec/Megacorp, 614 East 10th St., Chester, PA 19013.

MC 160997 (Sub-6–1TA), filed July 6, 1982. Applicant: M&N ENTERPRISES, INC., 711 Fairway Dr., City of Industry, CA 91789. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. (1) *food and related products,* (a) from points in CO, NE, KS, IA, IL, MI, MS, and TX to points in CA, OR, and WA; (b) from points in WA to points in CA and OR; (c) from points in CO and KS to points in TX; (d) from points in AZ to points in CA; and (e) from points in CA to points in WA, OR, MO, KS, OH and NE, (2) *sundries used in restaurants,* from points in CA to points in WA, OR, MO, KS, OH and NE, for 270 days. Supporting shippers: California Provisions, P.O.B. 58508, Vernon, CA 90058; Acapulco Y Los Arcos, 2690 E. Foothill Blvd., Pasadena, CA 91107.

MC 162823 (Sub-6–1TA), filed July 6, 1982. Applicant: TIM BATEMAN, d.b.a. TLB CHARTER, 233 W. Ridgecrest Blvd., Ridgecrest, CA 93555. Representative: Tim J. Bateman, 237 Holly Canyon St., Ridgecrest, CA 93555. *Passengers and baggage,* in special and charter operations, between Kern and San Bernardino counties, CA, on the one hand, and, on the other, points in NV, for 180 days. Supporting shipper: Ridgecrest Ski Association, 501 E. Ridgecrest Blvd., Ridgecrest, CA.

MC 158930 (Sub-6–5TA), filed July 6, 1982. Applicant: U. S. TRANSPORTATION, INC. 585 Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, P.O.B. 1455, Upland, CA 91786. *General commodities* (except classes A & B explosives, household goods, and commodities in bulk in tank vehicles), between points in the U.S., (except AK and HI), under continuing contract(s) with Standard Brands Paint Co., and its divisions and subsidiaries, for 270 days. Supporting shipper: Standard Brands Paint Co., 4300 West 190th St., Torrance, CA 90509.

MC 52858 (Sub-6–4TA), filed July 8, 1982. Applicant: CONVOY COMPANY, P.O.B. 10185, Portland, OR 97210. Representative: Raymond A. Greene, Jr., 100 Pine St., #2550, San Francisco, CA 94111. *Motor vehicles in truckaway service* between points in AR, AZ, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY, on the one hand and GA, KY, MI and OH on the other, for 270 days. Supporting shippers: Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, OR 97204; Chrysler Corporation, P.O.B. 1976, Detroit, MI 48288; and Ford Motor Company, P.O.B. 1529–B, NAAO, Dearborn, MI 48121.

MC 148000 (Sub-6–3TA), filed July 2, 1982. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Such commodities as are dealt in by wholesale and retail food business houses,* between points in CO, ID, MT, UT, & WY for 270 days. ETA seeks 120 days authority. Supporting Shippers: Gulf-Atlantic Distribution Services, 1115 42nd Ave., NE, St. Petersburg, FL 33703 and Borden, Inc., 180 E. Broad St., Columbus, OH 43215.

MC 162873 (Sub-6–1TA), filed July 8, 1982. Applicant: RICHARD N. ESAJIAN

and KENNETH ESAJIAN and BRUCE ESAJIAN, a partnership, d.b.a. ESAJIAN INVESTMENTS, 527 'L' Street, Fresno, CA 93721. Representative: Richard N. Esajian (same as applicant). *Contract carrier,* Irregular Routes: *Aluminum and steel wheels, and tires, and automotive parts, supplies, and accessories.* Between points in CA on the one hand and point in OR and WA on the other, for the accounts of TRU-SPOKE AND PRO TRAC TIRES, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Tru-Spoke, P.O.B. 647, Anaheim, CA 92805; Pro Trac, 425 N. Robertson, L.A., CA 90048.

MC 155223 (Sub-6–3TA), filed July 8, 1982. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract carrier,* irregular routes: *electrical cable; aluminum wire, copper clad; aluminum fine wire; and fibreboard,* between Phoenix, AZ, on the one hand, and, on the other, points in CA, FL, GA, IL, IN, MI, NJ, OH, PA, TN and UT for the account of CCS Cable, for 270 days. Supporting shipper: CCS Cable, 5707 W. Buckeye Rd., Phoenix, AZ 85043.

MC 143098 (Sub-6–1TA), filed July 2, 1982. Applicant: LAUGHLIN TRUCKING, INC., Rt 1 B 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Avenue, Portland, OR 97210. *Aluminum dross and aluminum,* between the facilities of Martin Marietta Aluminum in Klickitat County, WA, on the one hand, and the facilities of Reclaimed Metals Corporation at or near Goodyear, AZ, on the other hand, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Martin Marietta Aluminum, 6801 Rockledge Dr, Bethesda, MD 20034.

MC 162843 (Sub-6–1TA), filed July 6, 1982. Applicant: LONE OAK, INC., 2957 Hamner Ave., Norco, CA 91760. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier,* irregular routes, *General commodities,* (except household goods, class A&B explosives, hazardous waste, bulk) between points in CA, on the one hand, and on the other, points in the US, except AK and HI, under a continuing contract with the Interstate Freight Service, Inc. of Downey, CA, for 270 days. Supporting shipper: Interstate Freight Service, Inc., 9710 Shellyfield, Downey CA 90240.

MC 162874 (Sub-6–1TA), filed July 8, 1982. Applicant: BILL LUNA, d.b.a. BILL LUNA TRUCKING, 1418 E. Elgin, Caldwell, Idaho 83605. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *foodstuffs,* from the facilities of Treasure Valley Foods, Inc. located in Canyon County, ID to points in the US (except AK and HI), for 270 days. Supporting shipper(s): Treasure Valley Foods, Inc., 216 Eighth St. N., Nampa, ID 83651.

MC 147553 (Sub-6–6TA), filed July 9, 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: *Lumber and Lumber Mill Products,* from points in ID, MT, OR and WA, to points in CO and UT for the accounts of Intermountain-Orient, Inc. and Idaho Pacific Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intermountain-Orient, Inc., P.O.B. 4297, Boise, ID 83704; Idaho Pacific Corp., P.O.B. 4815, Boise, ID 83704.

MC 110325 (Sub-6–59TA), filed July 6, 1982. Applicant: TRANSCON LINES, P.O.B. 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same as applicant). *General commodities* (except Classes A & B explosives, household goods hazardous waste and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contract(s) with Siemens-Allis, Incorporated and subsidiaries for 270 days. Supporting shipper: Siemens-Allis, Incorporated, 223 Perimeter Center Parkway, Atlanta, GA 30338.

MC 162751 (Sub-6–1TA), filed July 8, 1982. Applicant: WASHINGTON AIR TAXI EXPRESS, INC., d.b.a. W.A.T.E., 7595 Perimeter Rd. S., Seattle, WA 98108. Representative: David W. Wiley, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier,* irregular routes: *photographs, photographic materials, supplies, and products used in the photofinishing process,* between points in WA and Portland, OR under continuing contract with Guardian Photo, Inc., Portland, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Guardian Photo, Inc., 903 Industry Dr., Tukwila, WA 98188.

Agatha L Mergenovich,

Secretary.

[FR Doc. 82–19450 Filed 7–16–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-394N)]

Conrail Abandonment Between Niagara Jct. and Buffalo in Erie County, NY; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Niagara Jct. and Buffalo in the County of Erie, NY, a total distance of 7.1 miles effective on June 2, 1982.

The Commission has decided that the net liquidation value of this line is $876,712. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19457 Filed 7–16–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-406N)]

Conrail Abandonment Between Rouseville And Titusville, PA; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Rouseville and Titusville in the Counties of Venango and Crawford, PA, a total distance of 15.8 miles effective on June 18, 1982.

The Commission has decided that the net liquidation value of this line is $731,461. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19456 Filed 7–16–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB-167 (Sub-448N)]

Conrail Abandonment Between South River and Wrights, NJ; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between South River and Wrights in the County of Middlesex, NJ, a total distance of 1.3 miles effective on June 18, 1982.

The Commission has decided that the net liquidation value of this line is $33,502. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19454 Filed 7-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-298N)]

Conrail Abandonment Between Montandon Junction and Mifflinburg, Pa.; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Montandon Junction and Mifflinburg in the Counties of Union and Northumberland, PA, a total distance of 11.8 miles effective on June 11, 1982.

The Commission has decided that the net liquidation value of this line is $197,314. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19458 Filed 7-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-427N)]

Conrail Abandonment Near N. Tonawanda in Niagara County, NY; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon 1.89 miles of its rail line in the County of Niagara, NY, effective on June 22, 1982.

The Commission has decided that the net liquidation value of this line is $110,020. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19455 Filed 7-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: July 7, 1982.

New England Motor Freight, Inc. (No. MC-112107), and Phoenix Motor Express, Inc. (No. MC-155523) (commonly controlled), petition for waiver of Subpart B, §§ 1057.11 and 1057.12 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057) with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

4. Energy conservation could be effected.

It is ordered

1. The petition of New England Motor Freight, Inc. (No. MC-112107), and Phoenix Motor Express, Inc. (No. MC-155523), for waiver of Subpart B, §§ 1057.11 and 1057.12 is partially granted with respect to equipment leased between them, provided petitioners comply with paragraph (c) of Section 1057.11 and petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires the equipment, and a receipt as required by paragraph (b) of Section 1057.11 is furnished to the lessor until possession is returned to lessor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in the lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19460 Filed 7-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-175)]

Western Pacific Railroad Co.; Exemption for Contract Tariff, ICC-WP-C-0037

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Western Pacific Railroad Company (WP) filed a petition on June 28, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-WP-C-0037 filed on June 28, 1982, to become effective on one day's notice. The contract involves the movement of coal. The other parties to the contract have submitted letters in support of the petition.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. However, relief may be granted under 49 U.S.C. 10505.

The petition shall be granted. The contract calls for the transportation of a minimum volume of coal by the petitioner or its subsidiary, the Sacramento Northern, to California for export. Delay of the contract's effective

date will undermine the shipper's selling position in Japan, and may cause layoffs at the mine. An exemption will obviously be in the public interest.

Petitioner's contract ICC–WP–C–0037 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests showing good cause are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: July 12, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Gradison did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19459 Filed 7–16–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–16780 appearing at page 26929 in the issue of Tuesday, June 22, 1982; on page 26935, MC 151166 (Sub-2), twelfth line, "GA" should read "CA".

BILLING CODE 1505–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–373]

Commonwealth Edison Co.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. NPF–11, issued to Commonwealth Edison Company, which revised Technical Specifications for operation of the La Salle County Station, Unit No. 1 (the facility) located in Brookfield Township, La Salle County, Illinois. The Amendment is effective as of the date of issuance.

The Amendment consists of changes to the Technical Specifications. The changes to the Technical Specifications were as follows: (1) reduce the count rate on the source range monitors from 3 cps to 0.7 cps, with a minimum allowable value of 0.5 cps instead of 2 cps, and (2) revise the alarm setpoint for the reactor core isolation cooling system from 60 psig to 90 psig.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this Amendment was not required since 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 Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Amendment.

For further details with respect to this action, see (1) the application for amendment dated June 14, 1982 and July 2, 1982, (2) Amendment No. 2 to License NPF–11 dated July 8, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois. A copy of items (1) and (2) 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 9th day of July 1982.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82–19504 Filed 7–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–327 and 50–328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating Licenses Nos. DPR–77 and DPR–79

The U.S. Nuclear Regulatory Commission (the Commission) had issued Amendment No. 14 to Facility Operating License No. DPR–77 and Amendment No. 5 to Facility Operating License DPR–79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee.

