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Vol. 47 No. 144
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federal register

Tuesday
July 27, 1982

Selected Subjects

Air Carriers
Civil Aeronautics Board

Civil Rights
Justice Department

Coal Mining
Surface Mining Reclamation and Enforcement Office

Customs Duties and Inspection
Customs Service

Energy Conservation
Civil Aeronautics Board

Environmental Impact Statements
Civil Aeronautics Board

Food Assistance Programs
Food and Nutrition Service

Imports
Customs Service

Labeling
Alcohol, Tobacco and Firearms Bureau
Food and Drug Administration

Marine Safety
Navy Department

Milk Marketing Orders
Agricultural Marketing Service

Political Candidates
Civil Aeronautics Board

Quarantine
Animal and Plant Health Inspection Service

CONTINUED INSIDE

Selected Subjects

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Contents

Federal Register
Vol. 47, No. 144
Tuesday, July 27, 1982

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 47, No. 144
Tuesday, July 27, 1982

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 285

[Amdt. No. 209]

Commonwealth of Puerto Rico Nutrition Assistance Grant

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Department adopts as a final rule the interim rule published March 12, 1982 at 47 FR 10767 which implements a nutrition assistance grant to replace the Food Stamp Program in the Commonwealth of Puerto Rico in accordance with the 1981 Omnibus Budget Reconciliation Act. As required by that law, this grant is to take effect on July 1, 1982.

EFFECTIVE DATE: The interim final provisions adopted by this final action were effective March 12, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Department has determined that this rule constitutes a major rule due to the size of the grant. The amount of monies authorized to be appropriated for the grant are not to exceed $825 million for each fiscal year. The $825 million represents 75 percent of what would be Puerto Rico's total anticipated Food Stamp Program expenditures in fiscal year 1982 if the program ran through September 30, 1982. The conversion to the block grant on July 1, 1982 is expected to result in reduced Federal expenditures of $69 million in Fiscal Year 1982, $327 million in Fiscal Year 1983, and $408 million in Fiscal Year 1984, as compared to anticipated expenditures if the Food Stamp Program continued to operate in Puerto Rico.

In addition, this rule will not result in a major increase in costs to State (Commonwealth) or local government agencies in the Commonwealth of Puerto Rico. The rule will not result in a major increase in costs or prices for consumers or individuals and will not have a significant adverse effect on competition, employment, productivity, investment, or foreign trade. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. There is no Regulatory Impact Analysis for this final rule since only two comments were received. Moreover, pursuant to section 4(a) of E.O. 12291, the Department has determined that the rule is within the authority delegated by law and consistent with Congressional intent.

Finally, the rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354. The Administrator of the Food and Nutrition Service has certified that this action will have a broad but minor economic impact on a substantial number of small entities. The action will implement that provision of the 1981 Omnibus Budget Reconciliation Act which converts the Federal Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant. The State and local welfare agencies will be affected to the extent that they administer the current program. The Department has determined that the potential impact on retail food sales will be minimal since the government of the Commonwealth of Puerto Rico has chosen to replace the present Food Stamp Program in the Commonwealth of Puerto Rico with a cash income-support program.

Background

On March 12, 1982, the Department published an interim rule at 47 FR 10767 which implemented a nutrition assistance grant to replace the Food Stamp Program in the Commonwealth of Puerto Rico. The nutrition assistance grant, which is effective July 1, 1982, is required by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, 95 Stat. 357).

The March 12, 1982, interim rule had a 30-day comment period during which two comments were received. The commenters were in support of the rule as written. Except as discussed below, therefore, 7 CFR Part 285 remains unchanged from the interim rule.

The interim rule required that the Commonwealth of Puerto Rico submit any amendments to the plan of operation to FNS for approval. This final rule clarifies that only those amendments to the provisions specified in § 285.3(b) (i.e., required provisions) require FNS approval. Amendments to any other provisions of the plan would be submitted to FNS for informational purposes. The Commonwealth of Puerto Rico must submit any such amendment to the provisions of the plan at least 30 days prior to the effective date of the amendment. The Commonwealth of Puerto Rico shall submit any request for a waiver of the 30-day requirement to FNS for consideration. If FNS determines that the amendment is to a required provision, the approval procedures for a nondiscretionary amendment will be applied.

List of Subjects in 7 CFR Part 285

Accounting, Food assistance programs, Grant programs—agricultural, Grant programs—social programs, Intergovernmental relations, Puerto Rico, Technical assistance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Part 285 is revised and adopted as final to read as follows:

PART 285—PROVISION OF A NUTRITION ASSISTANCE GRANT FOR THE COMMONWEALTH OF PUERTO RICO

Sec.

Authority: 90 Stat. 263–279 (48 U.S.C. 1681 note.) 91 Stat. 958 (7 U.S.C. 2011–2029).

§ 285.1 General purpose and scope.

This part describes the general terms and conditions under which grant funds shall be provided by the Food and Nutrition Service (FNS) to the government of the Commonwealth of Puerto Rico for the purpose of designing and conducting a nutrition assistance program for needy persons. The Commonwealth of Puerto Rico is authorized to establish eligibility and benefit levels for the nutrition assistance program. In addition, with FNS approval, the Commonwealth of Puerto Rico may employ a small proportion of the grant funds to finance projects that the Commonwealth of Puerto Rico believes likely to improve or stimulate agriculture, food production, and food distribution.

§ 285.2 Funding.

(a) FNS shall, consistent with the plan of operation required by § 285.3 of this part, and subject to availability of funds, provide nutrition assistance grant funds to the Commonwealth of Puerto Rico to cover 100 percent of the expenditures related to food assistance provided to needy persons and 50 percent of the administrative expenses related to the food assistance. The amount of the grant funds provided to the Commonwealth of Puerto Rico shall not exceed $825,000,000 for each fiscal year except that the amount payable to Puerto Rico for final quarter of fiscal year 1982 shall be $206,500,000.

(b) FNS shall, subject to the provisions in §§ 285.4 and 285.7 in this part, and limited by the provisions of paragraph (a) of this subsection, pay to the Commonwealth of Puerto Rico for the applicable fiscal year, the amount estimated by the Commonwealth of Puerto Rico pursuant to § 285.3(b)(4). Payments shall be made no less frequently than on a monthly basis prior to the beginning of each month consistent with the Treasury Fiscal Requirement Manual, Volume I, part 6, section 2030; these letters of credit shall be drawn on an as-needed basis. The amount shall be reduced or increased to the extent of any prior overpayment or underpayment which FNS determines has been made and which has not been previoulsy adjusted. The payment(s) received by the Commonwealth of Puerto Rico for a fiscal year shall not exceed the total authorized for the grant, or the total cost for the nutrition assistance program eligible for funding, whichever is less, for that fiscal year.

(c) FNS may recover from the Commonwealth of Puerto Rico, through offsets to funding during any fiscal year, funds previously paid to the Commonwealth of Puerto Rico and later determined by the Secretary to have been overpayments. Funds which may be recovered include, but are not limited to:

(1) Costs not included in the approved plan of operation;

(2) Unallowable costs discovered in audit or investigation findings;

(3) Funds allocated to the Commonwealth of Puerto Rico which exceeded expenditures during the fiscal year for which the funds were authorized; or

(4) Amounts owed to FNS as a result of the nutrition assistance grant which have been billed to the Commonwealth of Puerto Rico and which the Commonwealth of Puerto Rico has failed to pay without cause acceptable to FNS.

(d) Funds for payment of any prior fiscal year expenditures shall be claimed from the funding for that prior year. The payment of funds shall not exceed the authorization for that prior fiscal year.

§ 285.3 Plan of Operation.

(a) To receive payments for any fiscal year the Commonwealth of Puerto Rico shall have a plan of operation for that fiscal year approved by FNS. The Commonwealth of Puerto Rico shall submit the initial plan of operation, for fiscal years 1982 and 1983, no later than April 1, 1982. Each subsequent plan of operation shall be sumitted for FNS approval by the July 1 preceding the fiscal year for which the plan of operation is to be effective.

(b) The plan of operation shall include the following information:

(1) Designation of a single agency which shall be responsible for administration, or supervision of the administration, of the nutrition assistance program.

(2) A description of the needy persons residing in the Commonwealth of Puerto Rico and an assessment of the food and nutrition needs of these persons. The description and assessment shall demonstrate that the nutrition assistance program is directed toward the most needy persons in the Commonwealth of Puerto Rico.

(3) A description of the program for nutrition assistance including:

(i) A general description of the nutrition assistance to be provided the needy persons who will receive assistance, and any agencies designated to provide such assistance;

(ii) to the extent grant funds are not used for direct nutrition assistance payments to needy persons, the plan of operation must demonstrate that the grants funds will provide nutrition assistance benefiting needy persons in the Commonwealth of Puerto Rico.

(4) A budget and an estimate of the monthly amounts of expenditures necessary for the provision of the nutrition assistance and related administrative expenses up to the monthly amounts provided for payment in § 285.2.

(5) Other reasonably related information which FNS may request.

(6) An agreement signed by the governor or other appropriate official to conduct the nutrition assistance program in accordance with the FNS-approved plan of operation and in compliance with all pertinent Federal rules and regulations. The Commonwealth of Puerto Rico shall also agree to comply with any changes in Federal law and regulations.

(c) Any amendments to those provisions of the plan of operation specified in paragraph (b) of this section, must be submitted to FNS for approval.

§ 285.4 Approval.

(a) FNS shall approve or disapprove the initial plan of operation for fiscal years 1982 and 1983 no later than 30 days from the date the Commonwealth of Puerto Rico submits such plan. Thereafter, FNS shall approve or disapprove any plan of operation no later than August 1 of the year of its submission. FNS approval of the plan of operation shall be based on an assessment that the nutrition assistance program, as defined in the plan of operation, is:

(1) Sufficient to permit analysis and review;

(2) Reasonably targeted to the most needy persons as defined in the plan of operation;

(3) Supported by an assessment of the food and nutrition needs of needy persons;

(4) Reasonable in terms of the funds requested;

(5) Structured to include safeguards to prevent fraud, waste, and abuse in the use of grant funds; and

(6) Consistent with all applicable Federal laws.

(b) FNS shall approve or disappove any amendments to those provisions of the plan of operation specified in § 285.3(b). If FNS fails either to approve or deny the amendment, or to request additional information within 30 days, the amendment to the plan of operation is approved. If additional information is requested, the Commonwealth of Puerto Rico shall provide this as soon as

possible, and FNS shall approve or deny the amendment to the plan of operation. Payment schedules and other program operations may not be altered until an amendment to the plan of operation is approved. The Commonwealth of Puerto Rico shall, for informational purposes, submit to FNS any amendments to those provisions of the plan of operation not specified in § 285.3(b). Such submittal shall be made at least 30 days prior to the effective date of the amendment. If circumstances warrant a waiver of the 30-day requirement, the Commonwealth of Puerto Rico shall submit a waiver request to FNS for consideration. Should FNS determine that such an amendment relates to the provisions of § 285.3(b), FNS approval as established above will be necessary for the amendment to be implemented.

(c) FNS may approve part of any plan of operation or amendment submitted by the Commonwealth of Puerto Rico contingent on appropriate action by the Commonwealth of Puerto Rico with respect to the problem areas in the plan of operation.

(d) If all or part of the plan of operation is disapproved, FNS shall notify the appropriate agency in the Commonwealth of Puerto Rico of the problem area(s) in the plan of operation and the actions necessary to secure approval.

(e) In accordance with the provisions of § 285.7, funds may be withheld or denied when all or part of a plan of operation is disapproved.

§ 285.5 Records and Reports.

The Commonwealth of Puerto Rico shall follow procedures, and maintain and submit to FNS such records and reports, as agreed upon by the Commonwealth of Puerto Rico and FNS, for the nutrition assistance program as outlined in the plan of operation. Such records and reports shall, at a minimum, be prepared in accordance with Part 3015 of this title.

§ 285.6 Audits.

(a) The Commonwealth of Puerto Rico shall provide an audit of expenditures in compliance with the requirements in Part 3015 of this title at least once every two years. The findings of such audit shall be reported to FNS no later than 120 days from the end of each fiscal year in which the audit is made.

(b) Within 120 days of the end of each fiscal year, the Commonwealth of Puerto Rico shall provide FNS with a statement of: (1) Whether the grant funds received for that fiscal year exceeded the valid obligations made that year for which payment is authorized, and if so, by how much, and (2) such additional related information as FNS may require.

§ 285.7 Failure to Comply.

(a) Grant funds may be withheld in whole or in part, or denied if there is a substantial failure by the Commonwealth of Puerto Rico to comply with the requirements of § 285.6, or to bring into compliance a plan of operation disapproved by FNS, or to comply with program requirements detailed in the plan of operation approved for that fiscal year. (For example, funds shall be paid to the Commonwealth of Puerto Rico to cover only the costs of the part or parts of the plan of operation receiving FNS approval. Withheld payments shall be paid when the unapproved part(s) of the plan are modified and approved.) FNS shall notify the Commonwealth of Puerto Rico that further payments shall not be made until FNS is satisfied that there will no longer be any such failure to comply.

(b) Upon a finding of a substantial failure to comply with the requirements of § 285.6 or the plan of operation, FNS may, in addition to or in lieu of actions taken in accordance with paragraph (a) of this section, refer the matter to the Attorney General with a request that injunctive relief be sought from the appropriate district court of the United States to require compliance with these regulations by the Commonwealth of Puerto Rico.

§285.8 Review.

FNS shall provide for the review of the programs for provision of nutrition assistance for which payments are made under Part 285.

§ 285.9 Technical Assistance.

FNS may provide technical assistance to the Commonwealth of Puerto Rico to assist in the development of the plan of operation, or in the operation of the program detailed in the plan of operation, or to help provide for responsible management of the funds provided or make available to Puerto Rico for nutrition assistance.

(91 Stat. 958 (7 U.S.C. 2011–2019))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: July 20, 1982.

John W. Bode,

Deputy Assistant Secretary for Food and Consumer Services.

[FR Doc. 82-20148 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-30-M

CIVIL AERONAUTICS BOARD

14 CFR Part 312

[Regulation PR-249; Procedural Reg. Amdt. No. 2 to Part 312]

Implementation of National Environmental Policy Act

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is issuing this final rule to clarify its regulations about when an environmental assessment or impact statement is normally required for the licensing of air carriers. Because the Airline Deregulation Act removed the CAB's discretion to issue air carrier certificates for domestic passenger transportation on the basis of public convenience and necessity, environmental reviews are no longer normally required when issuing such certificates. This rule makes that determination clear in the CAB's environmental regulations.