The amendments were authorized by telephone on June 18, 1982, and were confirmed by letter on June 23, 1982. The amendments authorize, for a period of 30 days, changes in the requirement that containment sump level instrumentation be operable for automatic switchover from Refueling Water Storage Tank to containment sump and accident monitoring. These amendments were issued on an expedited basis to permit both Sequoyah units to remain at 100 percent power.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) environmental impact statements, or negative declarations and enviornmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated June 18, 1982, (2) Amendment No. 14 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes; (3) Amendment No. 5 to Facility Operating License No. DPR–79, with Appendix A Technical Specification page changes; and (4) 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 Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street,

Chattanooga, Tennessee 37402. A copy of Amendment No. 14 and Amendment No. 5 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 7th day of July 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-19505 Filed 7-16-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, SG 042-2 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 5.9 and is entitled "Guidelines for Germanium Spectroscopy Systems for Measurement of Special Nuclear Material." The guide is being developed to provide some guidelines acceptable to the NRC staff for the selection of high-resolution gamma ray spectroscopy systems used for nondestructive assay measurements of special nuclear material and to point out useful resources for more detailed information on their assembly, optimization, and use in material protection measurements.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commisson, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by September 17, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may by reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 13th day of July 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-19506 Filed 7-16-82; 8:45 am]

BILLING CODE 7590-01-M

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals will hold its sixth meeting at 9:00 a.m., August 4, 1982. This meeting will take place at the office of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW, Washington, DC and will be open for public observation.

At this meeting, the committee will continue its review of proposals for reforming the NRC's licensing process for nuclear plants. A transcript of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H Street, NW, Washington, DC.

Further information on the meeting may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. (Telephone 202/634-1465).

Dated at Washington, DC this 13th day of July 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-19597 Filed 7-16-82; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL COMMISSION ON DRUNK DRIVING

Executive and Legislative Leadership Committee; Public Hearing.

AGENCY: Presidential Commission on Drunk Driving.

ACTION: Notice of public hearing.

SUMMARY: The Executive and Legislative Leadership Committee of the Presidential Commission on Drunk Driving is conducting public hearings in Oklahoma City on August 2-3, 1982, to discuss state and local approaches to the drunk driving problem.

DATE AND LOCATION: The hearings will be held on August 2, 1982 from 3:00 to 5:00 P.M. and August 3, 1982, from 9:30 A.M. to 3:00 P.M. at the Skirvin Plaza Hotel, 1 Park Avenue, Oklahoma City, Oklahoma 73102.

SUPPLEMENTARY INFORMATION: The Presidential Commission on Drunk Driving was established by Executive Order No. 12358 on April 14, 1982 (47 FR 16311, April 16, 1982) to assist the States in their fight against the epidemic of drunk driving on their roads. The Executive and Legislative Leadership Committee of the Commission will hold public hearings in Oklahoma City on state and local approaches to the problem. The Commission solicits testimony from the general public, public and private sector executives, and Federal, state and local legislators. The Commission is interested in testimony on any of the following subjects (though statements on other subjects are welcomed):

Initiating state and local legislative reform of drunk driving statutes and ordinances;

State and local government roles in improving drunk driving control measures;

Financing expanded drunk driver efforts;

The role of state and local drunk driving task forces;

The role, responsibility and activities of the business community in support of anti-drunk driving programs;

Leadership at the grass roots levels and the role of citizens groups;

Safety organizations and other private sectors groups activities to combat drunk driving.

FOR FURTHER INFORMATION CONTACT: John V. Moulden, Presidential Commission on Drunk Driving, NES–01, Room 4109, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–1495 or 426–2180.

Issued on July 15, 1982.

Eugene V. Lipp,

Executive Director, Presidential Commission on Drunk Driving.

[FR Doc. 82–19559 Filed 7–15–82; 2:04 pm]

BILLING CODE 4910–59–M

Enforcement and Adjudication Committee; Public Hearing

AGENCY: Presidential Commission on Drunk Driving/ Department of Transportation.

ACTION: Notice of public hearing.

SUMMARY: The Enforcement and Adjudication Committee of the Presidential Commission on Drunk Driving is conducting a public hearing in Denver, Colorado on August 11, 1982, to discuss ways to improve the apprehension, prosecution and adjudication of drunk drivers.

DATE AND LOCATION: The hearing will be held on August 11, 1982, from 11:00 A.M. to 1:00 P.M. and 2:30 P.M. to 4:00 P.M. at the U.S. Post Office and Court House, corner of 19th and Stout Streets (enter on the 19th Street side), 2nd floor Auditorium, Courtroom A, Denver, Colorado, 80294.

SUPPLEMENTARY INFORMATION: The Presidential Commission on Drunk Driving was established by Executive Order No. 12358 on April 14, 1982 (47 FR 16311, April 16, 1982) to assist the States in their fight against the epidemic of drunk driving on their roads. The Enforcement and Adjudication Committee of the Commission will hold a public hearing in Denver on ways to improve the apprehension, prosecution and adjudication of drunk drivers. The Commission solicits testimony from the general public, police, prosecutors, judges and others involved in the enforcement and adjudication of drunk driving laws. The Commission is interested in testimony on any of the follow subjects (though statements on other subjects are welcomed):

Techniques for improving drunk driving law enforcement;

Manpower and resource requirements for enforcement of drunk driving laws;

Impediments to effective drunk driving law inforcement;

Methods for improving prosecution and adjudication of drunk drivers;

Impediments to effective prosecution, adjudication, sanctioning and penalizing of drunk drivers;

Victims' rights;

Resource requirements for effective prosecution and adjudication of drunk drivers.

FOR FURTHER INFORMATION CONTACT: Jim Wright, Presidential Commission on Drunk Driving, NES–01, Room 4109, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–1495.

Issued on: July 15, 1982.

Eugene V. Lipp,

Executive Director, Presidential Commission on Drunk Driving.

[FR Doc. 82–19560 Filed 7–15–82; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–5 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of Canadian airspace redefinition, by category, to determine compatibility with the present U.S. system or for possible U.S. adoption.

DATE: Beginning August 9, 1982 at 11:00 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Transport Canada Building, Room 1464, Place de Ville, Ottawa, Ontario, KIA–ON8.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., ATT–30, Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, S.W., Washington, D.C. 20591, by August 6, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

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

Willard H. Reazin,

Program Manager, NARAC.

[FR Doc. 82–19405 Filed 7–16–82; 8:45 am]

BILLING CODE 4910–13–M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–2 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of terminal radar service areas (TRSA's) to determine validity of this airspace concept, including previous TRSA studies, safety, user needs, efficiency, and simplicity.

DATE: Beginning August 9, 1982 at 11:00 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, Conference Room 9AB, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., ATT–30, Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, S.W., Washington, D.C. 20591, by August 6, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

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

Willard H. Reazin,

Program Manager, NARAC.

[FR Doc. 82–19423 Filed 7–16–82; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

[Docket S-717]

Lykes Bros. Steamship Co., Inc.; Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated July 1, 1982, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-451, so as to increase the maximum number of sailings permitted from 48 to 55 sailings for calendar year 1982 only on its subsidized Trade Route 13—Freight Service (Line C—Mediterranean Line).

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by close of business on July 29, 1982.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Date: July 12, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-19328 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-718]

Lykes Bros. Steamship Co., Inc.; Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated July 1, 1982, to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-451, so as to increase its maximum sailing limitation from 24 subsidized sailings to 32 subsidized sailings for calendar year 1982 only on its subsidized Trade Route No. 15-B—Freight Service (Line E-Africa Line) between U.S. Gulf ports and ports in South and East Africa.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by the close of business on July 29, 1982.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: July 12, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-19325 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-81-M

Values for War Risk Insurance

AGENCY: Maritime Administration, DOT

ACTION: Determination of ship values for war risk insurance, effective July 1, 1981.

SUMMARY: Notice is hereby given that the Maritime Administrator has determined that the stated valuations set forth herein constitute just compensation for the vessels to which they apply and have been computed in accordance with sections 902 and 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242, 1289). This authority was delegated to the Maritime Administrator by the Secretary of Transportation by Organizational Order 1100.60 (August 6, 1981), and redelegated to the Ship Valuation Committee by Maritime Administrative Order 440-3 (April 7, 1978; amended March 24, 1980, and November 4, 1981). Such stated valuations apply to vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by 46 CFR Part 308. In accordance with Pub. L. 96-195, authority to issue such war risk insurance will expire on September 30, 1984.

The interim binders listed below shall be deemed to have been amended as of July 1, 1981, by inserting in the space provided therefor, or in substitution for any value not appearing in such space, the stated valuations of the respective vessels that appear on the list. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1981, to December 31, 1981, inclusive; *Provided, however,* That if there is substantial change in market values during the aforesaid period, the Maritime Administration reserves the right to revise the values assigned herein as being applicable; *And provided further,* That the assured shall have the right within 60 days after date of publication of this notice, or within 60 days after the attachment of the insurance under the interim binder to which such valuation applies, whichever is later, to reject such valuation and proceed as authorized by section 1209 (a)(2), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)(2)).

Dated: July 9, 1982.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
3004	P.L. 1-0332-0342	525332-525342	[1]$30
	P.L. 1-0344-0360	525344-525360	[1]30
3005	P.L. 1-0361-0367	525361-525367	[1]30
	P.L. 1-0369-0375	525369-625375	[1]30
	P.L. 1-0377-0415	525377-525415	[1]30
	P.L. 1-0417-0425	525417-525425	[1]30
3426	P.L. 1-0526-0557	564526-564557	[1]45
	P.L. 1-0559-0603	564559-564603	[1]45
	P.L. 1-0605-0614	564605-564614	[1]45
	P.L. 1-0616-0661	564616-564661	[1]45
	P.L. 1-0664	564664	45
	P.L. 1-0668	564668	45
	P.L. 1-0670	564670	45
	P.L. 1-0672-0674	564672-564674	[1]45
	P.L. 1-0680	564680	45
	P.L. 1-0682	564682	45
	P.L. 1-0685-0687	564685-564687	[1]45
	P.L. 1-0690-0695	564690-564695	[1]45
	P.L. 1-0697-0705	564697-564705	[1]45
	P.L. 1-0707-0711	564707-564711	[1]45
	P.L. 1-0713-0716	564713-564716	[1]45
	P.L. 1-0718-0739	564718-564739	[1]45
	P.L. 1-0741-0749	564741-564749	[1]45
	P.L. 1-0751-0761	564751-564761	[1]45
	P.L. 1-0763-0768	564763-564768	[1]45
	P.L. 1-0770-0773	564770-564773	[1]45
3313	P.L. 1-0740	564740	45
	P.L. 1-0750	564750	45
	P.L. 1-0762	564762	45
	P.L. 1-0769	564769	45
3314	P.L. 2-0426-0481	540426-540481	[1]30
	P.L. 2-0483-0489	540483-540489	[1]30
	P.L. 2-0491-0525	540491-540525	[1]30
3341	Salisbury	275895	450
3367	SAnford B. Dole	510052	200
3361	WA-1-001-0302	551001-551302	[1]50
	WA-1-0304-0450	551304-551450	[1]50
3362	WA-2-0451-0575	567451-567575	[1]50
	Vessels of 1,500 Gross Tons or More		
1660	Adabelle Lykes	291609	$1,670
3332	Aguadilla	515621	2,480
1751	Aimee Lykes	292614	1,670
3321	Alaska Standard	278320	650
3476	Allegiance	271866	6,335
1828	Allison Lykes	293817	1,670
2988	Almeria Lykes	536671	18,500
3503	Amazonia	622178	7,500
3482	America	610290	7,500
567	American Accord	267275	6,500
572	American Ace	265143	6,500
568	American Alliance	266832	6,500
2812	American Apollo	529004	10,990
2869	American Aquarius	530999	10,990
571	American Archer	267444	6,500
566	American Argosy	266181	6,500
2583	American Astronaut	520694	10,990
1493	American Challenger	289699	2,245
1618	American Champion	290524	2,245
1557	American Charger	290089	2,245
1652	American Chieftain	291020	2,245
1670	American Corsair	291629	2,245
1605	American Courier	290255	2,245
831	American Eagle	278327	6,565
3290	American Hawk	246344	3,585
3360	American Heritage	577343	19,500
3427	American Independence	586633	41,065
2446	American Lancer	514261	12,600
2550	American Lark	518444	12,600
570	American Leader	266256	6,500
569	American Legacy	268243	6,500
574	American Legend	267033	6,500
2466	American Legion	515155	12,600
2485	American Liberty	516464	12,600