DATES: Effective: August 26, 1982.

Adopted: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Donald H. Horn, Associate General Counsel, Pricing and Entry; 202–673–5205, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, or Joseph A. Brooks, Office of the General Counsel, 202–673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In 14 CFR Part 312, the Board has set forth its rules for implementing the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et. seq.)* with respect to the economic regulation of air transportation. Among other things, those rules state when an environmental assessment or impact statement is normally required for Board actions. Section 312.10 states that certain actions involving the certification of air carriers normally require an environmental review. The certificate action must be within at least one of three categories of new air service and must be one in which the Board has decisionmaking power. The three categories are first-time service to an airport, first-time service by jet, SST, helicopter or V/STOL aircraft, or service that would substantially increase the scope of operations at an airport. Section 312.11(a)(1) lists certain actions in which the Board does not have decisionmaking power and which normally do not require an environmental review.

This rule clarifies the extent of the Board's decisionmaking power with respect to the certification of air carriers in interstate and overseas air passenger transportation, which includes service by combination aircraft carrying both passengers and cargo. In those certificate cases where the Board does not have discretionary authority involving environmental considerations, NEPA does not apply and no formal environmental review is required (see *Trenton Hub Express Airline Fitness Investigation,* Order 82–5–27, dated May 7, 1982). Sections 312.10 and 312.11(a)(1) are amended by this rule to reflect that clarification.

Until this year, the Board had authority under section 401(d) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1371(d)(1)), to grant certificate authority for interstate and overseas air transportation if it was consistent with the public convenience and necessity. Environmental considerations were relevant to that determination. In the past, in rare instances, the Board has placed environmental limitations on certificates.

On January 1, 1982, however, under the Airline Deregulation Act of 1978 (Pub. L. 95–504), the Board's authority to make determinations for domestic passenger certificate applications based on the public convenience and necessity and to name terminal and intermediate points expired. The Board is now required only to determine for those certificates whether the applicant is fit, willing, and able to provide the air transportation sought. That determination involves consideration of whether the applicant has sufficient managerial expertise, financial resources, and compliance disposition to perform air transportation. Environmental factors are not relevant to this determination. The Board thus has no power to deny or limit certificate authority based on environmental considerations for domestic passenger transportation.

Furthermore, the Board's authority under section 401(e)(1) to condition certificates as the public interest may require, which continues, can only be used to carry out the Board's remaining responsibilities and duties with respect to issuing certificates. Since the only responsibilities that included environmental considerations (the finding of public convenience and necessity and the naming of terminal and intermediate points) have expired, the remaining power to condition may not be used to impose environmental conditions on the certificates.

As stated in §§ 312.10 and 312.11, an environmental review under NEPA is not required where the Board has no decision making power, such as where the statute authorizing the action allows the agency no discretion on environmental grounds. The courts have sustained this view. *Natural Resources Defense Council v. Berglund,* 609 F.2d 553 (D.C. Cir. 1979). The Board no longer has any decisionmaking power to deny or limit an application for a domestic passenger certificate once the applicant passes a threshold test unrelated to environmental considerations. Once an applicant is found to be fit, willing, and able to provide the service and to conform to applicable law and regulations, we are required to issue the certificate.

Sections 312.10 and 312.11 are thus amended to reflect this principle. The phrase "such as a certificate proceeding under section 401 of the Act that requires a determination of public convenience and necessity" is added as an example of an action requiring an environmental review in § 312.10.

Certificate proceedings where no public convenience and necessity determination is required are added to the list of actions in § 312.11(a)(1) where the Board has no decisionmaking power.

Contemporaneously with this rule and for the same reasons, the Board is amending its rules to implement the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*). That amendment makes clear that required energy statements in the case of domestic passenger certificates are not consistent with the Board's obligation only to consider fitness in awarding those certificates.

The authority citation for Part 312 is changed to conform to **Federal Register** guidelines.

The reference in § 312.11 to automatic entry certificates is removed. That program has been discontinued.

Because this rule involves a rule of agency procedure that is clarifying an existing rule and making no substantive change, the Board finds for good cause that notice and public procedure are unnecessary. The rule will become effective 30 days after publication in the **Federal Register.**

List of Subjects in 14 CFR Part 312

Administrative practice and procedure, Environmental impact statements.

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 312, *Implementation of the National Environmental Policy Act,* as follows:

1. The authority for Part 312 is revised to read:

Authority: Secs. 102, 204, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 49 U.S.C. 1302, 1324. Pub. L. 91–190, as amended, 83 Stat. 352 *et. seq.;* 42 U.S.C. 4321, et seq.

2. The introductory sentence to § 312.10 is revised to read:

§ 312.10 Actions normally requiring preparation of an environmental impact statement or assessment.

Actions that have the potential to significantly affect the environment and that normally require preparation of an environmental impact statement or an environmental assessment include those in which the Board has decisionmaking power, such as a certificate proceeding under section 401 of the Act that requires a determination of public convenience and necessity, and:

* * * * *

3. Paragraph (1) of § 312.11(a)(1) is revised to read:

§ 312.11 Actions normally not requiring preparation of an environmental impact statement or assessment.

(a) * * *

(1) Actions where the Board has no control over the outcome and where its decisonmaking power is eliminated by statute or regulation, including but not limited to: registration of air taxi operators and air freight forwarders, awards under the unused authority, and domestic all-cargo certificate sections of the Act, and certificate proceedings under section 401 of the Act where no determination of public convenience and necessity is required.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20238 Filed 7–26–82; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 313

[PR–250; Procedural Reg. Amdt. No. 1 to Part 313]

Implementation of the Energy Policy and Conservation Act

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is clarifying its regulations about when an energy statement is required for major regulatory actions. Because the Airline Deregulation Act removed the CAB's discretion to issue air carrier certificates for domestic passenger transportation on the basis of public convenience and necessity, required energy statements are no longer consistent with the Act. The rule makes that determination clear in the CAB's energy regulations.

DATES: Effective: August 26, 1982.
Adopted: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Donald H. Horn, Associate General Counsel, Pricing and Entry; 202–673–5202, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428, or Joseph A. Brooks, Office of the General Counsel, 202–673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: For the reasons fully discussed in PR–249, adopted July 8, 1982, issued contemporaneously, the Board is amending its energy regulations to make clear that energy statements are no longer required for domestic passenger certificates.

The authority citation for Part 312 is changed to conform to Federal Register guidelines.

Because this rule involves a rule of agency procedure that is clarifying an existing rule and making no substantive change, the Board finds for good cause that notice and public procedure are unnecessary. The rule will become effective August 26, 1982.

List of Subjects in 14 CFR Part 313

Administrative practice and procedure, and Energy conservation.

PART 313—IMPLEMENTATION OF THE ENERGY POLICY AND CONSERVATION ACT

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 313, *Implementation of the Energy Policy and Conservation Act,* as follows:

1. The authority for Part 313 is revised to read:

Authority: Secs. 204, Pub. L. 85–726, as amended, 72 Stat. 743, 49 U.S.C. 1324. Pub. L., 84–163, 89 Stat. 940, 42 U.S.C. 6362(b).

2. A new paragraph (b)(5) is added to § 313.4(b) to read:

§ 313.4 Major regulatory action.

* * * * *

(b) * * *

(5) Issuance of a certificate where no determination of public convenience and necessity is required.

3. The word "and" is removed from paragraph (b)(3) and placed at the end of paragraph (b)(4) of § 313.4, and the period at the end of paragraph (b)(4) is replaced by a semicolon.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20237 Filed 7–26–82: 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 374a

[Regulation SPR–190; Special Regulations Amdt. No. 4 to Part 374a; Docket 40502]

Extension of Credit by Airlines to Federal Political Candidates

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is changing its requirements for air carriers to report the campaign indebtedness of political candidates for Federal elective office. Once an election is complete, airlines are required under this rule to file only changes in a candidate's indebtedness rather than monthly reports. A final negative report is required when the debt is paid. The rule relieves a paperwork burden on the airlines without reducing the effectiveness of the CAB's implementation of the Federal Election Campaign Act of 1971.

DATES: Effective: July 27, 1982.
Adopted: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Jack Calloway, Office of Comptroller, (202) 673–6042, or Joseph A. Brooks, Office of General Counsel, (202) 673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking (SPDR–87, 47 FR 13001, March 26, 1982), the Board proposed to change its reporting rules (14 CFR Part 374a) implementing the Federal Election Campaign Act of 1971 (Pub. L. 92–225). The change is to eliminate the need for certificated air carriers to file monthly reports of a candidate's indebtedness after an election or nomination. Instead, a report is to be filed only when there is a change in the indebtedness, with a final negative report due when the debt is paid.

Comments in response to the notice were received from Trans World Airlines, Inc., and U.S. Air, Inc. Both commenters supported the rule change. The Board has decided to adopt the rule as proposed.

The Federal Election Campaign Act requires certain independent regulatory agencies, including the Board, to set rules for the extension of unsecured credit by regulated industries to candidates for Federal political office. As stated in SPDR–87, the Board believes that in order to follow the intent of that Act, it is necessary for it and the public to know: 1) the amount of debt owed to an airline by a political candidate, 2) when that amount of indebtedness changes, and 3) when the debt is paid. The reporting rule as changed continues to meet that intent.

Before this change, airlines had to continue filing reports each month regardless of whether there was any change in indebtedness. That filing continued until a negative report was filed showing that the debt was no longer owed to the carrier. This recurrent filing was a burden on the carrier and provided no major benefit to the public or the Board.

Under the new rule, the airline is required to file one report after an election or nomination, if any, listing the unpaid debt of a political candidate. It is then required to file a report only when the amount of that debt changes and when the debt is paid. This ensures that the Board receives any new information about the debt and is told when the debt is no longer owed to the airline. The Board believes that this is sufficient to monitor the unsecured debt owed to an airline by candidates for Federal political office.

USAir in its comment asked that the Board recommend to Congress that the Federal Election Campaign Act be amended to exclude airlines from reporting political debt owed to them, since similar information is reported by the candidate to the Federal Election Commission (FEC). The Federal Election Commission now collects information about all debt owed by Federal political candidates, including that owed to airlines, but the reports do not single out airline indebtedness. The Board will continue to work with other agencies and Congress in deciding to what extent the Campaign Act and Board requirements under it should be changed, but any such action is of course beyond the scope of this proceeding.

As proposed, for conciseness, the Board is changing the title of Part 374a to "Extension of Credit by Airlines to Federal Political Candidiates."

Further, as shown in the proposed rule and as adopted in the final rule, the Board clarifies the meaning of "negative report" by stating that this report is filed when the debt is no longer owed to the carrier.

Effective Date

Because of the imminence of Congressional elections this year and because this rule change relieves a restriction on the carriers in the filing of reports, the Board finds good cause to make the rule effective immediately upon publication in the **Federal Register.**

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of these changes will have a significant economic impact on a substantial number of small entities. The Board's rules implementing the Federal Election Campaign Act apply only to certificated air carriers. Although some of these carriers are small businesses, the effect of the amendment is only to relax a minor reporting requirement.

List of Subjects in 14 CFR Part 374a

Air carriers, Credit, Political candidates, and Reporting Requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 374a as follows:

1. The authority for Part 374a is:

Authority: Secs. 204, 401, 403, 404, 407, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 758, 760, 766, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386. Sec. 401, Pub. L. 92–225, 86 Stat. 16; 2 U.S.C. 451.

2. Section 374a.6(a) is revised to read:

§ 374a.6 Reporting requirements.

(a) Air carriers shall make monthly reports to the Board with respect to the credit for transportation furnished to candidates, or persons acting on behalf of candidates, during the period from 6 months before nomination, if any, or from 6 months before election, until the date of election. After that 6-month period, air carriers shall file such a report with the Board not later than the 20th day following the end of the calendar month in which the election or nomination takes place, and thereafter when any change occurs in that report, until a negative report is filed showing that no debt for such extension of credit is owed to the carrier.

* * * * *

3. The title of Part 374a is revised to read: *"Extension of Credit by Airlines to Federal Political Candidates."*

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20239 Filed 7–26–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 19

[T.D. 82–135]

Customs Regulations Amendments Relating To Use of Container Stations After Transportation In-Bond

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to container stations, to provide that bonded carriers may transport containerized cargo in-bond to container stations at ports of destination. Presently, the regulations may be interpreted so as to restrict the use of container stations for imported merchandise only to facilities within the port of arrival. Although a bonded carrier may transport containerized cargo to its own facility at a port of destination, this interpretation precludes the delivery of the in-bond merchandise to a container station at the port of destination.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Entry aspects: Benjamin H. Mahoney, Entry Procedures and Penalties Division (202–566–5765); Bond aspects: William D. Lawlor, Carriers, Drawback and Bonds Division (202–566–5865); Operations aspects: Thomas J. Hargrove, Cargo Processing Division (202–566–5234); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

A container station is a secured area within the United States into which containers of merchandise may be moved for the purpose of opening the containers and delivering the contents before any entry is filed with Customs or duty is paid. A container station is important because it serves as a central location at a port for processing containerized merchandise which otherwise could not be handled timely at the dock, wharf, pier, or bonded carrier's terminal.

Sections 19.40 through 19.49, Customs Regulations (19 CFR 19.40–19.49), provide the procedures for the establishment and use of container stations. The pertinent regulations, to be amended by this document, presently provide that a container station, independent of the importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director, upon the filing of an application and posting of a bond by a prospective container station operator, and approval of the application by the district director. Containerized cargo may be moved from the place of unlading to a designated container station before the filing of an entry for the merchandise. The container station operator may file an application for the transfer of a container intact to the station. Approval of the application by the district director shall serve as a permit to transfer the container and its contents to the station. The importing carrier remains jointly and severally liable with the container station operator for the proper delivery of the merchandise until it is "permitted" in accordance with subpart A of Part 158, Customs Regulations (19 CFR Part 158). The regulations also provide that except when the container station operator is moving the merchandise to its own station by his own vehicle, the merchandise may be transferred to a container station only by a bonded cartman (see 19 CFR 112.1(b)), or bonded carrier.

A problem has arisen because Part 19 may be interpreted so as to restrict the use of container stations for imported merchandise brought into a port by an importing carrier only to facilities within the port of arrival after complying with appropriate procedures. Although a bonded carrier may transport containerized cargo to its own facility at a port of destination, this interpretation precluded the placement of the in-bond merchandise in a container station at the port of destination.

Customs realized that the same conditions which existed at a port of arrival before the establishment and use of container stations there also exist when containerized cargo is transported in-bond to a port of destination from the port of arrival in the United States. The bonded carrier's terminal at the port of destination may be unable to process containerized cargo timely and may be unable to provide adequate facilities to permit Customs examination of the imported merchandise, thereby causing a great inconvenience and expense in storage charges to the importer. Alternatives to processing containerized cargo at the carrier's terminal include moving the entire container to a general order warehouse (see 19 CFR 127.1), public stores, or the importer's premises for examination.

Therefore, the same rationale for the use of a container station for containerized cargo arriving directly at a port of arrival applies to the delivery of

containerized cargo transported in-bond to a container station at a port of destination. The container station would serve as a centralized location for processing in-bond merchandise at the port of destination. Bonded carriers would be permitted to transport merchandise directly to these stations rather than holding the containers at their own facilities.

In addition to benefiting the importing community, Customs would benefit from the regulatory change. The workload would be concentrated at centralized facilities which are already staffed by Customs officers. Furthermore, container stations, unlike bonded carrier terminals, are required to meet Customs physical cargo security standards.

Accordingly, to permit containerized cargo transported in-bond to be delivered to a container station at a port of destination, on November 30, 1981, Customs published a notice of proposed rulemaking in the **Federal Register** (46 FR 58090).

Changes as Proposed

1. It was proposed to amend § 19.40 to provide that a container station, independent of either a bonded carrier or importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon complying with the necessary requirements. It was also proposed to amend the format of the Containerized Cargo Bond (Term) set forth in § 19.40 to permit a container station operator to receive containerized cargo at specified locations from a bonded carrier after transportation in-bond.

2. It was proposed to amend § 19.41 to provide that containerized cargo also may be received directly at the container station from a bonded carrier after transportation in-bond before the filing of an entry of merchandise therefor or the permitting thereof, as provided in subpart A of Part 158. The phrase "filing of an entry" in present § 19.41 means the filing of one of the types of entry of merchandise such as consumption, warehouse, or temporary importation under bond entry. This phrase is not intended to mean transportation entries. Therefore, to avoid any confusion, it was proposed to add the phrase "of merchandise" after the word "entry" in § 19.41.

3. It was proposed to amend § 19.43 to provide that, in addition to the locations presently specified, an application (i.e., permit to transfer) also may be filed at the bonded carrier's facility for merchandise transported in-bond.

4. It was proposed to amend § 19.44 to clarify the responsibilities of the importing carrier and container station operator, and provide for the new responsibilities of the bonded carriers.

Pursuant to the notice, interested parties were given until January 27, 1982, to submit comments on the proposal. Three commenters responded to the notice and all three supported the changes as proposed.

One of the commenters suggests that Customs add another clarifying change to the regulations. The commenter suggests that the regulations be further amended to permit the transportation of excess loose cargo in-bond along with containerized cargo to container stations. The commenter states that a problem arises when a shipper is unable to load all of the packages into a Unit Load Device (i.e., air freight container). This means that there are a number of extra packages which do not justify the expense of using an additional container. The commenter notes that the Customs Regulations may be interpreted as to preclude the carrier from transporting to a container station a shipment which includes containerized cargo and surplus loose pieces. The commenter further states that although the predominant part of such a shipment is containerized, inclusion of some surplus loose pieces results in the entire shipment being decontainerized for clearance at the carrier's premises. This results in additional labor and paperwork for the carrier and delays in the arrival of the merchandise at its first destination. The commenter notes, however, that the suggested change would expedite and simplify international cargo clearance.

Customs has reviewed the suggestion and believes it has merit. Therefore, proposed § 19.41 is being further revised to permit loose excess cargo, as part of a containerized shipment, to accompany the containers for transportation in-bond to a container stationer. Other than that one change, the amendments are being adopted as proposed.

Containerized Cargo Bond (TERM)

The final rule will become effective September 27, 1982. Containerized Cargo Bonds (TERM) already on file with Customs need not be terminated by the effective date of the final rule unless the principal desires to take advantage of the Customs Regulations, as amended. In that event, a new Containerized Cargo Bond (TERM) in the amended format must be executed and submitted to the district director for approval before the effective date of the final rule. The existing bond must be terminated.

Containerized Cargo Bonds (TERM) which are executed and submitted after the effective date of the final rule must be in the amended format.

E.O. 12291

As indicated in the proposed rule, this document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared for this regulatory project.

Regulatory Flexibility Act

As indicated in the proposed rule, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Federal Register Thesaurus

On January 22, 1981, the Office of the **Federal Register** published a final rule (46 FR 7162), which requires agencies to identify major topics and categories of persons affected in their regulations by using standard terms established in the **Federal Register** Thesaurus of Indexing Terms.

Accordingly, the index term listed below is applicable to this regulatory project.

List of Subjects in 19 CFR Part 19

Container stations.

Amendments to the Regulations

Part 19, Customs Regulations (19 CFR Part 19), is amended as set forth below.

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Approved: July 1, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The introductory paragraph of § 19.40, Customs Regulations (19 CFR 19.40), the first "Whereas" clause of the Preamble to, and Condition 5 of, the Containerized Cargo Bond (Term) which follow § 19.40 are revised to read as follows:

Container Stations

§ 19.40 Establishment of container stations.

A container station, independent of either the importing carrier or bonded carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon the filing of an application therefor and its approval by the district director and the posting, in the sum of $25,000 or such larger amount as the district director shall determine, of a bond in the following format:

Port of ——
No. ——

United States Customs Service Containerized Cargo Bond (Term)

* * * * *

Whereas, the above-bounden principal has requested, or will request, permission to remove imported containers, truck trailers, lift vans or vehicles (hereinafter referred to as containers) containing merchandise or baggage (hereinafter referred to as merchandise) from the place of unlading from an importing vessel, vehicle or aircraft of the ——, for transportation to the —— terminal(s) at ——, or to receive such containers at said location from a bonded carrier after transportation in-bond, for a period beginning on the —— day of ——, 19—, and ending on the —— day of ——, 19—, both days inclusive; and

* * * * *

(5) And if pursuant to proper permit by the district director of Customs the above-bounden principal shall remove imported containers from the place of unlading from importing vessels, vehicles, or aircraft and land, place, or store any merchandise in the containers in the above-mentioned terminal(s) of the principal or on lighters, piers, landing places, or spaces adjoining thereto, or such other places permitted by the district director on special request made by the principal hereon, or shall receive such containers at said location from a bonded carrier after transportation in-bond, and shall retain such merchandise in the containers at such places until a permit for the removal thereof is granted, and, in the event that any such merchandise in the containers shall be removed therefrom before proper permits have been issued, shall pay all duties, taxes, charges, and exactions accruing on any part of the merchandise in the containers so removed; or in the event the merchandise in the containers so removed is free of duty, shall pay as liquidated damages an amount equal to the value of such merchandise contained in the containers, the damages on any one shipment not to exceed $500 (it being understood and agreed that the amount to be collected in either case shall be based upon the quantity and value of such merchandise in the containers as determined by the district director, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions also shall be binding on all parties to this obligation; it is further understood and agreed that liability under this instrument attaches for all shortages whether discovered before or after the filing of any form of entry);

* * * * *

2. Section 19.41, Customs Regulations (19 CFR 19.41), is revised to read as follows:

§ 19.41 Movement of containerized cargo to a container station.

Containerized cargo may be moved from the place of unlading to a designated container station, or may be received directly at the container station from a bonded carrier after transportation in-bond, before the filing of an entry of merchandise therefor or the permitting thereof (see Subpart A of Part 158 of this chapter) for the purpose of breaking bulk and redelivery of the cargo. In either circumstance, excess loose cargo, as part of containerized cargo, may accompany the container to the container station.

3. Section 19.43, Customs Regulations (19 CFR 19.43), is revised to read as follows:

§ 19.43 Filing of application.

The application, listing the containers by marks and numbers, may be filed at the customhouse or with the Customs inspector at the place where the container is unladen, or for merchandise transported in-bond, at the bonded carrier's facility, as designated by the district director.

4. Section 19.44, Customs Regulations (19 CFR 19.44), is revised to read as follows:

§ 19.44 Carrier responsibility.

(a) If merchandise is transferred directly to a container station from an importing carrier, the importing carrier shall remain liable under the terms of its bond for the proper safekeeping and delivery of the merchandise until it is formally receipted for by the container station operator.

(b) If merchandise is transferred directly from a bonded carrier's facility to a container station or is delivered directly to the container station by a bonded carrier, the bonded carrier shall remain liable under the terms of is bond for the proper safekeeping and delivery of the merchandise until it is formally receipted for by the container station operator.

(c) In either case under paragraph (a) or (b) of this section, the importing carrier and the bonded carrier, as applicable, shall be responsible for assuring that the provisions of Subpart A, Part 158 of this chapter, relating to quantity determinations, and discrepancy reporting and accountability are followed.

(d) The importing carrier and the bonded carrier, as applicable, shall indicate concurrence in the transfer of the merchandise either by signing the application for transfer or by physically turning the merchandise over to the operator.

(e) The importing carrier and the bonded carrier, as applicable, shall be responsible for ascertaining that the person to whom a container is delivered for transfer to the container station is an authorized representative of the operator.

(f) The importing carrier and the bonded carrier, as applicable, shall furnish an abstract manifest showing the bill of lading number, the marks and numbers of the container, and the usual manifest description for each shipment in the container.

(R.S. 251, as amended (19 U.S.C. 66), sec. 448, 46 Stat. 714, as amended (19 U.S.C. 1448), sec. 450, 46 Stat. 715, as amended (19 U.S.C. 1450), sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484), sec. 499, 46 Stat. 728, as amended (19 U.S.C. 1499), sec. 551, 46 Stat. 742, as amended (19 U.S.C. 1551), sec. 552, 46 Stat. 742 (19 U.S.C. 1552), sec. 565, 46 Stat. 747, as amended (19 U.S.C. 1565), sec. 623, 46 Stat. 759, as amended (19 U.S.C. 1623), sec. 624, 46 Stat. 759 (19 U.S.C. 1624))

[FR Doc. 82-20253 Filed 7-26-82; 8:45 am]
BILLING CODE 4820-02-M

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19 CFR Parts 24, 111 and 141

[T.D. 82-134]

Discharge of an Importer's Liability for Duties

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide an alternative procedure for an importer of record to pay duties on imported merchandise through a licensed customhouse broker. Presently, when an importer uses a broker and pays by check or bank draft, the importer often furnishes the broker one check or bank draft covering both duties and the broker's fees and charges. The broker then pays the duties to Customs on behalf of the importer. Under the alternative procedure, the importer may elect to submit to the broker a separate check or bank draft for the duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check or bank draft to Customs.

This document also amends the Customs Regulations to require brokers

to provide a written notification to their clients advising that if the clients are importers of record, payment to the brokers will not relieve the clients of liability for Customs charges in the event the charges are not paid by the brokers. Clients also will be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service." Brokers are required to provide this notification to all active clients annually during the month of February. Additionally, brokers are required to provide this information statement on, or attached to, a power of attorney executed on or after the effective date of this rule.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT:
Legal Aspects: Edward B. Gable, Jr., Office of Regulations and Rulings (202–566–5706).
Operational Aspects: Herbert H. Geller, Duty Assessment Division (202–566–5307), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Section 141.1(b), Customs Regulations (19 CFR 141.1(b)), provides that duties on imported merchandise, both regular and additional, are a personal debt of the importer which may be discharged only by payment in full to Customs, unless relieved by law or regulation. The importer may pay Customs by any of the applicable means provided in § 24.1(a), Customs Regulations (19 CFR 24.1(a)). One commonly used method of payment is direct payment from the importer to Customs. However, many importers use licensed customhouse brokers to transact Customs business on their behalf. In such cases, when the importer elects to pay by check or bank draft, the importer often issues the broker one check or bank draft covering both broker's fees and charges, and duties. The broker then pays the duties to Customs on behalf of the importer.

By notice published in the **Federal Register** on July 2, 1979 (44 FR 38571), Customs proposed to amend § 141.1(b) to provide an alternative procedure by which importers, who use brokers and pay by check, may elect to submit to a broker a separate check for duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check to Customs. Although payment of duties by a separate check to the broker does not discharge the liability of the importer, this voluntary alternative procedure, which has been in effect in New York and several other Customs regions since February 1977, could help assure the importer that Customs receives the duty. Because this procedure is optional, in importer could continue to submit one check to the broker covering both the duties and the broker's fees and charges.

Interested parties were given until August 31, 1979, to submit comments on the proposal. Based upon the comments received and its own review, Customs decided to make several changes in the proposed rule, including amending Part 111, Customs Regulations (19 CFR Part 111). It was decided to add a new paragraph to § 111.29, Customs Regulations (19 CFR 111.29), to require brokers to state on their invoices or statements to clients that if the clients are importers of record, payment to a broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

By requiring brokers to so notify clients on invoices or statements, as well as Customs informing importers of their alternative methods of payment, Customs believed that importers will have more than adequate knowledge of the various methods available for paying Customs obligations.

Because the new paragraph to § 111.29, Customs Regulations, would have imposed a requirement on brokers, it became necessary to publish another notice of proposed rulemaking incorporating the substance of the proposed rule published on July 2, 1979, and the new requirement relating to Part 111. Accordingly, on September 3, 1981, Customs published another notice of proposed rulemaking in the **Federal Register** (46 FR 44195).

Pursuant to the notice, interested parties were given until November 2, 1981, to submit comments on the proposal. However, pursuant to a request from the public on October 13, 1981, Customs published a notice in the **Federal Register** (46 FR 50393), extending the period of time for the submission of comments to December 2, 1981.

Thirty-six commenters responded to the notice. Based on the comments received and Customs own review, the proposed amendments to Part 111 have been revised. The amendments to Parts 24 and 141 are being adopted as proposed except for minor technical clarifications.

Discussion of Comments

In general, comments about Customs proposals tended to be mixed. However, most negative comments related to the proposed requirement in Part 111 that brokers state on their invoices or statements to clients that if clients are importers of record, payment to the broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

One commenter notes that he supports the amendment as proposed because he believes it is a better approach than that originally considered which involved legislation requiring that all duty received from importers by brokers be placed in escrow by the brokers.