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2518	American Lynx	517450	12,600
3034	American Makdeter (ex Austral Ensign)	544303	17,000
3075	American Merchant (ex Austral Endurance)	547288	17,000
1924	American Racer	297001	3,000
1989	American Ranger	298270	3,000
2039	American Reliance	299371	3,000
3312	American Spirit	580245	41,065
2961	American Trader	244855	6,000
3395	American Trader	530139	16,525
2764	American Sun	523846	36,200
3510	Amoco Baltimore	3234	5,750
3511	Amoco Brisbane	3046	4,250
2854	Amoco Connecticut	242851	2,400
3506	Amoco Cremona	2926	4,250
2944	Amoco Delaware	245058	6,500
3509	Amoco Savannah	3459	5,750
3507	Amoco Texas City	3460	5,750
3508	Amoco Voyager	5886	4,250
3505	Amoco Yorktown	3233	5,750
3250	Anchorage	243850	650
3530	Antillia	627433	7,500
3495	Arco Alaska	614544	61,895
3048	Arco Anchorage	548424	45,000
3516	Arco California	623291	61,895
233	Arco Endeavor	277623	5,825
3184	Arco Fairbanks	559400	45,000
1848	Arco Heritage	293299	12,480
3142	Arco Juneau	556666	45,000
1560	Arco Prestige	289972	7,615
2900	Arco Prudhoe Bay	536496	34,385
2948	Arco Sag River	539313	34,385
3330	Arecibo	246736	2,860
3469	Argonaut	601377	30,000
1716	Ashley Lykes	292191	2,875
3385	Atigun Pass	586128	58,700
1435	Austin	247455	3,585
3118	Austral Entente	552706	23,500
2986	Austral Envoy	541868	23,500
3338	Austral Lightning	530144	18,000
3336	Austral Moon	530142	18,000
2631	Austral Patriot	500539	3,000
2632	Austral Pilot	297353	3,000
3494	Austral Pioneer	612085	50,000
3337	Austral Rainbow	530141	18,000
3133	Avila	267181	1,780
3293	Baldbutte	278103	9,000
2399	Baltimore	246103	650
2966	Baltimore Trader	270179	15,500
3477	Banner	272077	5,980
1704	Barge Adelaide	292097	5,640
2870	Bayamon	530007	15,500
3464	Bay Ridge	600128	63,200
3357	Beaver State	572359	19,500
3522	Benjamin Harrison	624457	57,000
3331	Borinquen	248239	2,860
3270	Boston	511485	735
1414	Brinton Lykes	288699	2,875
3114	Brooklyn	553648	30,400
3408	Brooks Range	586130	58,700
3397	B/T Alaska	590208	61,895
3432	B/T San Diego	598680	61,895
3525	Button Gwinnett	559623	22,295
3504	Caguas	557149	21,000
3365	California	249239	1,000
3478	Cantigny	247452	3,585
2165	Caribbean	502771	3,900
2934	Carole G. Ingram/IOS 3302.	538087	15,000
3329	Carolina	515622	2,480
3457	Charles Lykes	577636	16,740
3350	Charleston	246095	735
1753	Charlotte Lykes	292782	1,670
3215	Chelsea	562416	17,000
3144	Cherry Valley	557503	17,000
3343	Chesapeake	296863	12,490
3286	Chestnut Hill	577738	19,500
3394	Chevron Arizona	588320	27,000
2985	Chevron California	541563	35,000
3308	Chevron Colorado	577358	27,000
3372	Chevron Louisiana	584696	27,000
2992	Chevron Mississippi	542850	35,000
3309	Chevron Oregon	566080	27,000
3310	Chevron Washington	570709	27,000
1788	Christopher Lykes	293220	1,670
2540	Columbia	247519	2,105
2227	Connecticut	277291	7,885
3104	Coronado	553623	17,000
3479	Council Grove	247896	3,585
3566	Courier	578746	19,500
3403	Cove Communicator	268196	4,460
3402	Cove Explorer	248127	3,150
3404	Cove Navigator	261423	4,130
3379	Cove Trader	279438	9,660
2549	C. V. Lightning	518063	9,750
2626	C. V. Staghound	520743	9,750
2705	David D. Irwin	242354	3,760
2819	Defiance	519102	13,500
2923	Delaware Sun	264853	4,320
2498	Del Campo	515910	3,100
2497	Del Monte	514758	3,100
2500	Del Mundo	512953	3,100
1225	Del Oro	286185	1,925
324	Del Rio	284680	1,925
327	Del Sol	285171	1,925
3416	Delta Caribe	530143	18,000
3071	Delta Mar	549153	20,270
3085	Delta Norte	550900	20,270
3105	Delta Sud	553105	20,270
2499	Del Valle	516600	3,100
2532	Del Viento	517540	3,100
2939	Doctor Lykes	536500	18,500
2330	Dolly Turman	508378	2,500
2924	Eastern Sun	270025	4,460
2806	Edgar M. Queeny	528567	19,970
3531	Edward Rutledge	625873	57,000
2086	Elizabeth Lykes	500702	2,500
3455	El Paso Arzew	598727	88,550
3466	El Paso Howard Boyd	598730	88,550
3414	El Paso Southern	581902	88,550
1296	Export Banner	286124	1,950
1726	Export Challenger	292227	2,145
1771	Export Champion	292669	2,145
1712	Export Commerce	291731	2,145
1601	Export Courier	289947	2,105
2980	Export Freedom	541414	12,500
3016	Export Leader	545126	12,500
3065	Export Patriot	548442	12,500
2593	Exxon Baltimore	282272	10,390
2594	Exxon Bangor	264791	4,005
3056	Exxon Baton Rouge	524619	32,300
3465	Exxon Benicia	600478	58,700
2595	Exxon Boston	283784	10,950
2596	Exxon Chester	264445	3,700
2598	Exxon Florence	266855	4,130
2599	Exxon Gettysburg	273362	7,500
2601	Exxon Houston	297151	16,450
2602	Exxon Huntington	266329	4,005
2603	Exxon Jamestown	275519	7,500
2610	Exxon Lexington	276270	7,500
2605	Exxon Newark	264231	3,700
2606	Exxon New Orleans	298216	16,450
3460	Exxon North Slope	600477	58,700
3057	Exxon Philadelphia	526792	32,300
3058	Exxon San Francisco	523626	32,300
2609	Exxon Washington	273896	7,500
3520	Flora	256034	2,100
3008	Fortaleza	544797	17,000
180	Fort Worth	247276	5,575
2300	Frederick Lykes	506812	2,500
3293	Fredericksburg	629297	5,030
2556	Galveston	248242	735
2421	Genevieve Lykes	513140	2,500
3525	George Wythe	562594	22,295
3346	Glacier Bay	526588	36,665
3370	Golden Dolphin	559936	19,500
3369	Golden Endeavor	561433	19,500
2791	Golden Gate	526972	29,450
3512	Golden Monarch	566090	19,500
3384	Great Land	567835	21,000
2820	Great Republic	521302	13,500
3326	Guayama	516540	735
2994	Gulf Banker	295249	1,735
792	Gulfcrest	279334	6,225
2995	Gulf Farmer	294625	1,735
795	Gulfking	275193	6,565
796	Gulfknight	277183	6,565
797	Gulflion	246990	2,385
2996	Gulf Merchant	297329	1,735
798	Gulfoil	263424	6,025
800	Gulfpride	279769	6,025
801	Gulfprince	276034	6,565
802	Gulfqueen	275583	6,565
2997	Gulf Shipper	296880	1,735
803	Gulfsolar	260223	6,025
806	Gulfspray	282649	6,025
1358	Gulfsupreme	287186	6,830
804	Gulftiger	247767	2,285
2998	Gulf Trader	296404	1,735
3363	Hawaiian Citizen	252149	600
3320	Hillyer Brown	266233	1,800
176	Houston	242636	3,585
3255	Houston	245542	1,500
2306	Howell Lykes	507344	2,500
3325	Humacao	513557	735
3502	Inagua Island	7663-77	3,000
3500	Inagua Shore	8689	3,300
3499	Inagua Surf	6414-76-A	2,800
3501	Inagua Tide	9208-78	7,000
3400	Inger	248011	2,160
3269	Jacksonville	245186	1,500
387	James Lykes	280564	2,500
1304	Jean Lykes	287103	2,500
3245	Jeff Davis	288604	2,145
389	John Lykes	282772	2,500
390	Joseph Lykes	281326	2,500
3491	Kauai	621042	70,000
3398	Keystone Canyon	586129	58,700
598	Keystoner	266730	1,800
3287	Kittanning	579572	19,500
2805	Kopaa	244611	3,240
3216	Lash Atlantico	530145	16,685
2864	Lash Italia	529255	15,085
3217	Lash Pacifico	530146	16,685
13	Leland I. Doan	284217	3,900
1352	Leslie Lykes	287416	2,500
2403	Letitia Lykes	512187	2,500
3459	Lipscomb Lykes	573093	16,740
3311	LNG Aquarius	582506	88,060
3371	LNG Aries	588005	88,060
3407	LNG Capricorn	588006	88,060
3454	LNG Leo	595753	88,060
3463	LNG Libra	595756	88,060
3467	LNG Taurus	595754	88,060
3475	LNG Virgo	595755	88,060
3134	LOMPOC	248653	600
3256	Long Beach	248240	2,780
2062	Louise Lykes	299938	2,500
3077	Lurline	549900	17,000
2233	Mallory Lykes	504077	2,500
1356	Manhattan	287253	21,000
2763	Manukai	524219	19,460
2803	Manulani	528400	19,460
1809	Margaret Lykes	293555	1,670
3187	Marine Chemical Transporter	244942	1,500
2814	Marine Chemist	529399	15,235
2777	Marine Duval	245851	2,370
1510	Marine Electric	245675	2,300
2133	Marine Floridian	246836	2,190
1812	Marine Texan	247563	1,800
1513	Marjorie Lykes	289873	2,875
2873	Martha R. Ingram IOS 3301	533104	15,000
3349	Maryland	574906	41,065
2260	Mason Lykes	505406	2,500
3347	Massachusetts	564344	41,065
3107	Matsonia	553090	17,000
3415	Maui	591709	53,510
2109	Maunalei	246343	2,780
2649	Maunawili	246984	2,780
3328	Mayaguez	516060	2,480
1789	Mayo Lykes	293224	1,670
1512	Meadowbrook	289879	3,140
2543	Merrimac	245673	2,300
3410	Meton	278624	6,870
2716	Mobil Aero	278471	6,355
3152	Mobil Arctic	542026	48,540
2717	Mobil Fuel	274588	5,920
2718	Mobilgas	271449	4,200
2719	Mobil Lube	275651	5,670
2442	Mobil Meridian	286479	11,075
2720	Mobiloil	279064	6,355
2721	Mobil Power	274966	5,890
2525	Monmouth	242426	6,575
2797	Monticello Victory	286819	11,075
	Montpelier Victory	289745	11,580
2798	Mormacaltair	298129	7,410
2664	Mormacargo	296216	2,500
2667	Mormacdraco	299008	7,410
2670	Mormacglen	285283	1,800
2673	Mormaclynx	296947	2,500
2678	Mormacrigel	297384	2,500
2684	Mormacsaga	289547	2,250
3304	Mormacsea	289119	2,250
3305	Mormacsky	578288	17,820
3301	Mormacstar	569257	17,820
3302	Mormacsun	573770	17,820
3303	Mormactide	287875	2,250
3306	Mormacvega	296632	2,500
2689	Mormacwave	288603	2,250
3307			