Several commenters noted that importers would be unable to use the option in situations involving quota merchandise and other merchandise requiring that entry and entry summary documents be presented to Customs with a check attached. If the option were used, release of the merchandise would be delayed pending receipt of a check from the broker made out to Customs in the proper amount.

Customs agrees that delays in releasing merchandise could occur if the importer elected to make his check payable to Customs. However, this is an option, and the importer should be aware of a possible delay if his check were not submitted timely for presentation.

Many commenters believe that the statement in proposed § 111.29 would create a burden on brokers and importers causing additional financial controls and recordkeeping requirements. Some brokers note that in a given import transaction, they would not know if the importer were forwarding one check or two checks. They observe that when the broker already has paid the duty and the importer then forwards a check to the broker for the duty payable to the "U.S. Customs Service," the broker must return the check to the importer and await another check payable to him. The commenters note that checks will be returned to importers when incorrect, thereby delaying payment of duties and causing additional expenses to importers as well as brokers. They state that penalty actions will also increase when checks are delayed in the mail.

Customs agrees that the procedure in which an importer makes the checks payable to Customs may cause the problems discussed. However, with the changes made to proposed § 111.29(b) and discussed below, Customs believes that these problems can be minimized as there will be more than adequate time for proper coordination between the broker and his client.

Some commenters note that problems would be caused when non-resident importers pay duty with checks drawn on a foreign bank which are not acceptable for Customs purposes. One commenter suggests that proposed § 111.29 should include a reference to the Customs Regulations that checks should be drawn on a national or state bank or trust company of the United States.

Customs believes that it is unnecessary to add that language to its statement because § 24.1(c) prohibits Customs acceptance of checks drawn on a foreign bank. However, if brokers desire to add this information to the Customs statement, Customs has no objection.

In this regard, many commenters request permission to substitute language in place of Customs proposed statement or to use language in addition to that proposed by Customs. Customs has no objection to a broker using additional language provided it (1) complements, (2) is not a substitute for, and (3) does not contradict the Customs statement.

One commenter notes that the importer must write multiple checks for duty, freight, and the broker if he elects the alternative procedure. Customs agrees. If the importer elects to write a check for duties payable to "U.S. Customs Service," he must write multiple checks.

Two commenters suggest that Customs provide additional time (over 48-hours) for presentation of checks for additional duties following a rejection of an entry summary. It is Customs policy to provide a "grace period" for the correction of entry summaries and deposit of additional duties. Customs has determined not to extend the 48-hour grace period.

Many commenters view the statement proposed by Customs as an attack on the integrity of brokers. Customs does not mean to imply any lack of integrity on the part of brokers. For the most part, brokers conduct their business in an exemplary fashion. Unfortunately, there have been cases where, due to a broker's bankruptcy, an importer who had paid duty once to his broker has had to pay the duty again to Customs. To avoid such situations, Customs believes that the proposal is valid as an alternative payment procedure.

Two commenters note that there is no concomitant obligation on the importer to pay a broker and suggest Customs issue regulations that a broker's bill to an importer be paid within 10 days. This suggestion is not being adopted because it is a matter between the broker and his client. It is outside the scope of the Customs Regulations.

Several commenters note that the alternative method of payment is already well established and, therefore, question the need for a regulation. Customs agrees that many importers are aware of and do in fact use the alternative method. However, new or casual importers may not be aware of the option.

One commenter suggests that the regulations provide that a broker will not be obligated to advance duties on behalf of importers who are importers of record. Several commenters suggest that the regulations should prohibit a broker from advancing funds for any account. Customs notes that there is no requirement for a broker to advance funds on behalf of an importer. The broker has an option whether or not to advance funds. It is the individual broker's decision.

One commenter suggests that the regulations provide that in the event of errors, the importers pay by wire transfer, pay interest to the broker for an advance of funds, and pay a penalty to the broker. Customs believes these areas are outside the scope of the Customs Regulations and are more properly matters to be resolved between a broker and his client.

Several commenters made suggestions for editorial changes in the proposal. Customs has adopted some and rejected others.

Several commenters state that along the northern United States border, the broker most often is the importer of record on the entry summary as well as on the immediate delivery release. Since it is the customary practice on the northern United States border for the broker to release the merchandise under his own immediate delivery bond, the commenters believe that no notification is required. A commenter further notes that even if the broker is not the importer of record on the entry summary, the broker would still be liable for the duty and entry summary as his immediate delivery bond is posted. Customs agrees that when the broker is the importer of record, the statement would serve no useful purpose. Of course, in the circumstance that the broker does not post his immediate delivery bond at the time of release, but requests release under his client's bond, the broker is under no obligation to pay the duty for his client. In that circumstance, notification is in order.

Many of the commenters object to Customs proposal because of the requirement that the information must appear on an invoice or statement. Some commenters note the expense that would be required to have new invoices printed. Other commenters suggest that the information be attached to the broker's invoice or statement rather than be printed or stamped on the invoice. Many commenters suggest alternatives to the proposal that the invoice or statement be used by the brokers as the means of informing their clients. Other options suggested include use of the power of attorney, Customs Form 7501, an annual notice, and notification by surety companies.

In light of the many comments adverse to Customs proposal, Customs has determined to make the following changes to § 111.29(b):

1. Delete the requirement that the information shall appear on the invoice or statement.

2. Require brokers to provide the written notification to all active clients annually during the month of February; and

3. Require brokers to provide the written notification on, or attached to, a power of attorney, executed on or after the effective date of this rule.

Additionally, based upon the comments, Customs has determined to make two changes to the information statement itself. The first sentence of the statement is being revised by adding the phrase "(duties, taxes, and other debts owed Customs)" after the term "Customs charges". The second sentence of the statement is being revised by deleting the period at the end of the sentence and adding "which shall be delivered to Customs by the broker."

Executive Order 12291

As indicated in the proposed rule, this document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

As indicated in the proposed rule, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Federal Register Thesaurus

On January 22, 1981, the Office of the Federal Register published a final rule (46 FR 7162) which requires agencies to identify major topics and categories of persons affected in their regulations by using standard terms established in the Federal Register Thesaurus of Indexing Terms.

Accordingly, the index terms listed below are applicable to this regulatory project:

List of Subjects

19 CFR Part 24

Accounting.

19 CFR Part 111

Brokers.

19 CFR Part 141

Importers.

Amendments to the Regulations

Parts 24, 111, and 141, Customs Regulations (19 CFR 24, 111, 141), are amended as set forth below.

William Von Raab,

Commissioner of Customs.

Approved: June 10, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

The introductory paragraph of § 24.1(a), Customs Regulations (19 CFR 24.1(a)) is revised to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.

(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of Customs duties, taxes, and other charges (see §§ 111.29(b) and 141.1(b) of this chapter):

* * * * *

(R.S. 251, as amended, R.S. 3009, 3473, section 1, 36 Stat. 965, as amended, section 648, 46 Stat. 762, as amended (19 U.S.C. 66, 197, 198, 1648))

PART 111—CUSTOMHOUSE BROKERS

§ 111.29, Customs Regulations (19 CFR 111.29) is amended by adding a new heading to the present paragraph and designating that paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* * * *

(b) *Notice to client of method of payment.* (1) All brokers shall provide their clients with a written notification as follows:

If you are the importer of record, payment to the broker will not relieve you of liability for Customs charges (duties, taxes, or other debts owed Customs) in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the "U.S. Customs Service" which shall be delivered to Customs by the broker.

(2) Brokers shall provide the information statement in paragraph (b)(1) as follows:

(i) On, or attached to, any power of attorney executed on or after (60 days from the date of publication in the **Federal Register**); and

(ii) To each active client annually during the month of February beginning in February 1983, and during each February thereafter. An active client means a client from whom a broker has obtained a power of attorney.

* * * * *

(R.S. 251, as amended, sections 624, 641, 46 Stat. 759, as amended, 77A Stat. 14; (5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gn. Hdnote. 11), 1624, 1641))

PART 141—ENTRY OF MERCHANDISE

§ 141.1(b), Customs Regulations (19 CFR 141.1(b)), is revised to read as follows:

§ 141.1 Liability of Importer for duties

* * * * *

(b) *Payment of Duties.*—(1) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation, constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. Payment to a broker covering duties does not relieve the importer of liability if the duties are not paid by the broker. The liability may be enforced notwithstanding the fact that an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without payment. Delivery of a Customs bond with an entry is solely to protect the revenue of the United States and does not relieve the importer of liabilities incurred from the importation of merchandise into the United States.

(2) *Means of Payment.* An importer or his agent may pay Customs by using any of the applicable means provided in § 24.1(a).

(3) *Methods of payment.* An importer may pay duties either—

(i) Directly to Customs whether or not a licensed customhouse broker is used; or

(ii) Through a licensed customhouse broker. When an importer uses a broker and elects to pay by check or bank draft, the importer may issue the broker either—

(A) One check or bank draft payable to the broker covering both duties and the broker's fees and charges, in which case the broker shall pay the duties to Customs on behalf of the importer, or

(B) Separate checks or bank drafts, one covering duties payable to the "U.S. Customs Service," for transmittal by the broker to Customs, and the other covering the broker's fees and charges. The importer's check or bank draft for duties shall be delivered to Customs by the broker.

(R.S. 251, as amended, section 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 66, 1448, 1484, 1624))

[FR Doc. 82-20257 Filed 7-26-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1 and 166

[Docket No. 79P-0402]

Multiunit and Multicomponent Food Packages; Exemption From Required Label Statements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permitting (1) wrappers on subdivisions of oleomargarine and margarine in a multiunit retail food package, and (2) unit containers of other foods in a multiunit or multicomponent retail food package to be exempted from the requirement that the name and place of business of the manufacturer, packer, or distributor be declared on the label. FDA also is permitting all retail packages to be exempted from bearing the statement "Inner Units Not Labeled For Retail Sale." These exemptions are applicable when the retail package and inner units are otherwise properly labeled and when the inner units do not constitute separate units for retail sale. The purpose of these exemptions is to reduce industry labeling costs, thereby reducing cost to consumers.

EFFECTIVE DATE: July 27, 1982.

FOR FURTHER INFORMATION CONTACT:
Howard N. Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: Based on a National Association of Margarine Manufacturers' petition, FDA issued a proposal in the **Federal Register** of May 15, 1981 (46 FR 26790) to exempt wrappers on subdivisions of oleomargarine and margarine in a multiunit retail food package from the requirement that the name and place of business of the manufacturer, packer, or distributor be declared on the label. The proposal also provided this exemption for unit containers of other foods in a multiunit or multicomponent retail package when the inner units are otherwise properly labeled and when they do not constitute separate units for retail sale. Another condition for receiving an exemption was that the retail package, the wrappers, and the unit containers had to be labeled with a disclaimer informing consumers that the inner units are not labeled for retail sale. This final rule further exempts the retail packages from the requirement to bear this disclaimer.

Comments came from industry and a local government agency. Sixteen comments entirely supported the proposal; five comments suggested modifications. FDA has considered the comments, and its responses follow:

1. Two comments said the phrase "not labeled for retail sale" could lead consumers to believe the product is for some reason (other than labeling) unacceptable for sale to the consumer. They said that a better choice of words might be "not labeled for individual sale."

Although FDA has no evidence that consumers have a negative perception of the current terms, it recognizes that the term "individual" equally well conveys the intent of the regulations. Therefore, FDA is amending the regulations to permit the use of either the term "individual" or the term "retail" or both.

2. One comment said that the labeling cost to the industry and consumers would be the same whether the manufacturer had to declare the name and place of business of the manufacturer, packer, or distributor or the statement "This Unit Not Labeled For Retail Sale." The comment said that it would be more useful to the consumer to state the name and place of business of the manufacturer, packer, or distributor because many consumers continue to separate units from multiunit containers.

This final regulation will permit a generic inner wrapper or container to be used for a food made by one manufacturer but distributed by several packers and distributors under their own private labels. The use of the generic inner wrapper or container reduces the cost for printing private inner labels for each manufacturer, packer, and distributor. To this extent, FDA concludes that the regulation helps reduce production costs, thus benefitting manufacturers, retailers, and, ultimately, consumers.

3. One comment said that deleting all labeling requirements for unit containers where the retail package is labeled "Inner Units Not For Retail Sale" would allow the use of plain, unprinted papers or films for inner units.

Except for margarine, FDA lacks authority to require a unit container within a multiunit or multicomponent food package to bear written, printed, or graphic matter, because this type of wrapper is not a "label" or "labeling" as defined in section 201(k) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(k) and (m)). Wrappers on interior sticks of margarine cannot be devoid of all written, printed, or graphic matter. Section 407(b)(4) of the act (21 U.S.C. 347(b)(4)) requires the wrappers on interior sticks of margarine to bear the word "oleomargarine" or "margarine." Consequently, such wrappers are "labels" within the meaning of section 201(k) of the act and must bear all mandatory labeling under the act, subject to exemptions provided by regulations promulgated under the authority of the act.

4. Several comments opposed the provision that requires both the label of the retail package and the labels of the inner units to bear a disclaimer informing consumers that the inner units are not labeled for retail sale. One comment asked that the disclaimer be required to appear on the retail package only. Three other comments contended that the choice of where the disclaimer should appear should be left to the manufacturer or packer. Another comment suggested that manufacturers be permitted to have the choice of where the disclaimer should appear in all cases except for margarine.

The agency believes that the disclaimer should appear on at least one designated label. Therefore, FDA concludes that the disclaimer should appear on the labels of the inner units, when these wrappers constitute labels, because they could become separated from the retail package. Accordingly, the final regulation is revised to reflect this change.

5. Two comments asked that the labels on the unit containers be exempted from bearing a declaration of the net quantity of contents.

The declaration of net quantity of contents on unit containers is required only for margarine. FDA believes that the absence of the quantity of contents statements from the labels of the inner unit containers for margarine would result in consumers not knowing the exact number of unit containers to constitute the retail package should the inner unit container be separated from the package. For this reason, FDA is not exempting the labels on the unit container for margarine from bearing a declaration of net quantity of contents.