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2799	Mount Vernon Victory	284178	10,365
2800	Mount Washington	293097	11,510
1243	Nancy Lykes	286650	2,500
3282	Newark	511486	735
2925	New Jersey Sun	265748	4,090
3348	New York	569583	41,065
3259	Oakland	248076	2,780
1004	Oasis Hawaii	276911	5,825
339	Odgen Challenger	280318	6,855
2745	Ogden Champion	523341	19,765
2614	Ogden Wabash	520728	19,765
2591	Ogden Williamette	518738	19,765
3515	Ogden Yukon	547919	37,615
2827	Overseas Alaska	529795	29,700
1827	Overseas Aleutian	266619	14,450
2465	Overseas Alice	514928	20,000
3481	Overseas Anchorage	281177	9,920
2862	Overseas Arctic	530877	29,700
3378	Overseas Chicago	583412	48,210
3409	Overseas Harriette	590624	20,310
01	Overseas Joyce	284049	10,390
3533	Overseas Juneau	553137	45,000
3406	Overseas Marilyn	590623	20,310
3377	Overseas Natalie	287156	15,500
3386	Overseas New York	588001	48,210
3383	Overseas Ohio	586647	48,210
932	Overseas Ulla	280004	7,325
2506	Overseas Valdez	517186	20,000
3480	Overseas Vivian	518125	20,000
3399	Overseas Washington	588955	48,210
3260	Panama	248241	2,780
181	Pasadena	248894	3,945
3563	Patriot	571049	19,500
2926	Pennsylvania Sun	280202	10,640
3521	Penny	295108	980
581	Perryville	244644	3,270
2560	Philadelphia	516541	735
1653	Pioneer Commander	290905	2,245
1750	Pioneer Contender	292572	2,245
1715	Pioneer Contractor	291968	2,245
1774	Pioneer Crusader	292930	2,245
1432	Pioneer Moon	289263	2,245
2844	Pittsburgh	247275	3,300
3277	Portland	511487	735
1505	Potomac	248800	1,980
2501	President Adams	517120	5,000
2740	President Cleveland	521866	5,000
1419	President Eisenhower	288986	8,000
2447	President Fillmore	513860	10,500
3483	President Grant	530138	16,525
2148	President Harrison	502569	7,500
3485	President Hoover	530137	16,525
2526	President Jackson	517717	5,000
3030	President Jefferson	544900	16,000
3121	President Johnson	552109	16,000
1947	President Kennedy	296779	8,500
3041	President Madison	546725	16,000
2416	President McKinley	512593	10,500
2113	President Monroe	501712	7,500
3120	President Pierce	552108	16,000
2084	President Polk	500484	7,500
1349	President Roosevelt	287238	8,000
2398	President Taft	511653	10,500
2565	President Taylor	518517	5,000
1418	President Truman	287976	8,000
3484	President Tyler	530140	16,525
2359	President Van Buren	509581	10,500
2622	President Wilson	520392	5,000
3396	Prince William Sound	570108	48,000
2894	Puerto Rican	535000	19,000
2706	Pure Oil	248837	650
3564	Ranger	573810	19,500
2821	Red Jacket	522650	13,500
3493	Resolute	612715	30,000
3147	Robert E. Lee	557033	20,270
3358	Rose City	575056	19,500
3536	Rover	577241	19,500
2162	Ruth Lykes	502928	2,500
3179	Sam Houston	559035	20,270
177	San Antonio	248716	5,265
3327	San Juan	516542	2,860
2846	San Pedro	248238	3,300
2918	Sansinena II	535020	33,980
3423	Santa Adela	504015	2,830
3418	Santa Barbara	509186	2,500
3062	Santa Clara	274440	6,230
3419	Santa Clara	506249	2,500
3420	Santa Cruz	504681	2,500
3422	Santa Elena	507696	2,500
3417	Santa Isabel	510570	2,500
2752	Santa Juana	502726	2,830
3421	Santa Lucia	502774	2,500
3425	Santa Magdalena	290270	2,500
1756	Santa Maria	292838	2,500
3424	Santa Mariana	291811	2,500
1830	Santa Mercedes	293943	2,500
2917	Santa Paula	277703	12,915
3453	Sea-Land Adventurer	594073	20,500
3100	Sea-Land Consumer	552818	20,000
3488	Sea-Land Defender	604246	33,000
3513	Sea-Land Developer	604247	33,000
2868	Sea-Land Economy	532410	18,630
3534	Sea-Land Endurance	606062	33,000
3489	Sea-Land Explorer	604248	33,000
3514	Sea-Land Express	604249	33,000
3527	Sea-Land Freedom	606065	33,000
3516	Sea-Land Independence	606061	33,000
3529	Sea-Land Innovator	606064	33,000
3451	Sea-Land Leader	594374	20,500
3487	Sea-Land Liberator	604245	33,000
3536	Sea-Land Mariner	606066	33,000
3450	Sea-Land Pacer	593980	20,500
3486	Sea-Land Patriot	604244	33,000
3452	Sea-Land Pioneer	594375	20,500
3131	Sea-Land Producer	552819	20,000
2867	Sea-Land Venture	531478	18,630
3517	Sea-Land Voyager	606063	33,000
3264	Seattle	245025	650
1610	Sheldon Lykes	290508	1,670
1428	Shirley Lykes	289283	2,875
3472	Sinclair Texas	291990	12,080
2722	Socony Vacuum	268801	4,130
3344	Sohio Intrepid	533270	35,355
3345	Sohio Resolute	535357	35,355
982	Solon Turman	285889	2,500
2489	Spirit of Liberty	516521	20,000
2248	Stella Lykes	504982	2,500
2755	St. Louis	515620	3,300
3148	Stonewall Jackson	557034	20,270
3413	Stuyvesant	584459	63,200
2847	Tampa	245726	1,500
463	Texaco California	266910	8,540
3051	Texaco Connecticut	266501	15,715
3052	Texaco Florida	271820	15,715
1867	Texaco Georgia	293819	6,675
471	Texaco Kansas	244230	3,150
1823	Texaco Maryland	292735	6,675
1824	Texaco Massachusetts	290306	6,340
475	Texaco Minnesota	243202	3,770
476	Texaco Mississippi	245082	3,865
2028	Texaco Montana	298918	7,160
480	Texaco New Jersey	245831	2,585
3053	Texaco New York	265981	15,715
483	Texaco North Dakota	265006	2,265
1899	Texaco Rhode Island	296380	6,675
1270	Texaco Wisconsin	277805	6,565
2927	Texas Sun	283897	11,630#
2963	Texas Trader	246503	5,945
3268	Thomas Nelson	287683	2,145
405	Thompson Lykes	283413	2,500
3431	Thompson Pass	586131	58,700
3028	Tillie Lykes	536672	18,500
2418	Transcolorado	248806	1,000
2419	Transcolumbia	248702	1,000
2756	Transindiana	513582	2,480
3428	Traveler	289436	2,300
3458	Tyson Lykes	569400	16,740
3175	Ultramar	550200	22,100
3176	Ultrasea	555146	22,100
3473	UST Atlantic	601437	71,500
3474	UST Pacific	613131	71,500
2270	Valley Forge	505786	18,000
2354	Velma Lykes	509652	2,500
3401	Walter Rice	248203	2,160
3297	Washington Trade	279627	8,475
2928	Western Sun	268798	4,360
3392	Westward Venture	581673	23,000
3524	William Hooper	561453	22,295
3221	Williamsburgh	560975	30,400
3359	Worth	570876	19,500
2822	Young America	524416	13,500
411	Zoella Lykes	282126	2,500

Vessels Under 1,500 Gross Tons

1704	Adelaide	292097	$5,640
1567	Alexandra	290273	5,500
3433	AWA	524820	890
3315	Biehl Trader	582451	7,545
3316	Biehl Traveler	584627	7,545
3106	DSLL 540650-540899	540650-540899	[1]30
3132	DSLL 553325-553348	553325-553348	[1]30
3272	DSLL 553965-554014	553965-554014	[1]35
3212	DSLL 555714-555719	555714-555719	[1]30
	DSLL 555774-555780	555774-555780	[1]30
	DSLL 556552-556564	556552-556564	[1]30
3342	Ethel H	277709	1,000
2108	Islander	292810	865
3435	Isleways No. 1	251436	175
3436	Isleways No. 2	251519	175
3437	Isleways No. 3	251682	175
3438	Isleways No. 4	251773	175
3439	Isleways No. 5	251859	175
3186	Jo Anne	541373	4,350
3366	Joe Sevier	500799	277
2353	Komoku	509280	1,115
2942	LY 1	531766	70
	LY 2-36	532702-532736	[1]70
	LY 800	532933	70
	LY 900	532940	70
2943	LY 37-44	532737-532744	[1]70
3006	LY 45-106	532745-532806	[1]70
	LY 801-802	532934-532935	[1]70
	LY 901-902	532941-532942	[1]70
3017	LY 107-111	532807-532811	[1]70
3007	LY 112-124	532812-532824	[1]70
	LY 803	532936	70
3010	LY 125-134	532825-532834	[1]70
3018	LY 135-139	532835-532839	[1]70
	LY 903	532943	70
3019	LY 140-144	532840-532844	[1]70
3031	LY 145-150	532845-532850	[1]70
	LY 160-161	532860-532861	[1]70
3032	LY 151-159	532851-532859	[1]70
	LY 162-165	532862-532865	[1]70
	LY 904	532944	70
3039	LY 166	532866	70
	LY 168-169	532868-532869	[1]70
3040	LY 167	532867	70
	LY 170-171	532870-532871	[1]70
3045	LY 172-173	532872-532873	[1]70
	LY 175-177	532875-532877	[1]70
3046	LY 174	532874	70
	LY 178-180	532878-532880	[1]70
	LY 804	532937	70
3054	LY 181-182	532881-532882	[1]70
3063	LY 183-190	532883-532890	[1]70
	LY 195	532895	70
	LY 905	532945	70
3064	LY 191	532891	70
3066	LY 192-194	532892-532894	[1]70
	LY 196-197	532892-532894	[1]70
3070	LY 198-202	532898-532902	[1]70
3076	LY 203-211	532903-532911	[1]70
3081	LY 212-213	532912-532913	[1]70
	LY 805	532938	70
3084	LY 214-216	532914-532916	[1]70
3089	LY 217-218	532917-532918	[1]70
	LY 220	532920	70
3090	LY 219	532919	70
	LY 221-225	532921-532925	[1]70
3091	LY 226-227	532926-532927	[1]70
	LY 806	532939	70
	LY 906	532946	70
3093	LY 228-229	532928-532929	[1]70
3098	LY 230-231	532930-532931	[1]70
3099	LY 232	532932	70
3352	LY 701	578104	190
	LY 702	579626	190
	LY 703	580866	190
3492	Maci	618705	1,635
3539	Martha B	299786	2,840
3434	OIO	516924	675
3340	Perth Amboy No. 1	171776	140
2999	P.L. 1-0001-0033	525001-525033	[1]30
	P.L. 1-0035-0036	525035-525036	[1]30
	P.L. 1-0103-0132	525103-525132	[1]30
3000	P.L. 1-0037-0096	525037-525096	[1]30
	P.L. 1-0098-0102	525098-525102	[1]30
3001	P.L. 1-0133-0167	525133-525167	[1]30
	P.L. 1-0169-0175	525169-525175	[1]30
	P.L. 1-0177-0185	525177-525185	[1]30
	P.L. 1-0187-0193	525187-525193	[1]30
	P.L. 1-0195-0198	525195-525198	[1]30
3002	P.L. 1-0199-0229	525199-525229	[1]30
	P.L. 1-0231-0264	525231-525264	[1]30
3003	P.L. 1-0265-0273	525265-525273	[1]30
	P.L. 1-0275-0276	525275-525276	[1]30
	P.L. 1-0278-0299	525278-525299	[1]30
	P.L. 1-0301-0331	525301-525331	[1]30
3004	P.L. 1-0332-0342	525332-525342	30
	P.L. 1-0344-0360	525344-525360	[1]30

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
3005	P.L. 1-0361-0367	525361-525367	[1]30
	P.L. 1-0369-0375	525369-525375	[1]30
	P.L. 1-0377-0415	525377-525415	[1]30
	P.L. 1-0417-0425	525417-525425	[1]30
3426	P.L. 1-0526-0557	564526-564557	[1]45
	P.L. 1-0559-0603	564559-564603	[1]45
	P.L. 1-0605-0614	564605-564614	[1]45
	P.L. 1-0616-0661	564616-564661	[1]45
	P.L. 1-0664	564664	45
	P.L. 1-0668	564668	45
	P.L. 1-0670	564670	45
	P.L. 1-0672-0674	564672-564674	[1]45
	P.L. 1-0680	564680	45
	P.L. 1-0682	564682	45
	P.L. 1-0685-0687	564685-564687	[1]45
	P.L. 1-0690-0695	564690-564695	[1]45
	P.L. 1-0697-0705	564697-564705	[1]45
	P.L. 1-0707-0711	564707-564711	[1]45
	P.L. 1-0713-0716	564713-564716	[1]45
	P.L. 1-0718-0739	564718-564739	[1]45
	P.L. 1-0741-0749	564741-564749	[1]45
	P.L. 1-0751-0761	564751-564761	[1]45
	P.L. 1-0763-0768	564763-564768	[1]45
	P.L. 1-0770-0773	564770-564773	[1]45
3313	P.L. 1-0740	564740	45
	P.L. 1-0750	564750	45
	P.L. 1-0762	564762	45
	P.L. 1-0769	564769	45
3314	P.L. 2-0426-0481	540426-540481	[1]30
	P.L. 2-0483-0489	540483-540489	[1]30
	P.L. 2-0491-0525	540491-540525	[1]30
3341	Salisbury	275895	450
3367	Sanford B. Dole	510052	200
3361	WA-1-001-0302	551001-551302	[1]50
	WA-1-0304-0450	551304-551450	[1]50
3362	WA 2-0451-0575	567451-567575	[1]50

[1] Each.

[FR Doc. 82-19345 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Safety Administration

[Docket No. IP81-21; Notice 2]

Subaru of America, Inc.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Subaru of America, Inc. Pennsauken, New Jersey ("Subaru") to be exempted from the notification and remedy requirements of the National Highway Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 751.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems.* 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 November 23, 1981, and an opportunity afforded for comment (46 FR 57414).

Paragraph S5.3.5 of Standard No. 105-75 requires a motor vehicle to be equipped with a brake system indicator lamp with a lens labelled in letters not less than ⅛ inch high (3.2 mm). Subaru reported it had imported more than 4,500 1982 model year vehicles in which the lettering was only 2.2 mm high. The petitioner argued that this noncompliance was inconsequential because the indicator is located between the speedometer and tachometer, "approximately at the center of the driver's line of sight," and it submitted color photographs available for inspection in the docket room, in support of its argument. The noncompliance in its opinion "still results in an easily identifiable and very readable display".

No comments were received on the petition.

The National Highway Traffic Safety Administration has examined the photographs and concurs in the petitioner's argument that the location of the indicator is "an easily identifiable and very readable display". In addition, a 6 mm diameter ISO symbol has been incorporated by Subaru for added identification, highlighting the indicator.

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 Vernon Bloom 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 501.8)

Issued on July 12, 1982.

Courtney Price,

Associate Administrator, for Rulemaking.