In accordance with Executive Order 12291, the economic effects of this proposal were carefully analyzed at the time it was published in the **Federal Register** of May 15, 1981, and it was determined that the proposed rule was not a major rule as defined by that Order. The basis for this determinaton is that, for foods packaged in multiunit containers that do not constitute separate units for retail sale, this rulemaking removes an existing mandatory requirement that the name and address of the manufacturers be declared on the unit package label. Manufacturers will, therefore, be able to use up existing labels, and they will be able to omit the existing mandatory information from new labels. No increase in manufacturers' labeling costs is, therefore, expected. After reevaluating the regulation in light of the comments received, the agency concludes that it has no reason to believe that there has been a change in economic conditions to cause reevaluation of that determination. Therefore, FDA still considers valid the regulatory impact analysis assessment made at the time of the proposal.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354), it was certified at the time the proposal was published in the **Federal Register** of May 15, 1981, that this proposed rulemaking would not impact on small entities, including small businesses. The agency determined that, because the effect of this proposed regulation is to exempt unit containers in multiunit or multicomponent retail food packages from certain labeling requirements, thus reducing labeling costs, no small business economic impact will result from this action. After reevaluating the regulation in light of the comments received, the agency concludes that there is no reason to believe that this rule will have an economic impact on small businesses. Therefore, the

certification made at the time of the proposal remains valid.

List of Subjects in 21 CFR Parts 1 and 166

Cosmetics, Drugs, Exports, Food standards; Imports, Margarine, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 407, 701, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055–1056 as amended, 64 Stat. 20 (21 U.S.C. 321, 343, 347, 371)) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—GENERAL REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In Part 1 by revising § 1.24(a)(14) to read as follows:

§ 1.24 Exemption from required label statements.

* * * * *

(a) * * *

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403 (e)(1), (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (i) the multiunit or multicomponent retail food package labeling meets all the requirements of this part; (ii) the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale; and (iii) each unit container is labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height. The word "Individual" may be used in lieu of or immediately preceding the word "Retail" in the statement.

* * * * *

PART 166—MARGARINE

2. In Part 166 by revising § 166.40(i) to read as follows:

§ 166.40 Labeling of margarine.

* * * * *

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201(k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug, and Cosmetic Act, just as in the case of 1-pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from compliance with the requirements of section 403 (e)(1), (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (1) the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale; (2) the wrappers on the subdivisions are labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height. The word "Individual" may be used in lieu of or immediately preceding the word "Retail" in the statement.

* * * * *

Effective date. This amendment shall become effective July 27, 1982.

(Secs. 201, 403, 407, 701, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055–1056 as amended, 64 Stat. 20 (21 U.S.C. 321, 343, 347, 371))

Dated: June 16, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: July 1, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-20180 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 41

[Order No. 984-82]

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

AGENCY: Justice Department.

ACTION: Final rule; Technical Amendment.

SUMMARY: This document replaces an obsolete appendix to regulations concerning coordination of enforcement of nondiscrimination on the basis of handicap in federally assisted programs.

EFFECTIVE DATE: July 27, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Sara Kaltenborn, Attorney/Advisor, Coordination and Review Section, Civil Rights Division, United States Department of Justice, 320 First Street, NW., Room 841, Washington, D.C. 20530, Telephone (202) 724–2225 (Voice) or 724–7379 (TDD).

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance and conducted by the Federal government. Executive Order 11914 (3 CFR 1977 Comp., p. 117) authorized the Department of Health, Education, and Welfare (HEW) to coordinate enforcement of section 504 for federally assisted programs. This authority was later transferred to the Department of Health and Human Services (HHS). On November 2, 1980, this authority was transferred to the Attorney General by Executive Order 12250 (3 CFR, 1980 Comp., p. 298). Section 1–502 of the Order provides that the HEW (later HHS) guideline "shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General."

On August 11, 1981, the Department of Justice issued a final rule transferring the guideline issued by HEW at 45 CFR Part 85 to title 28 of the Code of Federal Regulations and redesignating it as 28 CFR Part 41. 46 FR 40686. The rule also made nomenclature changes. Inadvertently, however, it failed to remove Appendix A to the guideline which set out Executive Order 11914 (revoked by Executive Order 12250). As a result, in the recently published recodification of title 28 of the Code of Federal Regulations, Appendix A to Part 41 is Executive Order 11914, incorrectly identified as Executive Order 12250. This rule therefore replaces Executive Order 11914 in Appendix A with Executive Order 12250.

Publication of this rule as a proposal for public comment is unnecessary because it is solely a replacement of an obsolete appendix.

The Department of Justice has determined that, because this rule is solely a replacement of an obsolete appendix, it is not a major rule for purposes of Executive Order 12291, no environmental impact analysis is required, and no regulatory flexibility analysis is required.

List of Subjects in 28 CFR Part 41

Civil rights, Equal employment opportunity, Financial assistance, Grant programs, Handicapped.

(Executive Order 12250 (3 CFR, 1980 Comp., p. 298))

William French Smith,

Attorney General.

July 19, 1982.

Accordingly, Appendix A to Part 41 of Chapter I of Title 28, Code of Federal

Regulations, is revised to read as follows:

Appendix A

Executive Order 12250 of November 2, 1980

Leadership and Coordination of Nondiscrimination Laws

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1–1. *Delegation of Function.*

1–101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–2. *Coordination of Nondiscrimination Provisions.*

1–201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1–202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1–203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1–204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1–205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1–206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1–207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1–3. *Implementation by the Attorney General.*

1.301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1–302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1–303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1–304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1–305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

1–4. *Agency Implementation.*

1–401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1–402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescibed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1–403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1–5. *General Provisions.*

1–501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1–502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1–503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1–504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

JIMMY CARTER

THE WHITE HOUSE,
November 2, 1980.

[FR Doc. 82–20260 Filed 7–26–82; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Wage and Hour Division, Office of the Secretary

29 CFR Parts 1, 3 and 5

Deferral of Effective Dates of Regulations Relating to Labor Standards on Federal and Federally Assisted Construction Projects

Note.—This document originally appeared in the Federal Register for July 26, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice of deferral of effective dates of regulations.

SUMMARY: This notice defers the effective dates of certain Labor

Department regulations relating to labor standards on federal and federally assisted construction projects, from July 27, 1982, until further notice. This action is taken in order to comply with a preliminary injunction issued in the U.S. District Court for the District of Columbia on July 22, 1982.

EFFECTIVE DATE: This notice is effective on July 22, 1982.

ADDRESS: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins, Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: William M. Otter. Telephone: (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 28, 1982 (47 FR 23644, 23658, 23678), the Department of Labor issued final regulations, 29 CFR Part 1, entitled "Procedure for Predetermination of Wage Rates"; section 3.3(b) of 29 CFR Part 3 entitled "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants From the United States"; and 29 CFR Part 5, entitled "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)." These regulations were to be effective July 27, 1982.

On July 22, 1982, the District Court for the District of Columbia issued a preliminary injunction enjoining the Department from putting certain provisions of these regulations into effect pending final disposition. Accordingly, to prevent confusion and disruption which would be caused by partial effectuation of the regulations, the effective date of the entire regulations published on May 28, 29 CFR Part 1, 29 CFR 3.3(b), and 29 CFR Part 5, Subpart A, is stayed until further notice.

Because these rules are scheduled to become effective very shortly, notice and public comment on this change of effective date is impracticable, unnecessary and contrary to the public interest and good cause exists for making these deferrals effective immediately.

Authority: The statutory authority for this action is as follows: (40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5).

Signed at Washington, D.C., this 23rd day of July, 1982.

William M. Otter,

Administrator, Wage and Hour Division.

[FR Doc. 82-20285 Filed 7-23-82; 11:47 am]

BILLING CODE 4510-27-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34), are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: June 11, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCArthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special functions as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Mahlon S. Tisdale (FFG 27) and USS Aubrey Fitch (FFG 34) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect each ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 (Amended)

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	No.	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) Annex I
• • • • •		
USS Mahlon S. Tisdale	FFG 27	1.6
USS Aubrey Fitch	FFG 34	1.6
• • • • •		

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessels for which navigational

light certifications are herewith issued by the Secretary of the Navy:

USS Mahlon S. Tisdale (FFG 27)
USS Aubrey Fitch (FFG 34)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessels for which navigational light certifications are herewith issued by the Secretary of the Navy:

Vessel	No.	Distance of sidelights forward of masthead lights in meters
* * * * *		
USS Mahlon S. Tisdale	FFG 27	2.75
USS Aubrey Fitch	FFG 34	2.75

(Executive Order 11964; 33 U.S.C. 1605)

Dated: June 11, 1982.

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 82-20179 Filed 7-26-82; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6302

[U-50042]

Utah; Revocation of Powersite Reserve No. 698 and Powersite Classification No. 128

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive and Secretarial Order as to 3,975.98 acres of land reserved for powersite withdrawals in Duchesne County, Utah. Approximately 2,695.98 acres, located in the Ashley and Wasatch National Forests, will be opened to such uses as may by law be made of national forest lands. Another 160.00 acres are privately owned and thus will not be opened. The remaining 1,120.00 acres are still withdrawn for reclamation purposes. The national forest lands affected by this order have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Deen Bowden, Utah State Office, 801-524-4245.

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

1. Executive Order of November 16, 1918, which created Powersite Reserve No. 698, and Secretarial Order of February 4, 1926 which created Powersite Classification No. 128, are hereby revoked insofar as they affect the following described lands:

Uintah Meridian, Utah

Powersite Classification No. 128

T. 1 N., R. 8 W.,
Sec. 7, lot 3 and SE¼SW¼;
Sec. 18, SW¼NE¼, NE¼NW¼ and NE¼SE¼.
T. 1 N., R. 9 W.,
Sec. 1, NW¼SE¼ and SE¼SE¼.
T. 2 N., R. 9 W.,
Sec. 3, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 10, E½ and E½W½;
Sec. 11, W½W½;
Sec. 14, W½W½;
Sec. 15, E½ and E½W½;
Sec. 22, N½NE¼ and E½NW¼;
Sec. 23, NW¼ and E½SW¼;
Sec. 26, NW¼NE¼, SE¼NE¼ and NE¼SE¼.
T. 3 N., R. 9 W.,
Sec. 14, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 22, SE¼NE¼, SE¼SW¼ and SE¼;
Sec. 23, N½NW¼ and SW¼NW¼;
Sec. 27, W½E½ and E½W½;
Sec. 34, E½ and E½W½.

Powersite Reserve No. 698

T. 1 N., R. 9 W.,
Sec. 27, NE¼.

The area described aggregates 3,975.98 in Duchesne County, Utah.

2. Of the lands described above, the following lands are within an existing Reclamation withdrawal or, are privately owned.

Reclamation

T. 1 N., R. 8 W.,
Sec. 7, lot 3 and SE¼SW¼.
T. 2 N., R. 9 W.,
Sec. 22, N½NE¼ and E½NW¼;
Sec. 23, NW¼ and E½SW¼;
Sec. 26, NW¼NE¼, SE¼NE¼ and NE¼SE¼.
T. 3 N., R. 9 W.,
Sec. 27, W½E½ and E½W½;
Sec. 34, NE¼ and E½NW¼.

Private

T. 3 N., R. 9 W.,
Sec. 27, NE¼.

The area described aggregates 1,280 acres in Duchesne County, Utah.

3. At 10:00 a.m. on August 24, 1982, the lands described in paragraph one, (except lands in paragraph two) shall be open to such forms of disposition as may be made of national forest lands subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20198 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6303

[M-41137]

Montana; Revocation of Secretarial Order Dated April 24, 1918, as Modified

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial Order, as modified, which withdrew 1,685.97 acres of land for use as a stock driveway. A total of 1,365.97 acres are privately owned. The balance of 320 acres will be restored to operation of the public land laws generally.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

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

1. Secretarial order dated April 24, 1918, which created Stock Driveway Withdrawal No. 13, Montana No. 2, as modified by Secretarial Order of May 28, 1920, revoked in its entirety:

Principal Meridian

T. 9 N., R. 51 E.,
Sec. 22, N½.
T. 8 S., R. 45 E.,
Sec. 12, W½;
Sec. 13, W½;
Sec. 24, W½.
T. 2 S., R. 53 E.,
Sec. 1, Lot 4, SW¼NW¼, and S½.

The area described contains 1,685.97 acres in Custer and Powder River Counties.

2. At 8 a.m. on August 24, 1982, the lands described as the N½ Sec. 22, T. 9 N., R. 51 E., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 8 a.m. on August 24, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. All lands described in Paragraph 1, except the W½NW¼, Sec. 24, T. 8 S., R. 45 E., and lot 4, SW¼NW¼, and S½, Sec. 1, T. 2 S., R. 53 E., have been and

continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

4. This action will not restore the following described lands to operation of the public land laws generally, including the mining and mineral leasing laws as they are in private ownership:

Principal Meridian

T. 2 S., R. 53 E.,
Sec. 1, lot 4, SW¼NW¼, and S½.
T. 8 S., R. 45 E.,
Sec. 24, W½NW¼.

5. This action will not restore the following described lands to operation of the public land laws generally as they are in private ownership.

Principal Meridian

T. 8 S., R. 45 E.,
Sec. 12, W½;
Sec. 13, W½;
Sec. 24, E½NW¼ and SW¼.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20281 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6304

[CA-8197]

California; Revocation of Temporary Withdrawal From Disposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a General Land Office order which temporarily withdrew from disposal six islands located in the San Francisco Mission Bay Harbor. Two of the islands have been conveyed from United States ownership and the others no longer exist. This action is taken primarily for record-clearing purposes.

EFFECTIVE DATE: July 27, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Hoefler, California State Office, 916-484-4431.

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

1. The General Land Office Order of October 1, 1898, which temporarily withdrew the following described islands in the San Francisco Mission Bay Harbor from disposal, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 2 S., R. 5 W.,
Sec. 11, Lots 1, 2, 3, 4, 5, 6.

The area described aggregates 0.23 acre in San Francisco County.

2. Lots 1 and 2 were conveyed from United States ownership pursuant to an Act of Congress dated June 7, 1926, 44 Stat. 700. Lots 3, 4, 5 and 6 are no longer in existence. This action is taken primarily to clear the records of a withdrawal that is no longer serving a useful purpose.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20282 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6305

[OR-19010, OR-19095, OR-19099, OR-19139]

Oregon; Powersite Restoration No. 771; Revocation of Powersite Reserve Nos. 620 and 624; Partial Revocation of Powersite Classification No. 143; Partial Revocation of Water Power Designation No. 10

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two Secretarial orders in part and an Executive order as to 4,710.62 acres of land withdrawn for two powersite reserves, a powersite classification, and a water power designation. This action will restore the public lands to operation of the public land laws generally. The national forest land and Revested Oregon and California Railroad Grant land will be restored to such forms of disposition as may by law be made of such lands. All land affected by this order has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: August 24, 1982.