[FR Doc. 82-19407 Filed 7-16-82; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in June 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	Allied Corp. Morristown, NJ	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks for tansportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
3004-X	DOT-E 3004	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder for tranportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	Union Carbide Corp., Danbury, CT	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3004-X	DOT-E 3004	U.S. Department of Defense, Washington, DC.	49 CFR 173.302, 175.3	To authorize use of a non-DOT specification cylinder for transportation of certain flammable, and nonflammable compressed gases. (Modes 1, 2, 4, and 5.)
3128-X	DOT-E 3128	U.S. Department of Defense, Washington, DC.	49 CFR 173.304, 175.3	To authorize use of non-DOT specification cylinders for transportation of a Class C explosive and liquefied nonflammable gas. (Modes 1, 2, 3, and 4.)
3128-X	DOT-E 3128	Walter Kidde Co., Inc., Belleville, NJ	49 CFR 173.304, 175.3	To authorize use of non-DOT specification cylinders for transportation of a Class C explosive and a liquefied nonflammable gas. (Modes 1, 2, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3302-X	DOT-E 3302	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification sampling bottles (cylinders) for shipment of certain nonflammable gases. (Modes 1, 2, 3, and 4.)
3941-X	DOT-E 3941	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR 173.239a(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1 and 2.)
3996-X	DOT-E 3996	Stauffer Chemical Co., Westport, CT	49 CFR 173.188	To authorize shipment of phosphoric anhydride in DOT Specification 6K metal drums. (Modes 1 and 2.)
4600-X	DOT-E 4600	Halocarbon Products Corp., Hackensack, NJ.	49 CFR 173.315, 173.315, 178.245-3(a), 178.245-3(a).	To authorize transport of hydrogen bromide (anhydrous) in DOT Specification 51 type portable tanks with a design pressure of 525 psig. (Mode 1.)
4612-X	DOT-E 4612	EM Science, Division of EM Industries, Inc., Cincinnati, OH.	49 CFR 173.135, 173.122, 173.136, 173.139, 173.154, 173.206, 173.230, 173.245, 173.247, 173.252, 173.253, 173.271, 173.276, 173.281, 173.293, 173.346, 173.382.	To authorize shipment of small quantities of hazardous materials in inside glass bottles overpacked in metal cans further overpacked in 12B fiberboard boxes. (Mode 1.)
4850-X	DOT-E 4850	Halliburton Services, Duncan, OK	49 CFR 173.100(cc), 175.3	To authorize shipment of flexible linear shaped charges, metal clad, in 100' lengths, containing not more than 50 grains per lineal foot of high explosive. (Modes 1, 2, and 4.)
5038-X	DOT-E 5038	Snythatron Corp., Parsippany, NJ	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.247(a)(1), 175.3.	To authorize shipment of dimethyldichlorosilane, trichlorosilane, other specifically identified flammable liquids and silicon tetrachloride in non-DOT specification type 304 stainless steel cylinders. (Modes 1 and 2.)
5038-X	DOT-E 5038	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.247(a)(1), 175.3.	To authorize shipment of dimethyldichlorosilane, trichlorosilane, other specifically identified flammable liquids and silicon tetrachloride in non-DOT specification type 304 stainless steel cylinders. (Modes 1 and 2.)
5365-X	DOT-E 5365	SunOlin Chemical Co., Claymont, DE	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification polyurethane insulated cargo tanks for transportation of a flammable cryogenic liquid. (Mode 1.)
5372-X	DOT-E 5372	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d), 173.302(a)(3), 173.304(a)(2).	To authorize shipment of nonflammable and flammable gases in non-DOT specification cylinders complying with DOT Specification 3T, with certain exceptions. (Modes 1 and 3.)
5372-X	DOT-E 5372	Airco Industrial Gases, Murray Hill NJ	49 CFR 173.301(d), 173.302(a)(3), 173.304(a)(2).	To authorize shipment of nonflammable and flammable gases in non-DOT specification cylinders complying with DOT Specification 3T, with certain exceptions. (Modes 1 and 3.)
5414-X	DOT-E 5414	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 172.101, 173.315(a)	To authorize use of a vacuum insulated non-DOT specification portable tank for transportation of a flammable gas. (Mode 1.)
5701-X	DOT-E 5701	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.268(a)(3)	To authorize use of a non-DOT specification cargo tank for transportation of a certain oxidizer. (Mode 1.)
5792-X	DOT-E 5792	Northern Petrochemical Co., Des Plaines, IL.	49 CFR 172.101, 172.101, 173.314(c), 173.314(c).	To authorize shipment of liquefied flammable gases in non-DOT specification vacuum-insulated tank car tank. (Mode 2.)
6016-X	DOT-E 6016	Guttman Supply Co., Belle Vernon, PA	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Welding & Cutting Supply Co., Cleveland, OH.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6045-X	DOT-E 6045	Union Carbide Corp., Danbury, CT	49 CFR 173.121	To authorize use of DOT Specification MC-312 cargo tanks for transportation of a flammable liquid. (Modes 1 and 3.)
6253-X	DOT-E 6253	Eurotainer S. A. Paris, France	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize use of non-DOT specification stainless steel intermodal portable tanks for transportation of various hazardous materials. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize use of non-DOT specification stainless steel intermodal portable tanks for transportation of various hazardous materials. (Modes 1, 2, and 3.)
6299-X	DOT-E 6299	Minnesota Valley Engineering New Prague, MN.	49 CFR 173.315(a)(1)	To authoize manufacture, marking and sale of non-DOT specification portable tanks for transportation of nonflammable gases. (Modes 1 and 3.)
6305-X	DOT-E 6305	Monsanto Co., St. Louis, MO	49 CFR 173.113(a)(1)	To authorize shipment of a certain Class C explosive in DOT Specification 23F35 fiberboard boxes. (Modes 1 and 2.)
6309-P	DOT-E 6309	Freeman Chemical Corp., Washington, WI.	49 CFR 173.315(a)(1)	To become a party to Exemption 6309. (Modes 1 and 2.)
6309-X	DOT-E 6309	General Latex and Chemical Corp. of GA, Dalton, GA.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification steel portable tanks for transportation of certain nonpoisonous, nonflammable compressed gases. (Modes 1 and 2.)
6325-X	DOT-E 6325	Atlas Powder Co., Dallas, TX	49 CFR 173.154(a)	To authorize transport of oxidizers in non-DOT specification cargo tanks or DOT Specification MC-306, MC-307 or MC-312 cargo tanks. (Mode 1.)
6333-X	DOT-E 6333	Allied Corp., Morristown, NJ	49 CFR 173.245(a)(31), 173.263(a)(10), 173.268(b)(3), 173.272(i)(25), 178.343-1(b).	To authorize transport of certain corrosive liquids in non-DOT specification type MC-312 glass lined cargo tanks. (Mode 1.)
6392-X	DOT-E 6392	Northern Petrochemical Co., Des Plaines, IL.	49 CFR 172.101, 173.314(c)	To authorize use of non-DOT specification vacuum insulated tank car tanks for shipment of a liquefied flammable compressed gas. (Mode 2.)
6418-X	DOT-E 6418	Great Lakes Chemical Corp., El Dorado, AR.	49 CFR 173.357(b)	To authorize use of DOT Specification MC-303. MC-304, MC-306, MC-307, MC-310 or MC-312 steel cargo tanks for transportation of Class B poisonous liquids. (Mode 1.)
6418-X	DOT-E 6418	Dow Chemical Co., Midland, MI	49 CFR 173.357(b)	To authorize use of DOT Specification MC-303. MC-304, MC-306, MC-307, MC-310 or MC-312 steel cargo tanks for transportation of Class B poisonous liquids. (Mode 1.)
6497-X	DOT-E 6497	FMC Corp., Middleport, NY	49 CFR 173.365, 174.63(c)	To authorize use of a modified DOT Specification 56 portable tank for transportation of Class B poison solids. (Modes 1 and 2.)
6530-X	DOT-E 6530	Mass Oxygen Equipment Co., Inc., Westbourgh, MA.	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1 and 2.)
6563-X	DOT-E 6563	Safety Medical Corp., Sharon Hill, PA	49 CFR 173.302(a)(1), 175.3	To authorize shipment of certain nonflammable gases in non-DOT specification steel cylinders, made in compliance with DOT Specification 3E. (Modes 1, 2, 3, 4, and 5.)
6602-X	DOT-E 6602	Great Lakes Chemical, El Dorado, AR	49 CFR 173.245(a), 173.314(c), 173.315(a)(1).	To authorize use of DOT Specification MC-331 cargo tanks and DOT Specification 105A500W or 106A500X tank car tanks for shipment of certain corrosive liquids and nonflammable compressed gases. (Modes 1 and 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6602-X	DOT-E 6602	Dow Chemical Co., Midland, MI	49 CFR 173.245(a), 173.314(c), 173.315(a)(1).	To authorize use of DOT Specification MC-331 cargo tanks and DOT Specification 105A500W or 106A500X tank car tanks for shipment of certain corrosive liquids and nonflammable compressed gases. (Modes 1 and 2.)
6614-P	DOT-E 6614	Dietz Pool & Patio Supply, Williamston, MI.	49 CFR 173.263(a)(28), 173.277(a)(6)	To become a party to Exemption 6614. (Mode 1.)
6614-P	DOT-E 6614	Mid-State Chemical & Supply Corp., Indianapolis, IN.	49 CFR 173.263(a)(28), 173.277(a)(6)	To become a party to Exemption 6614. (Mode 1.)
6614-P	DOT-E 6614	Rand Pool and Patio, Inc., Des Plaines, IL.	49 CFR 173.263(a)(28), 173.277(a)(6)	To become a party to Exemption 6614. (Mode 1.)
6614-P	DOT-E 6614	Russel B. Mason Co., Inc., Webster, NY	49 CFR 173.263(a)(28), 173.277(a)(6)	To become a party to Exemption 6614. (Mode 1.)
6614-P	DOT-E 6614	Steelcrete Co., Novi, MI	49 CFR 173.263(a)(28), 173.277(a)(6)	To become a party to Exemption 6614. (Mode 1.)
6616-X	DOT-E 6616	Fenwal Inc., Ashland, MA	49 CFR 173.304(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT specification spherical steel pressure vessels for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
6762-P	DOT-E 6762	Aquaphase Laboratories, Inc., Adrian, MI	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, and 4.)
6763-X	DOT-E 6763	Purex Corp., City of Industry, CA	49 CFR 173.217(a)(8)	To authorize 16 pound minimum polyethylene bottles as an alternate inner packaging to the units currently specified. (Modes 1, 2, and 3.)
6763-X	DOT-E 6763	Purex Corp., Carson City CA	49 CFR 173.217(a)(8)	To authorize use of non-DOT specification single-wall, double-faced corrugated fiberboard boxes for shipment of certain oxidizers. (Modes 1, 2, and 3.)
6806-X	DOT-E 6806	Kaiser Aluminum Chemical Corp., Pleasanton, CA.	49 CFR 173.302(a), 175.3	To authorize transport of a flammable gas in a DOT Specification 3E1800 cylinder by passenger-carrying aircraft. (Mode 5.)
6844-X	DOT-E 6844	Mobay Chemical Corp., Union, NJ	49 CFR 173.249a	To authorize use of non-DOT specification 275-gallon "Dypak" single-trip polyethylene containers overpacked in a plywood box for the transport of a certain corrosive liquid. (Modes 1, 2, and 3.)
6895-X	DOT-E 6895	GTE Products Corp., Danvers, MA	49 CFR 173.140(a)(1), 175.3	To authorize shipment of zirconium liquid mixtures in a DOT Specification 37A steel drum. (Modes 1, 2, 3, and 4.)
6984-P	DOT-E 6984	East Kentucky Explosives, Inc., West Prestonsburg, KY.	49 CFR 173.103(a) 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
6984-P	DOT-E 6984	Atlas Powder Co., Dallas, TX	49 CFR 173.103(a) 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
6984-P	DOT-E 6984	International Minerals and Chemical Corp., Des Plaines, IL.	49 CFR 173.103(a) 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
7026-X	DOT-E 7026	Hydraulic Research Pacoima, CA	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize manufacture, marking and sale of a non-DOT Specification welded steel pressure vessel for transportation of a compressed gas. (Modes 1, 2, 4, and 5.)
7032-X	DOT-E 7032	Polaroid Corp., Needham Heights, MA	49 CFR 172.101, 175.3	To authorize outside packages exceeding the 100 pounds limitation to be carried aboard cargo-only aircraft for shipment of a certain corrosive solid. (Mode 4.)
7040-X	DOT-E 7040	Polaroid Corp., Needham Heights, MA	49 CFR 172.101, 175.3	To authorize carriage of larger quantities of corrosive liquids in DOT Specification 6D cylindrical steel overpack with inside DOT Specification 2SL container mounted on a pallet and covered with a wooden overwrap. (Mode 4.)
7052-X	DOT-E 7052	Altus Corp., San Jose, CA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Matsushita Battery Industrial Co., Osaka, Japan.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Ray-O-Vac Corp., Madison, WI	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Jet Propulsion Laboratory, Pasadena, CA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Hazeltine Corp., Braintree, MA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Sparton Corp., Jackson, MI	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Electrochem Industries, Inc., Clarence, NY.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Tadiran Israel Electronics Industries, Ltd., Rehovot, Israel.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Bunker Ramo Corp., Westlake Village, CA.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	GTE Products Corp., Waltham, MA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Allen-Bradley Co., Twinsburg, OH	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Sonatech, Inc., Goleta, CA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Ocean Research Equipment, Inc., Falmouth, MA.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Battery Safety Society, Inc., Fairfax, VA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Panasonic Industrial Co., Secaucus, NJ	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Duracell International Inc., Tarrytown, NY	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	National Aeronautics and Space Administration, Washington, DC.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Power Conversion, Inc., Mount Vernon, NY.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Industrial Solid State Controls, Inc., York, PA.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	The Boeing Co., Seattle, WA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Magnavox Government & Industrial Electronics Corp., Fort Wayne, IN.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7052-X	DOT-E 7052	EG & G Environmental Equipment Herndon, VA.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Eagle-Picher Industries, Inc., Joplin, MO	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Gould, Inc., Andover, MA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	United Space Boosters, Inc., Huntsville, AL.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Plainview Electronics Corp., Plainview, NY.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	General Motors Corp., Detroit, MI	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	U.S. Department of Energy, Washington, DC.	49 CFR 172.101, 175.3	To authorize- shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Honeywell, Inc., Horsham, PA	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Rockwell International Corp., Arlington, VA.	49 CFR 172.101, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7070-X	DOT-E 7070	Oxy Metal Industries Corp., Nutley, NJ	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7070-X	DOT-E 7070	Auric Corp., Newark, NJ	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7070-X	DOT-E 7070	Technic, Inc., Cranston, RI	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7070-X	DOT-E 7070	American Chemical and Refining Co., Waterbury, CT.	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7070-X	DOT-E 7070	Engelhardt Industries, Providence, RI	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7070-X	DOT-E 7070	Lea-Ronal Inc., Freeport, NY	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7097-X	DOT-E 7097	Plant Products Corp., Vero Beach, CA	49 CFR 173.377(f)	To authorize shipment of a dry mixtures of parathion and tetraethyl dithio pyrophosphate from specification packaging requirements. (Mode 1.)