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

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-568-Oregon, it is ordered as follows:

1. The Executive Order of April 28, 1917, which created Powersite Reserve Nos. 620 and 624, the Secretarial Order of April 27, 1917, which created Water Power Designation No. 10, and the Secretarial Order of May 8, 1926, which created Powersite Classification No. 143, are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

Powersite Reserve No. 620

Water Power Designation No. 10

T. 36 S., R. 2 E.,
Sec. 25, SW¼SW¼.

Powersite Reserve No. 624

T. 36 S., R. 3 E.,
Sec. 32, NE¼, N½NW¼, SE¼NW¼, and SE¼SE¼.

Rogue River National Forest

Powersite Reserve No. 620

Water Power Designation No. 10

T. 36 S., R. 3 E.,
Sec. 33, S½NE¼, NW¼, N½S½, and SE¼SE¼;
Sec. 35, S½N½, N½S½, and SE¼SE¼.

Water Power Designation No. 10

T. 37 S., R. 3 E.,
Sec. 1, Lots 1 to 4, inclusive, and S½N½;
Sec. 3, Lots 1 to 4, inclusive, S½N½, NE¼SW¼, and N½SE¼.

Powersite Classification No. 143

T. 37 S., R. 3 E.,
Sec. 1, N½S½;
Sec. 2, Lot 1, S½NE¼, SW¼NW¼, and N½S½;
Sec. 4, Lots 3 and 4, S½NW¼, N½SW¼, and NW¼SE¼.
T. 37 S., R. 4 E.,
Sec. 4, S½NW¼ and SW¼;
Sec. 5, S½NE¼, NW¼, and N½S½;
Sec. 6, Lots 1, 2, and 3, NE¼, and E½NW¼.

Powersite Reserve No. 624

T. 36 S., R. 3 E.,
Sec. 34, NW¼.

Revested Oregon and California Railroad Grant Land

Powersite Reserve No. 620

Water Power Designation No. 10

T. 36 S., R. 2 E.,
Sec. 25, SE¼SW¼;
Sec. 35, Lot 1.
T. 36 S., R. 3 E.,
Sec. 31, Lot 4, E½NE¼, SE¼SW¼, and SE¼.
T. 37 S., R. 3 E.,
Sec. 5, Lots 1 to 4, inclusive, and S½N½.

Powersite Classification No. 143

T. 37 S., R. 3 E.,
Sec. 5, N½S½.
The areas described aggregate 4,710.62 acres in Jackson County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the

Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 7:30 a.m., on August 24, 1982, the land in the SW¼SW¼, Section 25, T. 36 S., R. 2 E., and the land in Section 32, T. 36 S., R. 3 E., will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:30 a.m. on August 24, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 7:30 a.m. on August 24, 1982, subject to valid existing rights the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1, except as described in paragraph 3, will be open to such forms of disposition as may by law be made of national forest lands and Revested Oregon and California Railroad Grant Land.

5. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20263 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Mamangement

43 CFR Public Land Order 6306

[C-12546]

Colorado; Public Land Order No. 6189; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct two errors in a description of lands contained in Public Land Order No. 6189 of March 2, 1982, which partially revoked a U.S. Geological Survey Order as to 520 acres of land withdrawn for a powersite classification. The lands remain withdrawn for reclamation purposes.

EFFECTIVE DATE: July 27, 1982.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976; 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Power Commission (now Federal Energy Regulatory Commission) by DA-455 Colorado, dated August 17, 1965, it is ordered as follows:

1. Public Land Order No. 6189 of March 2, 1982, FR Doc. 82-6753 appearing at page 10826 in the issue of Friday, March 12, 1982, in column two, paragraph one reading "T. 1 S., R. 1 E.," should be corrected to read "T. 2 S., R. 1 E." Paragraph two reading "T. 1 S., R. 1 E.," should be corrected to read "T. 2 S., R. 1 E."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20264 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6307

[I-18494]

Idaho; Revocation of Spencer Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUBJECT: This order revokes an Executive order which withdrew 80 acres of public land for use by the Forest Service as the Spencer Administrative Site. This action will open the land to the operation of the public land laws, including the mining laws. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

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

1. The Executive Order No. 2198 of May 14, 1915, is hereby revoked in its entirety:

Boise Meridian

Targhee National Forest

T. 12 N., R. 36 E.,
Sec. 24, N½NW¼.

The area described contains 80 acres in Clark County.

2. At 7:45 a.m. on August 24, 1982, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on August 24, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 7:45 a.m. on August 24, 1982, the lands will be open to location under the United States mining laws. They have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1982.

[FR Doc. 82-20265 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Forty-First Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracts and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., July 24, 1982, and continuing in effect until 11:59 p.m., September 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-1559.

SUPPLEMENTARY INFORMATION:

Decided: July 21, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96-254 (RITEA), the Commission is authorizing various railroads to provide

interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 24. (E.) the authority for the North Central Oklahoma Railway, Inc. (NCOK) to operate between Chickasha and Sunray, Oklahoma, a distance of approximately 48 miles. All other provisions of the Appendix remain unchanged.

Appendix B of Thirteen Revised Service Order No. 1473 is unchanged, and becomes Appendix B to this Order.

It has been brought to the attention of the Board that, in certain cases, payment of compensation to the Trustee for the use of Rock Island property remains a problem. All interim operators are reminded that compensation, whether determined by lease, agreement, or the Rock Island Formula, is a requirement of this order and should remain current.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order 1473.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., July 24, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general pubic by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and William F. Sibbald, Jr., J. Warren McFarland not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A

RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa

Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):*

A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. from East Des Moines, Iowa (milepost 350.8) to West Des Moines, Iowa (milepost 364.34).

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. at Sibley, Iowa.

P. at Hartley, Iowa.

Q. from Carlisle to Indianola, Iowa.

R. at Omaha, Nebraska, (between milepost 502 to milepost 504).

S. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. at Washington, Iowa.

C. from Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. from Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

E. at Davenport, Iowa.

7. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. at North Topeka and Topeka, Kansas.

8. *Little Rock & Western Railway Company (LRWN):*

A. from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

9. *Missouri Pacific Railroad Company (MP):*

A. from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. from Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. from Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

D. from Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).

10. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

11. *Cadillac and Lake City Railway Company (CLK):*

A. from Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.

B. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.

C. from Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.

12. *Baltimore and Ohio Railroad Company (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. from Bureau, Illinois (milepost 114.2) to Henry, Illinois (milepost 126.94), a distance of approximately 12.8 miles.

13. *Keota Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. at Vinton, Iowa (milepost 120.0 to 123.0).

C. from Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

14. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. from Gresham (Subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. from Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

15. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. at Alva, Oklahoma.

B. at St. Joseph, Missouri.

16. *The Brandon Corporation (BRAN):*

A. from Clay Center, Kansas (milepost 178.37), to Manhattan, Kansas (milepost 143.0), a distance of approximately 35 miles.

17. *Iowa Northern Railroad Company (IANR):*

A. from Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1).

B. at Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

18. *Iowa Railroad Company (IRRC):*

A. from Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.

B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage is currently leased to the CNW, see Item. 5.E.)

E. from East Des Moines, Iowa (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance 113.79 miles.

F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. (This trackage is currently leased to the MILW, see Item 6.D.)

G. from Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35).

H. from Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.

I. at Rock Island, Illinois including 26th Street Yard.

J. from Altoona to Pella, Iowa.

19. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma

(milepost 365.0), a distance of approximately 131.4 miles.

20. *Chicago Short Line Railway Company (CSL):*

A. from Pullman Junction easterly for approximately 1,000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. from Rock Island Junction westerly for approximately 3,000 feet to Irondale Wye.

21. *Kyle Railroad Company (Kyle):*

A. from Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

B. from Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.

C. from Belleville (milepost 225.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.

22. *North Central Texas Railway, Inc. (NCTR):*

A. from Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

23. *Enid Central Railway, Inc. (ENIC):*

A. from Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City Branch line from milepost 0.02 to milepost 0.30.

B. from North Enid, Oklahoma (milepost 0.30) to Ponca City, Oklahoma (milepost 54.8).

24. *North Central Oklahoma Railway, Inc. (NCOK):*

A. from Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).

B. from Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).

C. from Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).

D. from El Reno, Oklahoma (milepost 513.31) to Council, Oklahoma (milepost 494.5).

+E. from Chickasha, Oklahoma (milepost 434.69), to Sunray, Oklahoma (milepost 482.44).

25. *South Central Arkansas Railway, Inc. (SCAR):*

A. from El Dorado, Arkansas (milepost 99) to Ruston, Louisiana (milepost 154.77).

26. *Burlington Northern Railroad Company (BN):*

A. at Burlington, Iowa (milepost 0 to milepost 2.06).

B. at Okeene, Oklahoma.

C. at Lawton, Oklahoma.

27. *Fort Worth and Denver Railway Company (FWD):*

A. from Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. at North Fort Worth, Texas (mileposts 603.0 to 611.4).

C. from Amarillo, Texas (milepost 760.6) to Groom, Texas (milepost 718.9).

28. *Okarche Central Railway, Inc. (OCRI):*

A. from Enid, Oklahoma (milepost 345.27) to El Reno Junction, Oklahoma (milepost 405.21).

B. from El Reno, Oklahoma (milepost 514.32) to Council, Oklahoma (milepost 496.40).

C. at El Reno, Oklahoma (milepost 402.73) to (milepost 404.19).

Note.—Certain segments of the above operation are overlapping with the NCOR (see Item 24). In the interest of operational clarity and efficiency, OCRI will be the supervising carrier for operations and maintenance.

+ Added.

[FR Doc. 82-20193 Filed 7-26-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 144
Tuesday, July 27, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1001

Milk in the New England Marketing Area; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposal to suspend certain order provisions affecting the pool status of dairy farmers whose milk is diverted to nonpool plants by handlers regulated under the New England Federal milk order. The suspension would have removed for the months of July and August 1982 the provisions of the order which limit the amount of an individual dairy farmer's milk which may be diverted by a cooperative association if the dairy farmer is to retain producer status. The provision which allows a handler to divert no more than 45 percent of its total receipts of producer milk to nonpool plants also would have been suspended for July and August 1982. This action was requested by two cooperative associations in the market to assure that their member producers who have regularly supplied a portion of the market's fluid milk requirements would continue to share in the proceeds of the market's Class I sales.

Cooperative associations representing a majority of producers on the market submitted comments opposing the proposed suspension. Because of the conflicting viewpoints among interested parties, no action is being taken at this time to suspend the provisions in question.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued June 18, 1982; published June 23, 1982 (47 FR 27080).

The termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the New England marketing area. This proceeding was initiated by a notice of proposed rulemaking published in the **Federal Register** (47 FR 27080, June 23, 1982) concerning a proposed suspension of certain provisions of the order. Interested persons were invited to file written data, views, or arguments thereon not later than June 30, 1982.

The provisions that were proposed to be suspended for the months of July and August 1982 are as follows:

In § 1001.15, paragraphs (b)(1) and (b)(2), and paragraph (c).

Statement of Consideration

The suspension would have made inoperative for July and August 1982 the provisions of the New England Federal milk order that limit the amount of milk that may be diverted from farms to nonpool plants and still retain producer milk status. Provisions which limit the amount of an individual dairy farmer's production which may be diverted to nonpool plants by cooperatives and the percentage of a handler's total receipts of producer milk which may be diverted to nonpool plants would have been suspended. The suspension was requested by Eastern Milk Producers Cooperative Association, Inc, and Northern Farms Cooperative, Inc., two cooperative associations in the market.

Eastern Milk Producers has assumed the responsibility for marketing the milk of approximately 100 producers who are nonmembers and members of Eastern and of Northern Farms because of the failure of the handler receiving the milk of those producers to pay for it. In previous months the nonpaying handler has been the handler of record for the dairy farmers involved, and Eastern has no basis under the order for unlimited diversions of those individual producers' milk. Additionally, the loss of the fluid milk outlet for these producers' milk during the flush production months of the year could force Eastern to resort to uneconomic movements of milk to pool plants for transshipment to nonpool plants solely for the purpose of retaining producer status for dairy farmers regularly and historically associated with the fluid market.

In support of the proposed suspension, Eastern Milk Producers and Northern Farms filed comments citing increased levels of production and declining Class I use in the New England market as factors which necessitate suspending limits on diversions of surplus milk to nonpool plants. The proponents stated that for the period June 4–15 over 70 percent of the milk of the 100 producers was moved to nonpool plants. Failure to suspend, they contended, could prevent the least cost efficient handling of milk received from the affected producers by forcing the petitioners to make uneconomic movements of milk to maintain pool status for the milk.

Agri-Mark, Inc., and Richmond Cooperative Association, Inc., cooperative associations representing a majority of the producers on the New England market, opposed the proposed suspension. Both associations expressed concern that such a suspension would allow unlimited quantities of milk to be pooled on the New England market by diversion to nonpool plants at prices below the minimum prices established under the order. Competing manufacturing plants which are pooled, however, are subject to minimum order prices. Agri-Mark asserts that the resulting price imbalance would disturb established marketing relationships and cause marketing conditions more disorderly than those claimed by the cooperatives requesting suspension action.

Agri-Mark stated further that since milk production has peaked for the year, the supply-demand balance should improve during July and August providing opportunities for the producers in question to find outlets which would qualify their milk for pooling. Richmond Cooperative observed that as the loss of sales by the defaulting handler has been compensated for by increased sales by other handlers there should be no net loss of fluid sales in the market. According to Richmond Cooperative, therefore, the cooperatives requesting the suspension should be able to find another market for the milk that

historically has been associated with the market.

Although the conditions which originally prompted the request for suspension still exist, in view of the significant amount of opposition to such action by interested parties and the conflicting views on the probable impacts of a suspension on orderly marketing it is concluded that the suspension should not be ordered. Accordingly, the proceeding begun in this matter on June 18, 1982, is hereby terminated.

List of Subjects in 7 CFR Part 1001

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on July 22, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-20240 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-017]

Reservation Fees for Quarantine of Animals and Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations requiring a reservation fee for space at quarantine facilities maintained by Veterinary Services. This proposal would increase the present reservation fee for space for each lot of poultry or birds intended to be entered into a quarantine facility maintained by Veterinary Services; and, in addition, would require a reservation fee for space for other animals intended to be entered into a quarantine facility maintained by Veterinary Services. This action is necessary to more fully utilize the space at quarantine facilities maintained by Veterinary Services and to reduce losses incurred as a result of the failure to utilize space which has been reserved. The effect of this action would be to more fully utilize quarantine facilities maintained by Veterinary Services or shift some of the costs incurred for the under utilization of the facilities to importers or their agents who reserve space at such quarantine facilities and fail to use the space reserved.

DATE: Comments must be received on or before September 27, 1982.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 870, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Based on information compiled by the Department, it has been determined that this action would not result in a significant annual effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

This action would increase the present reservation fee required to be paid by an importer or the importer's agent for space for each lot of poultry or birds intended to be entered into a quarantine facility maintained by Veterinary Services and would impose a reservation fee for space for other animals intended to be entered into a quarantine facility maintained by Veterinary Services. The fee paid for such space would be applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the fee to reserve space was paid. Therefore, the only cost which importers or the importer's agents who actually use the space reserved would incur is an opportunity cost on the prepayment of the reservation fee. Opportunity cost is defined as being the potential earnings foregone by selecting a particular course of action. In this case, the importer or the importer's agent could have invested the amount of the fee. However, in most instances, this opportunity cost is negligible.

An importer or the importer's agent would only incur more than an opportunity cost when the importer or the importer's agent fails to present for entry the animals for which the fee to reserve space was paid, at which time the reservation fee would be forfeited.

Alternatives Considered

1. *Not to amend the regulations.*

Presently, quarantine space at quarantine facilities maintained by Veterinary Services may be reserved for a lot of poultry or birds at a cost of only $40 and for other animals at no cost. The minimal reservation fee in the case of poultry and birds and the lack of a reservation fee in the case of other animals has resulted in the Department, ultimately the taxpayer, bearing the cost of quarantine space which is reserved but not utilized.

Space which is reserved at a quarantine facility maintained by Veterinary Services and not used, causes Veterinary Services to misallocate personnel and materials. In addition, if the entire capacity of a quarantine facility is reserved, other importers who wish to use the facility may not be able to utilize the facility even though some of the reserved space is not utilized.

This alternative was not adopted because the problems discussed above would remain unresolved.

2. *Amend present regulations to increase the reservation fee for a lot of poultry or birds to $80; to require a reservation fee for quarantine space for other animals and forfeiture of the fee for unused space; and to provide that the fee for reserved space shall be applied against the expenses incurred for services received when the reserved space is utilized.*

This alternative was adopted because it would reduce costs to Veterinary Services, ultimately the taxpayer, for quarantine space which is reserved at quarantine facilities maintained by Veterinary Services but is not utilized. In addition, this alternative may result in more fully utilized quarantine facilities because importers or importer's agents are less likely to reserve space, and thereby potentially prevent others from using the reserved space, unless they are certain that they will utilize the space reserved. Further, alternative number 2 would not increase costs to importers or their agents who reserve space at quarantine facilities maintained by Veterinary Services and subsequently use the reserved space because the fee would be applied

against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the fee to reserve space was paid.

Background

At the present time the regulations (9, CFR 92.4(a)(4)) require that for each lot of poultry or birds to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit or reservation is applied for. Presently, space may be reserved for other animals at quarantine facilities maintained by Veterinary Services without paying a reservation fee. Frequently, animals are not presented for entry at these quarantine facilities maintained by Veterinary Services on the date for which they have the reservation. This results in inefficient utilization of quarantine facilities, and loss of revenue to Veterinary Services. Also, other importers interested in quarantine space are denied the opportunity to use the space.

In order to correct these problems Veterinary Services proposes to amend § 92.4(a)(4) of the regulations to raise the fee for reserving space to quarantine a lot of poultry or birds at a quarantine facility maintained by Veterinary Services and to impose a fee to reserve space to quarantine other animals at such facilities.

The fee to reserve space at a quarantine facility would be applied against the expenses incurred for services received by an importer or an importer's agent in connection with the quarantine for which the fee to reserve space was paid. Any part of the fee which remains unused after being applied against the expenses incurred shall be returned to the individual who paid the fee. Therefore, those who use the quarantine space for the purpose for which it was reserved would incur only an opportunity cost.

Any fee paid to reserve space at a quarantine facility maintained by Veterinary Services would be forfeited if the animals for which the fee was paid are not presented for entry on the date for which they have a reservation. This forfeiture would be imposed to discourage importers or their agents from making frivolous reservations, encourage importers and their agents to present animals for entry into the quarantine facility on time, defray some of the costs incurred by Veterinary Services when personnel and materials are allocated to a quarantine facility because space has been reserved and the reserved space is not used, and recover some of the revenue lost when space at a quarantine facility is reserved and the reserved space is not used and other potential users of the facility are denied the opportunity to use the space.

Proposed § 92.4(a)(4)(i) would impose a fee of $240 to reserve space for each lot of animals other than poultry, birds or horses which is to be quarantined in a quarantine facility maintained by Veterinary Services. Approximately 50 percent of the quarantine space reserved for cattle and wild ruminants and 10 percent of the quarantine space reserved for livestock (other than cattle and horses) is not utilized by those reserving the space. The average fee to quarantine an animal (other than horses, birds or poultry) is $240. Rather than impose a reservation fee of $240 for each animal (other than horses, poultry or birds), and, thereby, require an importer or his agent to potentially incur a large opportunity cost, the Department proposes to impose a reservation fee to cover the average fee for the space necessary to quarantine a single animal (other than horses, poultry and birds). Before imposing a more burdensome fee to reserve space for a lot of animals (other than horses, poultry or birds), the Department would rather make a determination as to whether the intended results, as discussed above, can be achieved by imposing the proposed $240 reservation fee.

Proposed § 92.4(a)(4)(ii) would raise the reservation fee for each lot of poultry or birds to be quarantined in a quarantine facility maintained by Veterinary Services from $40 to $80 for each lot. Approximately 40 percent of the quarantine space which is reserved for birds and poultry is not utilized by those reserving the space. It, therefore, appears that the present reservation fee for a lot of birds or poultry is not high enough to ensure that the importer making the reservation will use the reserved space.

The average fee for the use of an isolette to quarantine birds or poultry at a quarantine facility maintained by Veterinary Services is $80. An importer who reserves quarantine space for a lot of birds or poultry must reserve a minimum of one isolette, but in many cases numerous isolettes are reserved. Rather than impose a reservation fee of $80 for each isolette, and, thereby, require an importer or his agent to potentially incur a large opportunity cost, the Department proposes to raise the reservation fee to cover the average fee for the space necessary to quarantine one bird. Before imposing a more burdensome fee to reserve space for a lot of birds or poultry, the Department would rather make a determination as to whether the intended results, as discussed above, can be achieved by imposing the proposed $80 reservation fee.

Proposed § 92.4(a)(4)(iii) would impose a fee of $130 to reserve space for each horse which is to be quarantined at a quarantine facility maintained by Veterinary Services. Approximately 5 percent of the quarantine space which is reserved for horses is not utilized by those reserving the space. The average fee to quarantine a horse at a quarantine facility maintained by Veterinary Services is approximately $130. Importers generally import a small number of horses at one time. Therefore, with respect to horses, the Department does not believe that a reservation fee based upon a lot of horses is necessary in order to avoid burdensome opportunity costs.

Proposed § 92.4(a)(iv) would require that all reservation fees, except those required for pet birds, be paid by certified check or U.S. Money Order. The Department does not have a place to secure cash in the quarantine facilities maintained by Veterinary Services. Further, the Department on occasion has been unable to collect on personal checks because of insufficient funds. Therefore, the Department has proposed that reservation fees for all animals, except pet birds, be paid with a certified check or U.S. Money Order. The Department has proposed that importers of pet birds may pay by personal checks. This option is given to pet bird importers because large numbers of such importers arrive at quarantine facilities maintained by Veterinary Services with their birds and wish to reserve space for immediate entry into the facilities. This may occur at a time when there is no place available to acquire a certified check or U.S. Money Order. Furthermore, pet birds are quarantined for 30 days and in those instances in which a personal check is used to reserve space for immediate entry of pet birds, Veterinary Services would have time to present the personal check for payment prior to release of the pet birds. If any personal check is returned for insufficient funds, Veterinary Services would have the opportunity to make a claim for expenses incurred in connection with the quarantine prior to release of the pet birds.

In order to avoid confusion, the heading of § 92.4 would be amended to indicate that the section includes regulations regarding fees for the reservation of space at quarantine facilities maintained by Veterinary Services.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended as follows:

In § 92.4 the heading and paragraph (a)(4) would be revised to read as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds and for animal specimens for diagnostic purposes;[5] and fees for reservation of space at quarantine facilities maintained by Veterinary Services.

(a) * * *

* * * * * *

(4)(i) For each lot of animals, except poultry, birds and horses, which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay $240 at the time the importer or the importer's agent requests reservation of quarantine space.

(ii) For each lot of poultry or birds, which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay $80 at the time the importer or the importer's agent requests reservation of quarantine space.

(iii) For each horse, which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay $130 at the time the importer or the importer's agent requests reservation of quarantine space.

(iv) The fee required by paragraphs (a)(4)(i), (a)(4)(ii), and (a)(4)(iii) of this section shall be paid by certified check or U.S. Money Order; *Except*, that the fee required by paragraphs (a)(4)(ii) of this section for pet birds may be paid by personal check.

(v) Any fee paid in accordance with paragraph (a)(4)(i), (a)(4)(ii) or (a)(4)(iii) of this section shall be applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the fee to reserve space was paid. Any part of the fee paid in accordance with paragraph (a)(4)(i), (a)(4)(ii) or (a)(4)(iii) of this section, which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the fee to reserve space was paid, shall be returned to the individual who paid the fee.

(vi) Any fee paid in accordance with paragraph (a)(4)(i), (a)(4)(ii) or (a)(4)(iii) of this section shall be forfeited if the importer or the importer's agent fails to present for entry the lot of animals, the lot of poultry or birds or the horse for which the fee to reserve space was paid.

(Sec. 7, 26 Stat. 416, sec. 2, 32 Stat. 792, as amended, secs. 4, 11, 76 Stat. 130, 132; 21 U.S.C. 102, 111, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 22d day of July, 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-20241 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-34-M

[5] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0413]

Truth in Lending; Treatment of Seller's Points

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and proposed revisions to official staff commentary.

SUMMARY: The Board is seeking comment on whether the exclusion of seller's points from the finance charge in reduced rate financing under revised Regulation Z (Truth in Lending) may affect the accuracy of cost disclosures given to the consumer. The Board is publishing for comment two possible alternative methods for the treatment of seller's points, and is asking for comment on other possible methods for dealing with seller's points. Alternative One would remove the current finance charge exclusion for seller's points. Alternative Two would require that a disclosure be given to advise the consumer that the seller has paid money to obtain the financing and that, to the extent the amount has been passed on to the consumer in the form of a higher sales price or other charge, the annual percentage rate and other disclosures understate the cost of credit.

DATE: Comments must be received on or before August 27, 1982.

ADDRESS: Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th & Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays. All material submitted should refer to Docket No. R-0413.

FOR FURTHER INFORMATION CONTACT: Clarence B. Cain or Gerald P. Hurst, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-2412 or (202) 452-3667. Regarding the initial regulatory flexibility analysis, contact: Fred B. Ruckdeschel, Economist, Regulatory Improvement Project, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-2579.

SUPPLEMENTARY INFORMATION: (1) *General.* The Truth in Lending Act defines finance charges to include "all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit." [1] Under old Regulation Z,[2] the Board took the position that if a lender imposed points on the seller and the points were in fact passed on to the buyer, the lender had to include them in the finance charge and in computing the annual percentage rate (APR) disclosed to the borrower. The typical situation involved VA and FHA loans which allowed only one point to be passed on to the buyer; the remainder had to be paid by the seller. Some conventional transactions also involved points to be paid by the seller. Since it was difficult for a lender to determine whether a seller had increased the sales

[1] Section 106(a) of the Truth in Lending Act, 15 U.S.C. 1605.

[2] 12 CFR 226.406.

price—and, if so, by how much—lenders generally made a presumption and either included the points in the finance charge or excluded them in all cases.

In revising Regulation Z (46 FR 20848, April 7, 1981) under the Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221, March 31, 1980), the Board sought to provide precise, simple rules as opposed to general statements that created ambiguity, required additional regulatory clarification and tended to generate litigation on technicalities. Applying this principle to the seller's points question, the Board decided to exclude them from the finance charge in all cases, even if they were passed along to buyers in a higher sales price.[3] This rule eliminated guess work for lenders trying to determine if some or all of the points had been added to the sales price. The change was also based on the belief that the purchaser would understand that the sales price might be adjusted if the lender imposed charges on the seller.

Since the amendment of the regulation, an increasing number of financing arrangements have been developed that offer the consumer below-market financing. These arrangements have been developed to offer the buyer lower monthly payments or to qualify the buyer at a lower interest rate. A number of interested parties have questioned whether the seller's points rule applies to specific financing arrangements. Some have expressed concern that creditors have an opportunity to significantly understate the APR.

When lenders make direct loans to purchasers of goods, two types of reduced rate financing are becoming increasingly common: "seller buydowns" and "zero percent mortgages." In a typical "seller buydown," a home seller pays a lender to buy down the interest to a below-market rate for the first few years of a long-term mortgage. The lender recognizes that some buyers' incomes will rise in the future and thus is willing to qualify these borrowers because they can afford the lower initial payments and are likely to be able to afford higher payments later. In a zero percent mortgage arrangement, a seller of homes makes a payment to a lender to induce the lender to offer a short-term zero interest mortgage to a purchaser. The seller generally requires a large downpayment in such cases. The seller must either absorb the payment made to the lender as a cost of selling, increase the price for all its purchasers, or increase the price for only those purchasers using the special financing.

Under the rule in revised Regulation Z, to the extent these credit arrangements result in a higher sales price to customers using these financing plans, a cost of credit is removed from the loan disclosures. Under the present rule the cost attributable to the buydown or points does not have to be reflected in the finance charge or APR, and this may impair the consumer's ability to shop. Two examples will demonstrate the impact on the APR.

One involves a house with a sales price of $50,000 and a loan of $40,000 at a 16% contract rate. The seller offers a 3-year buydown at 13% and the cost of the buydown ($3,626.00) is included in the sales price. The term of the loan is 30 years and it is repayable in 36 payments of $442.48 and 324 payments of $535.32. If the amount of the buydown is excluded from the finance charge, the APR is 14.87%. If the amount of the buydown is treated as a prepaid finance charge, however, the APR would be 16.34%.