7277-X	DOT-E 7277	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinder for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
7409-X	DOT-E 7409	Puerto Rico Maritime Shipping Authority, Elizabeth, NJ.	49 CFR 173.119(b), 46 CFR 05-35, 46 CFR 98.35-3.	To authorize use of a modified DOT Specification cargo tank for transportation of certain combustible liquids. (Mode 3.)
7409-X	DOT-E 7409	Sea-Land Service, Inc., Elizabeth, NJ	49 CFR 173.119(b), 46 CFR 90.05-35, 46 CFR 98.35-3.	To authorize use of a modified DOT Specification cargo tank for transportation of certain combustible liquids. (Mode 3.)
7454-X	DOT-E 7454	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 176.410(e)(2), 176.83	To authorize blasting agents to be stowed in proximity to certain explosives without a bulkhead separating these materials. (Mode 3.)
7498-X	DOT-E 7498	Allied Corp., Morristown, NJ	49 CFR 173.263(a)(15), 178.210	To authorize shipment of a corrosive liquid in a non-DOT specification corrugated polypropylene box. (Modes 1, 2, and 3.)
7544-X	DOT-E 7544	Eastman Kodak Co., Rochester, NY	49 CFR 173.245, 173.249, 173.272	To authorize transport of solutions of sodium hydroxide and certain other liquid corrosives, or other liquid corrosive materials in a DOT Specification 2U polyethylene inside container, overpacked in a non-DOT specification fiberboard box. (Modes 1, 2, and 3.)
7573-X	DOT-E 7573	U.S. Department of Defense, Washington, DC.	49 CFR 175.3, 175.30(a)(1)	To authorize transport of certain hazardous materials presently forbidden or in quantities greater than allowed for cargo-only aircraft. (Mode 4.)
7594-X	DOT-E 7594	Bromine Compounds, Ltd., Beersheva, Isreal.	49 CFR 173.353	To authorize transportation of certain poison B liquids in DOT Specification MC-312 cargo tanks. (Modes 1 and 3.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainesville, VA	49 CFR 173.53(e), 173.62	To authorize shipment of densensitized nitroglycerin in non-DOT specification inside containers. (Mode 1.)
7607-P	DOT-E 7607	Ecology and Environment, Inc., Arlington, VA.	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5.)
7741-X	DOT-E 7741	Bell Aerospace, Buffalo, NY	49 CFR 173.276(a), 173.302(a), 173.34(d), 175.3, 175.30.	To authorize shipment of anhydrous hydrazine and helium in non-refillable non-DOT specification cylinders. (Modes 1, 3, and 4.)
7770-X	DOT-E 7770	Logemafer S.A., Paris, France	49 CFR 173.143, 173.264(b)(4)	To authorize transport fo anhydrous hydrogen fluoride or anhydrous methylchloromethyl ether in certain non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7774-P	DOT-E 7774	Chem Cut Co., Fort Worth, TX	49 CFR 173.246, 175.3	To become a party to Exemption 7774. (Modes 1, 2, 4, and 5.)
7774-P	DOT-E 7774	Pengo Industries, Inc., Fort Worth, TX	49 CFR 173.246, 175.3	To become a party to Exemption 7774. (Modes 1, 2, 4, and 5.)
7835-P	DOT-E 7835	MG Burdett Gas Products Co., Norristown, PA.	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.)
7835-X	DOT-E 7835	Airco Industrial Gases, Murray Hill, NJ	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Synthatron Crop., Parsippany, NJ	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7921-X	DOT-E 7921	Beckton Dickinson & Co., Paramus, NJ	49 CFR 171.2, 173.21, 173.22a, 173.24, 173.6(b), Parts 100-199, except Part 107, excluded.	To authorize transport of analytical kits containing reagent chemicals in sealed glass ampules which do not exceed one ml. capacity. (Modes 1, 2, 3, 4, and 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7959-X	DOT-E 7959	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA.	49 CFR 172.101, 176.76(g)(3), 176.76(k)	To authorize stowage of motor vehicles containing compressed gases packaged in accordance with DOT regulations and recreational vehicles carrying heating and cooking compressed fuels on the vehicle deck of passenger-carrying ferries and other passenger-carrying vessels. (Mode 3.)
7963-X	DOT-E 7963	Stauffer Chemical Co., Westport, CT	49 CFR 173.360(a)(5), 46 CFR 90.05-35	To authorize transport of perchloromethyl mercaptan in monel tanks constructed in accordance with DOT Specification 51, with certain exceptions. (Modes 1, 2, and 3.)
7971-X	DOT-E 7971	Hydraulic Research Textron, Pacoima, CA.	49 CFR 173.302, 173.304, 175.3, 178.53	To authorize manufacture, marking and sale of non-DOT specification cylinders for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
7987-X	DOT-E 7987	Stauffer Chemical Co., Westport, CT	49 CFR 173.343, 173.377	To authorize shipment of a material designated as Poison B in 5-ply multi-wall natural kraft bags. (Modes 1 and 2.)
8008-X	DOT-E 8008	Wheaton Aerosols Co., Mays Landing, NJ.	49 CFR 173.305, 173.306(a)	To authorize manufacture, marking and sale of non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, for shipment of compressed gases. (Modes 1, 2, 3, and 4.)
8012-X	DOT-E 8012	Compagnie des Containers Reservoirs Neuilly-sur-Seine, France.	49 CFR 173.266	To authorize use of non-DOT specification portable tanks for transportation of hydrogen peroxide. (Modes 1, 2, and 3.)
8077-P	DOT-E 8077	Dow Corning Corp., Midland, MI	49 CFR 173.136(a)(3), 173.247(a)(7)	To become a party to Exemption 8077. (Modes 1 and 2.)
8077-P	DOT-E 8077	Fairchild Camera and Instrument, San Rafael, CA.	49 CFR 173.136(a)(3), 173.247(a)(7)	To become a party to Exemption 8077. (Modes 1 and 2.)
8077-X	DOT-E 8077	M&T Chemicals Inc., So. San Francisco, CA.	49 CFR 173.136(a)(3), 173.247(a)(7)	To authorize use of non-DOT specification steel drums for shipment of a flammable and corrosive liquid. (Modes 1 and 2.)
8274-X	DOT-E 8274	Eurotainer, Paris, France	49 CFR 173.119, 173.135, 173.141, 173.145, 173.147, 173.245, 173.247, 173.346a, 173.347, 173.349, 173.361, 173.362.	To authorize use of non-DOT specification intermodal portable tanks for transportation of certain hazardous materials. (Modes 1, 2, and 3.)
8305-X	DOT-E 8305	Eldorado Chemical Co., Inc., San Antonio, TX.	49 CFR 173.245(a)	To authorize use of a DOT Specification MC-300 cargo tank for transportation of certain corrosive materials. (Mode 1.)
8344-P	DOT-E 8344	Western-Hoegee Co., Glendale, CA	49 CFR 173.197a	To become a party to Exemption 8344. (Mode 1.)
8344-X	DOT-E 8344	Farwest Sports Inc., Olympia, WA	49 CFR 173.197a	To authorize the transportation of fiberboard boxes containing different brands of smokeless powder without B of E approval of each box. (Mode 1.)
8382-X	DOT-E 8382	Walter Kidde Co., Inc., Belleville, NY	49 CFR 173.302(a), 175.3	To authorize manufacture, marking and sale of welded non-DOT specification stainles steel cylinders for shipment of nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8390-X	DOT-E 8390	Texas Instruments Inc., Dallas, TX	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8390-X	DOT-E 8390	Allied Corp., Morristown, NJ	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%-98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8396-X	DOT-E 8396	Aztec Chemicals, Elyria, OH	49 CFR 173.119, 173.21	To authorize transport of a flammable liquid which is also an organic peroxide in DOT Specification MC-307 and MC-312 cargo tanks. (Mode 1.)
8408-X	DOT-E 8408	Presvac Systems (Burlington) Ltd., Burlington, Ontario Can.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks complying with DOT Specification MC-307 or MC-312, for transportation of flammable liquids, corrosive material or poison B. (Mode 1.)
8414-X	DOT-E 8414	Fauvet-Girel, Paris, France	49 CFR 173.315	To authorize transport of certain nonflammable gases in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8423-X	DOT-E 8423	U.S. Environmental Protection Agency, Washington, DC.	49 CFR Parts 100-199	To authorize transport of small quantities of hazardous materials in non-DOT specification glass ampules. (Modes 1, 2, 3, 4, and 5.)
8426-X	DOT-E 8426	Martin Tank Manufacturing, Cerritos, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exception for transport of liquid and semi-solid waste material (Mode 1.)
8432-X	DOT-E 8432	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.154, 175.3	To authorize transport of plastic bottles containing an aqueous solution of sodium perchlorate and plastic bottles containing aluminum powder together in a wire bound plywood box. (Modes 1, 2, 3, and 4.)
8441-P	DOT-E 8441	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8441-P	DOT-E 8441	Battery Safety Society, Inc., Fairfax, VA	49 CFR 172.101	To become a party to exemption 8441. (Mode 1.)
8442-X	DOT-E 8442	Evans Tank Co., Lubbock, TX	49 CFR 172.101, 173.315(a), 173.315(c)(1).	To authorize manufacture, marking and sale of non-vacuum insulated DOT Specification MC-331 cargo tanks for transportation of flammable and nonflammable gases. (Mode 1.)
8453-X	DOT-E 8453	Atlas Powder Co., Dallas, TX	49 CFR 173.114a	To authorize use of non-DOT specification cargo tanks and DOT Specification MC-306, MC-307, or MC-312 stainless steel cargo tanks to transport blasting agent. (Mode 1.)
8690-X	DOT-E 8690	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.34(d)	To authorize shipment of nitrosyl chloride in DOT Specification 3BN400 cylinders without safety relief devices. (Mode 1.)
8732-P	DOT-E 8732	Union Carbide Corp., Danbury, CT	49 CFR 173.245	To become a party to Exemption 8732. (Mode 1.)
8736-X	DOT-E 8736	Pressure Transport, Inc., Austin, TX	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT Specification 3AAX cylinders made of 4130X steel for transportation of a compressed gas. (Mode 1.)
8834-X	DOT-E 7969	Crosby & Overton Inc., Long Beach, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize shipment of certain waste hazardous materials in non-DOT specification single compartment cargo tanks similar to DOT Specification 307/312 except for bottom outlet and circumferential reinforcement. (Mode 1.)
8846-X	DOT-E 8846	GAF Corp., Wayne, NJ	49 CFR 173.315(a)(1) table	To authorize shipment of vinyl methyl ether in DOT Specification MC-330 or MC-331 tank motor vehicles. (Mode 1.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7042-X	DOT-E 8840	Walter Kidde, Belleville, NJ	49 CFR 173.23(c), 173.302(a)(5), 175.3	To authorize manufacture, marking and sale of non-DOT specification inside seamless aluminum containers for transportation of various compressed gases. (Modes 1, 2, 3, and 4.)
8647-N	DOT-E 8647	Marine Technical Services, Inc., Houston, TX.	49 CFR 172.101	To authorize shipment of pressurized liquid oxygen in DOT Specification 4L cylinders secured in the cargo aircraft. (Mode 4.)
8676-N	DOT-E 8676	Southwest Aviation, Inc., Las Cruces, NM	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix 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.)
8739-N	DOT-E 8739	Kerr Steamship Co. Inc., Seattle, WA	49 CFR 173.1075, 176.30	To authorize carriage of hand wrapped newspaper bundles of paper scraps in a freight container with the total weight of the container listed on the dangerous cargo manifest. (Mode 3.)
8768-N	DOT-E 8768	Evans Tank Co., Lubbock, TX	49 CFR 173.315	To authorize manufacture, marking and sale of non-DOT specification insulated cargo tanks built in accordance with proposed DOT Specification MC-338 with certain exceptions, for transportation of flammable and nonflammable cryogenic liquids. (Mode 1.)
8783-N	DOT-E 8783	Bignier Schmid Laurent Ivry Sur Seine, France.	49 CFR 173.315	To authorize use of a non-DOT specification IMCO 5 portable tank for transportation of certain flammable gases. (Modes 1, 2, and 3.)
8793-N	DOT-E 8793	American Chemical & Refining Co., Inc., Waterbury, CT.	49 CFR 173.352(a), 175.3	To authorize shipment of a potassium cyanide solution, n.o.s. in DOT Specification 2E polyethylene bottles of one-gallon capacity, packed no more than four to a DOT Specification 12B fiberboard. (Modes 1 and 4.)
8794-N	DOT-E 8794	Applied Technology, Inc., Barnwell, SC	49 CFR 172.200(a), 173.392(d)(a)(iv), 173.392(d)(7).	To transport via private carriage unpackaged radioactive materials, low specific activity, n.o.s. in mobile transport vehicles without determining equipment contamination levels, without shiping papers, and without issuing instructions for exclusive use of vehicle. (Mode 1.)
8795-N	DOT-E 8795	The Marison Co., South Elgin, IL	49 CFR 173.302, 173.304, 173.38, 175.3, 178.38.	To authorize manufacture, marking and sale of non-DOT specification cylinders made in compliance with DOT Specification 4B240ET, for transportation of nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8798-N	DOT-E 8798	Stauffer Chemical Co., Westport, CT	49 CFR 173.118	To authorize transport of phosphoric anhydride in a DOT Specification 56 portable tank constructed of type 316 L stainless steel. (Modes 1, 2.)
8800-N	DOT-E 8800	General American Transportation Corp., Masury, OH.	49 CFR 173.353	To authorize manufacture, marking and sale of DOT Specification 51 portable tanks for shipment of methyl bromide. (Modes 1, 2, and 3.)
8822-N	DOT-E 8822	Ceertified Tank Manufacturing, Inc., Long Beach, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks made in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of certain waste hazardous materials. (Mode 1.)
8827-N	DOT-E 8827	Union Carbide Corporation, Danbury, CT	49 CFR 173.315	To authorize shipment of vinyl methyl ether in DOT Specification MC-330 and MC-331 cargo tanks. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8856-N	DOT-E 8856	Transamerica Airlines, Oakland, CA	49 CFR 172.101, 173.57, 173.86, 173.90, 175.3, 175.30.	To authorize transport of rocket ammunition with or without explosive projectile. (Mode 4.)
EE 8857-N	DOT-E 8857	Korean Airlines, Los Angeles, CA	49 CFR 172.101, column 6(b), 175.32(a)	To authorize transport of Class A explosives loaded on the same aircraft with Class B and C explosives. (Mode 4.)
EE 8858-N	DOT-E 8858	General Electric Co., Schenectady, NY	49 CFR 173.206	To authorize a one time shipment of two non-DOT Specification portable tanks containing sodium metallic. (Mode 1.)
EE 8859-N	DOT-E 8859	AVM Corp., Pittsburgh, PA	49 CFR 173.306(f)(2)(iii), 173.306(f)(3), 175.3.	To authorize shipment of a compressed gas in accumulators which deviate from required test criteria. (Modes 1, 4 and 5.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5372-X	Union Carbide Corp., Danbury, CT	49 CFR 173.301(d),173.302(a)(3), 173.304(a)(2).	To authorize shipment of nonflammable and flammable gases in non-DOT specification cylinders complying with DOT Specification 3T, with certain exceptions. (Modes 1 and 3.)
7914-N	Southern Pacific Transportation Co., San Francisco, CA.	49 CFR 174.91, 174.92, 174.93	To allow operation of unit tank car trains of petroleum crude oil without buffer cars. (Mode 2.)
8663-N	Goex, Inc., Cleburne, TX	49 CFR 173.86	To authorize shipment of black powder, manufactured in a foreign country, in DOT Specification 12H fiberboard boxes overpacked in DOT Specification 15A wooden boxes, without being classified in accordance with 173.86. (Mode 1.)
8696-N	Eastern Mediterranean (Containers) Co. Ltd., London, England.	49 CFR Part 173, Subpart F, H	To authorize the shipment of various poison B liquids and corrosive materials (liquids) in DOT Specification 51 portable tanks. (Modes 1, 2, and 3.)
8749-N	British Caledonian Airways Ltd., West Sussex, England.	49 CFR 175.75	To authorize shipment of various medical inhalers containing small amounts of nonflammable compressed gases, aboard passenger carrying aircraft. (Mode 5.)

Denials

7477-X Request by Systron Donner Corporation, Concord, CA to authorize use of non-DOT specification containers for the transportation of certain nonflammable compressed gases denied June 22, 1982, as being unnecessary.

8744-N Request by Aerazur EFA, Paris, France to authorize use of an aluminum cylinder which would contain a compressed gas to inflate liferafts denied June 10, 1982.

8802-N Request by Eva Eisenbahn-Verkehrsmittel-Gesellschaft mbH, Dusseldorf, West Germany to authorize transport of refrigerant gases in non-DOT specification IMCO Type 5 portable tanks denied June 16, 1982.

8807-N Request by Natico, Incorporated, Chicago, IL to manufacture, mark and sell non-DOT specification tight head 55-gallon drums similar to DOT Specification 17E

except top and bottom heads are 20 gauge steel secured by 7 ply chime, for shipment of commodities authorized in DOT Specification 17E drums denied June 22, 1982.

8818–N Request by Dow Chemical Company, Midland, MI to authorize shipment of bromine, a corrosive material in DOT Specification 105A500W tank car tanks having 263,000 pounds gross weight on rail denied June 30, 1982.

Issued in Washington, DC, on July 8, 1982.

J. R. Grothe,

Chief, Exemptions Branch.

[FR Doc. 82-19238 Filed: 7-16-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

National Productivity Advisory Committee; Meeting

July 9, 1982.

The Subcommittee on Human Resources of the National Productivity Advisory Committee will meet at 10:00 a.m. on August 10, 1982 in Suite 4514, 45th floor, Pan American Building, 200 Park Avenue, New York, New York.

The purpose of the meeting will be to discuss ways in which changes in government policy can improve national productivity.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 82-19449 Filed 7-16-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 138
Monday, July 19, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 30349, July 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 14, 1982.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Item CP–1.

Item No., Docket No., and Company

CP–1: CP74–122–008, 009, 010, 011 and 012, Energy Terminal Services Corporation

Kenneth F. Plumb,

Secretary.

[S–1051–82 Filed 7–15–82; 9:10 am]

BILLING CODE 6717–01–M

2

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

[2P0401]

TIME AND DATE: 10 a.m., Friday, July 30, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 6 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–1053–82 Filed 7–15–82; 3:20 pm]

BILLING CODE 4410–01–M

3

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 30143, July 12, 1982.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, July 7, 1982.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at a closed meeting scheduled for Wednesday, July 14, 1982, at 10 a.m.:

Litigation matter.

Chairman Shad and Commissioners Evans and Thomas determined by vote that Commission business required consideration of this matter and that no earlier notice thereof was possible.

At times changes in Commission priorities requre alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2467.

July 15, 1982.

[S–1052–82 Filed 7–15–82; 2:02 pm]

BILLING CODE 8010–01–M

federal register

Monday
July 19, 1982

Part II

Department of the Interior

Bureau of Land Management

Amendments to Reduce Native Overselection Under the Alaska Native Claims Settlement Act

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2650

Amendments To Reduce Native Overselection Under the Alaska Native Claims Settlement Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would provide a procedure to be used for the reduction of Native corporation overselections under the Alaska Native Claims Settlement Act. The proposed rulemaking is mandated by the terms of a stipulation of a settlement filed in *Alaska* v. *Reagan,* Civil No. A78–291 (D. Alaska).

DATE: Comments should be submitted by September 17, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FURTHER INFORMATION CONTACT:
Sue Wolf, (202) 343–6511
or
Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: The changes made by this proposed rulemaking would set the criteria that will be used to determine what constitutes overselection by an Alaska Native corporation, either regional, village or group, under the Alaska Native Claims Settlement Act. Under the provisions of the proposed rulemaking, a Native corporation would be considered to have overselected if its selections are in excess of 125 percent of its remaining entitlement, after deducting those acres that fit into certain designated categories (i.e., conflicting selections).

This proposed rulemaking would establish the procedure to be followed in reducing any overselection to the acceptable 125 percent of remaining entitlement. After being notified that its valid selections constitute more than 125 percent of its unconveyed entitlement, a Native corporation would use this procedure to identify, by priority, those lands that it wants conveyed and to relinquish any overselection. If the Native corporation should fail to comply with the prioritizing provisions contained in the proposed rulemaking, the Secretary of the Interior would have the discretionary authority to reduce the overselection to 125 percent of the remaining entitlement by rejecting enough of the Native corporation's pending selections to bring them to 125 percent of their remaining entitlement. This proposed rulemaking would not affect existing procedures for rejecting invalid selections.

The principal author of this proposed rulemaking is Sue Wolf, Alaska Programs Staff, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking is exempt from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) by the provisions of section 910 of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2447).

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirements contained in the amendments to 43 CFR Part 2650 do not require approval of the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than 10 respondents annually.

List of Subjects in 43 CFR Part 2650

Administrative practice and procedure, Airports, Alaska, Cemeteries, Historic places, Indians—claims, Indians—lands, National forests, National Wildlife Refuge System, Public lands—grants, Public lands—resources.

PART 2650—ALASKA NATIVE SELECTIONS

Under the authority of the Alaska Native Claims Settlement Act of 1971, as amended (43 U.S.C. 1601 et seq.), it is proposed to amend Part 2650, Group 2600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations as follows:

1. Section 2651.4(f) is revised to read:

§ 2651.4 Selection limitations.

* * * * *

(f)(1) Eligible village corporations may maintain selection applications for lands in excess of their entitlement by entitlement categories (sections 12(a), 12(b), 16(b) and 16(d)); however, the land selections shall not exceed 125 percent of the village corporation's unconveyed entitlement.

(2) For purposes of calculating excess selections, section 12(a), 16(b) and 16(d) entitlements for villages shall be determined in accordance with sections 14(a), 16(b) and 16(d) of the act, and section 12(b) entitlements shall be determined by applying allocations made by the appropriate regional corporation. Where the regional corporation has not made or completed such allocations, entitlements shall be determined by applying an enrollment prorata distribution among all village corporations within a region against the maximum section 12(b) acreage distribution to the appropriate regional corporation as determined by the Secretary.

(3) In determining excess selections, valid village selections filed on lands on which there are conflicting applications or other disputes such as: (i) other valid Native selections filed under section 12(a) or 16; (ii) Native allotment applications; (iii) Federal withdrawals or reserves other than National Forests, Wildlife Refuges or the National Petroleum Reserve—Alaska; (iv) pre-existing claims under other public land laws; or (v) submerged lands claimed by the State of Alaska as navigable waters on which the Secretary has not determined title, shall not be counted.

(4) If the amount of undisputed selections acreage maintained by a village corporation exceeds 125 percent of its unconveyed entitlement, the Secretary may reject selections to reduce the amount of selections to 125 percent of the unconveyed entitlement. To ensure that a village acquires its selections in the order of its priorities, it shall identify its choices numerically, section by section, in the order it wishes them conveyed. If a village fails to identify properly and submit to the Bureau of Land Management its priorities within 60 days of receipt of notice of excess undisputed lands selection, rejection of selections shall be based on date of filing or order of serialization with the latest unprioritized selection filed or the highest alphabetical suffix being rejected first, but in such a manner as to retain compactness and contiguity. Village corporations may also voluntarily relinquish selections outside their core townships to reduce their overselection at any time prior to approval for conveyance; remaining selections shall comply with criteria for compactness and contiguity.

* * * * *

2. Section 2652.3(f) is revised to read:

§ 2652.3 Selection limitations.

* * * * *

(f)(1) Eligible regional corporations may maintain section 12 selection applications for lands in excess of their

entitlement; however, land selections shall not exceed 125 percent of the region's unconveyed entitlement.

(2) Valid regional selections filed on lands that contain conflicting applications or other uncertainties such as: (i) other valid Native selections filed under section 12 (a) or (b): (ii) Native allotment applications; (iii) Federal withdrawals or reserves; (iv) pre-existing claims under other public land laws; or (v) submerged lands claimed by the State of Alaska as navigable waters on which the Secretary has not determined title, shall not be counted.

(3) If the amount of nonconflicting selection acreage maintained by a regional corporation exceeds 125 percent of the unconveyed entitlement, the Secretary may reject selections to reduce the amount of selections to 125 percent of the unconveyed entitlement. To ensure that a regional corporation acquires its selections in the order of its priorities, it shall identify its choices numerically, section by section, in the order it wishes them conveyed. If the regional corporation fails to identify properly and submit to the Bureau of Land Management its priorities within 60 days of receipt of notice of excess nonconflicting lands selections, rejection of selections shall be based on date of filing or order of serialization, with the latest unprioritized selection filed or the highest numerical suffix being rejected first. Regional corporations may also voluntarily relinquish excess selections at any time prior to approval for conveyance. All priortizations, relinquishments and rejections shall comply with:

(i) The provisions of section 12(c)(3) of the Act; and

(ii) Criteria for compactness, contiguity and minimum size of selection.

3. Section 2653.9(b) is revised to read:

§ 2653.9 Regional selections.

* * * * *

(b) Regional corportions may maintain section 14(h)(8) selection applications for lands in excess of their entitlement; however, the land selections shall not exceed 125 percent of the unconveyed entitlement. Valid regional selection filed on lands that contain submerged lands claimed by the State of Alaska as navigable waters on which the Secretary has not determined title, shall not be counted when determining excess selections. If the regional selection exceeds 125 percent of remaining entitlement, the Secretary may reject selections to reduce the amount of selections to 125 percent of unconveyed entitlement. To ensure that the regional corporation acquires its lands in the order of its priority, it shall identify its choices numerically, section by section, in the order it wishes them conveyed. If a regional corporation fails to identify properly and submit to the Bureau of Land Management its priorities within 60 days of receipt of notice of excess lands selections, rejection of selections shall be based on date of filing or order of serialization, with the latest unprioritized selection filed on or the higest serial number being rejected first, but in such a manner as to retain compactness and contiguity. Excess selections may be voluntarily relinquished at any time prior to approval for conveyance; remaining selections shall comply with criteria for compactness and contiguity.

* * * * *

4. Section 2653.10 is revised to read:

§ 2653.10 Excess selections.

Regional corporations, Native groups or any of the 4 named cities that filed lands selections pursuant to section 14(h)(1), (2) or (3), respectively, may maintain selection applications in excess of their entitlement; however, the land selections shall not exceed 125 percent of unconveyed entitlement. If the selections exceed 125 percent of remaining entitlement, the Secretary may reject selections to reduce the amount of selections to 125 percent of the unconveyed entitlement. To ensure that the corporations acquire their choices in the order of their priorities, they shall identify their choices numerically, section by section, in the order they wish them conveyed. If the corporation fails to identify properly and submit to the Bureau of Land Management its priorities within 60 days of receipt of notice of excess land selection, rejection of selections shall be based on date of filing or order of serialization, with the latest unprioritized selection filed or the highest serial number assigned to the applicant being rejected first. Excess selections may be voluntarily relinquished at any time prior to approval for conveyance; remaining selections shall comply with criteria for compactness and contiguity.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-19465 Filed 7-16-82; 8:45 am]

BILLING CODE 4310-84-M

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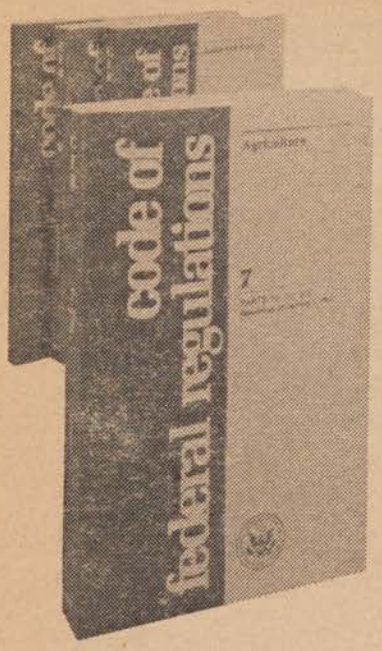

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