A second example involves a zero percent mortgage transaction on a home valued at $40,000. The home seller agrees to pay to a financial institution $9,500 if the institution will make a $30,000 zero percent mortgage. The $9,500 is added to the sales price, so the price to the buyer becomes $49,500. The buyer pays the seller $19,500 and is charged two points ($600) by the lender. The loan is paid in 60 payments of $500 each. If the $9,500 paid by the seller is excluded from the finance charge, the APR is 0.8%. If the $9,500 is treated as a prepaid finance charge, however, the APR would be 17.5%.

One concern about the current rule is that it may permit the advertising of misleading APRs for various financing arrangements. As set forth in the official staff commentary (46 FR 50288, October 9, 1981), sellers or creditors may promote the availability of financing plans involving buydowns by advertising the reduced ("bought down") simple interest rate.[4] The advertisement, however, must also show the limited term to which the reduced rate applies, the simple interest rate applicable to the balance of the term, and the overall APR. Where the buydown is large, so that the simple interest rate is significantly less than the prevailing market rate, the APR being advertised could be misleading as to the real cost of the financing.

The Board is therefore proposing two alternative actions for the treatment of seller's points under revised Regulation Z. The Board also asks for comment on other possible ways of dealing with seller's points.

(2) *Alternative One.* This proposal would remove § 226.4(c)(5) from the regulation and provide that: (1) Seller's points when passed on only to buyers taking advantage of a financing arrangement are finance charges, (2) only the amount of the seller's points actually passed on need be considered a finance charge, and (3) if the creditor is unsure whether the seller's points are being passed on, or is unsure of the amount being passed on, the entire amount of the seller's points may be included in the finance charge and reflected in the APR. The Board specifically seeks comment on the probable effect of this rule.

This alternative is based on the premise that the cost of financing has become such an important factor in the marketplace for consumers facing the prospect of a major purchase that they should have a simple yardstick for comparing the costs of various sources of credit. Under the Truth in Lending Act, the APR is intended to function as such a yardstick. Without a single figure for comparison, even if consumers understand that some credit costs may be included in the sales price, it may be difficult for them to compare the true financing cost of a purchase involving a reduced rate financing plan with the cost of the purchase involving financing from other sources.

Determining the extent to which a seller has passed on points to a buyer as part of the sales price requires the lender to know the price that the buyer would have paid in a cash transaction (or with financing that the seller did not buy down). The Board is aware of the longstanding problem of how to determine the "cash price" of goods, particularly if there are few cash buyers, the product sold is unique, and/or prices are customarily subject to negotiation. On the other hand, although it may be difficult to identify the true cash price in some cases, in many instances the parties offering reduced rate financing plans have a clear idea about how much "adjustment" to the cash price has taken place to offset the seller's payment to the lender and can readily make the computations necessary for a complete disclosure. Because of the difficulties in other situations, however, the proposed

[3] Section 226.4(c)(5) of revised Regulation Z. Comment 4(c)(5)–1 of Official Staff Commentary, TIL–1, provides that the exclusion from the finance charge applies to "any charges imposed by the creditor upon the non-creditor seller of property for providing credit to the buyer or for providing credit on certain terms."

[4] Comment 24(b)–3 of Official Staff Commentary, TIL–1.

changes to the official staff commentary under Alternative One would specifically permit creditors to assume that all seller's points are paid by the buyer.

Alternative One would cause some overstatement of the APR where the seller's points have not been passed on entirely and the creditor includes the entire amount in the finance charge. However, total exclusion of seller's points from the finance charge could lead to a more substantial understatement of the APR, for example, in zero percent mortgage transactions. The overstatement would be allowed under this alternative because of the practical problems of determining the precise amount of seller's points actually passed on and the potential for litigation without the added flexibility. Although creditors and sellers would be permitted to overstate the APR, there would be an incentive to determine the amount that is actually passed on in order to avoid having to overstate the APR in advertisements and disclosures for reduced rate financing programs. The Board seeks comment on the effect of allowing the overstatement of the APR, including whether significant overstatements would result.

The question has arisen whether adopting Alternative One will prevent sellers from offering "seller buydowns," "zero rate financing," or other reduced rate financing plans. It is expected that sellers could continue to offer the programs and advertise "bought down" rates; the only change would be that if a bought down rate (reduced simple interest rate) were disclosed, the APR disclosed in the advertisement would have to reflect any seller's points that are passed on only to customers using a financing arrangement. The Board seeks comments on whether this change is likely to discourage the offering of reduced rate financing.

Alternative One would not require creditors to change their forms. However, it would require a change in procedures and retraining of personnel. The Board requests comment on the costs that would be associated with the adoption of this alternative.

If the Board adopts Alternative One, removing § 226.4(c)(5) from the revised regulation, staff proposes to make the following changes in Official Staff Commentary, TIL–1:

- Comment 4(b)(3)–2 would be added to explain how to treat seller's points under the amended finance charge provisions.
- Comment 4(c)(5)–1 would be removed since its regulatory basis would no longer exist.
- Comments 17(c)(1)–3 and 17(c)(1)–5 would be completely revised to reflect the possibility that an amount paid by a seller may be a finance charge.

(3) *Alternative Two.* This alternative would continue to exclude seller's points from the finance charge but would require a new disclosure concerning seller's points in disclosure statements and advertisements for reduced rate financing transactions. A creditor would be required to state (1) that the seller has paid money to obtain the financing; (2) the amount paid; and (3) that the payment, to the extent it has been passed on to the consumer in the form of a higher sales price or other charge, results in a higher cost of credit than that actually disclosed. The requirement would be added by amending the regulation as follows:

- Section 226.18, "Content of Disclosures," would be amended by adding a new paragraph (s), requiring the disclosure of charges paid by the seller to the creditor for providing credit to the buyer or for providing credit on certain terms.
- Section 226.24(b), "Advertisement of Rate of Finance Charge," would be amended by rearranging the current paragraph and adding a new paragraph (b)(3) stating the new seller's points diclosure requirement.
- Section 226.24(c), "Advertisement of Terms That Require Additional Disclosures," would be amended by adding a new paragraph (c)(2)(iv) stating the new seller's points disclosure requirement.
- Footnote 38 to § 226.17(a)(1), "Form of Disclosures," would be amended to permit the new seller's points disclosure under § 226.18(s) to be made apart from other required disclosures.
- Appendix H, "Closed-end Model Forms and Clauses," would be amended by adding a Seller's Points Model Clause as H–16.

This alternative avoids some of the problems created by Alternative One, such as the difficulty in determining whether and to what extent seller's points are included in the sales price to only those customers taking advantage of a specific financing arrangement. At the same time, the disclosure would put the consumer on notice that the stated APR and finance charge may not accurately reflect overall credit costs.

However, this alternative may also create problems. For example, the disclosure could result in confusion on the part of consumers and difficulties for creditors and sellers in explaining the meaning of such a disclosure. In addition, the imposition of a new disclosure requirement could require creditors to reprint forms or print a separate form in order to make the disclosure, giving rise to significant costs for creditors and sellers engaged in offering reduced rate financing. Both of these considerations could result in restricting the use of reduced rate financing.

Another concern is the broad coverage of this disclosure requirement. Alternative Two may well affect more transactions than Alternative One. Specific comment is solicited as to the number or percentage of transactions affected and the cost of these new requirements.

Although the headings of the provisions in the regulation would use the term "seller's points," the disclosure requirements would not be phrased in terms of "seller's points" nor would the actual disclosures be phrased in those terms. (See proposed Model Clause H–16.) Use of the term "seller's points" could confuse consumers and creditors, since traditionally "seller's points" have been viewed as a percentage amount of the loan transaction payable by the seller while the term under revised Regulation Z has come to have a broader meaning. Instead, the language of the disclosure requirements and the disclosures would be descriptive, that is, referring to a charge that is paid by a seller in order for the creditor to extend credit to the buyer or extend credit on certain terms. This is the same as the meaning given the term "seller's points" in current Comment 4(c)(5)–1 of the official staff commentary.

The new disclosure required in the disclosure statement could be made along with the other segregated disclosures (in the so-called "federal box") or elsewhere. This position is reflected by the proposal to add a reference to the seller's points disclosure to footnote 38 to § 226.17(a)(1). This relaxation of the rule that all required disclosures must appear together would allow creditors to use their existing disclosure statements and put the new disclosure elsewhere.

Alternative Two is not intended to require the new disclosure for charges that do not rely on the exclusion from the finance charge for seller's points in § 226.4(c)(5) of the regulation. Examples of charges that are intended to be excluded from this disclosure requirement are:

- Commitment fees. These are sums generally paid by a developer or builder of a development such as a multiple-unit building to obtain

financing for a number of sales transactions; they are not tied to specific transactions and do not result in a higher sales price for customers taking advantage of offered financing; as a result, they would not be finance charges under § 226.4(a) of the regulation. See Comments 4(a)–1 and –2.)

- Discounts on credit obligations when they are sent to the creditor for payment or assigned by a seller-creditor to another party as long as the discount is not separately imposed on the consumer. (These charges do not constitute finance charges under § 226.4(a) of the regulation. See Comment 4(a)–2.)

In order to avoid confusion on this point, the discussion of seller's points in Comment 4(c)(5)–1 would be modified to make clear that charges that are otherwise not finance charges are not included in the concept of seller's points for purposes of Regulation Z. The Board specifically requests comment on the need for this change in connection with Alternative Two and whether the suggested changes in the language of Comment 4(c)(5)–1 would accomplish the desired result.

The Board would like comment on Alternative Two and whether there is another way to disclose the existence of seller's points and their effects without imposing significant burdens on creditors. In addition, the Board requests comment as to the form a seller's points disclosure should take; whether the disclosure in an advertisement should be the same as or briefer than that in the actual disclosure statement; and whether the disclosure requirement should be limited to advertising. The Board requests specific comment as to whether or not in advertisements the creditor should be allowed to merely state that an amount has been paid by the seller, rather than showing the specific amount paid.

If the Board adopts Alternative Two, requiring disclosure of seller's points, staff proposes to make the following changes to official Staff Commentary, TIL–1:

- Comment 4(c)(5)–1 would be revised to clarify the treatment of commitment fees and other items and to include a reference to the new disclosure requirements found in §§ 226.18(s) and 226.24(b)(2) and (c)(2)(iii) of the regulation.
- Comment 17(c)(1)–3 would be revised to include a reference to the new disclosure requirement for seller's points.
- Comments 18(s)–1 and –2 would be added to discuss the seller's points disclosure in § 226.18(s).
- Comments 24(b)–1, –2, and –3 would be rearranged and redesignated to reflect the regulatory revisions to § 226.24(b). In particular, Comment 24(b)(3)–1 would be added to explain the new advertising requirement.
- Comment 24(c)(2)–5 would be added to explain the new advertising requirement in § 226.24(c)(2)(iv).
- Comment H–17 would be added to discuss new model clause H–16 for seller's points.

The Board also requests comment as to other actions in lieu of Alternatives One and Two that could be taken to reduce any potential for misleading consumers as to the true cost of credit that currently exists with the seller's points rule. In particular, the Board is interested in actions that would not significantly restrict the availability of reduced rate financing. The reason for proposing action in the seller's points area, as mentioned previously, is to maintain the usefulness of the APR as a tool in shopping for credit by ensuring that consumers can understand and compare alternative financing arrangements.

Because the proposed amendment requires prompt action in the public interest, the Board finds it is not necessary to follow the expanded rulemaking procedure set forth in the Board's policy statement of January 15, 1979 (44 FR 3957). Instead, the Board finds that a 30-day comment period is sufficient.

(4) *Effective Date.* If Alternative One or Alternative Two is adopted, the change would be effective as soon as is feasible. The Board solicits comment as to a date that would be considered feasible. Comment is requested on whether the effective date for advertisements should be earlier than that for disclosures.

(5) *Initial Regulatory Flexibility Analysis.* This analysis is designed to meet requirements of the Regulatory Flexibility Act and to assist the public in responding to the proposals introduced earlier in this **Federal Register** notice. These proposals are a response to concerns expressed by certain parties that consumers may be misled by the reduced-rate financing plans now commonly being used in the market for new housing. This analysis presents the problem of determining the cost of credit when seller's points are involved, discusses possible benefits and costs of the two proposals, highlights potential problems and areas in which the Board specifically requests comment, and outlines other alternatives to the proposals.

Function of Truth in Lending. There are two primary consumer protection goals of Truth in Lending. These goals are to be achieved by disclosure of credit costs, especially the annual percentage rate (APR) and the finance charge. The first goal, called the "shopping function" by the National Commission on Consumer Finance, is to improve consumers' ability to make comparisons by providing a uniform method of stating credit costs. The second goal, called the "descriptive function", is to improve consumers' ability to decide whether to use credit or cash to finance a purchase or to delay consumption and finance the purchase later out of savings. In the discussion that follows, the shopping and descriptive functions will serve as a basis for evaluating the effectiveness both of new Regulation Z and of the alternative proposals in dealing with seller's points.

Problem with seller's points. When the purchase of a product, such as a house, and a credit transaction are tied together, disclosure of accurate and consistent information can be complicated in advertising, in negotiations setting sales terms, and in credit documents. The price of the product and the costs of acquiring it with credit can be identified as separate cost components only when the product and the credit package can be chosen independently of each other. With reduced-rate financing, a seller pays a creditor to charge the buyer a below-market interest rate on the financing used to purchase the product. The seller might be able to recoup some portion or all of that payment in the price paid by the buyer. Thus, the item being purchased and the reduced-rate financing are "packaged" together. Accordingly, the price of the item being purchased and the interest rate on the financing are mathematically related. The problem, then, is to determine what, if any, amendments to Regulation Z will assist consumers in directing their search efforts or improve their ability to choose the best deal when products and financing are packaged together.[5]

[5] In transactions involving seller's points, consumers may also face complications unrelated to Truth in Lending. In particular, seller's points may have three types of tax implications. First, whether or not points are passed on, use of reduced-rate financing might affect the proportion of monthly payments that may be deducted from gross income in the computation of taxable income. Second, seller's points may affect the cost basis used in the computation of capital gains for tax purposes. Third, to the extent seller's points are passed on in the

Proposed Alternatives

Alternative One provides two distinct methods for creditors to use when calculating the APR, the finance charge, and the amount financed, all three of which are terms defined in Regulation Z.

The first method requires the creditor to calculate the amount financed by deducting from the amount of the loan the *portion* of any seller's points that is *passed on* to a buyer in a higher sales price, to add that portion of points to the finance charge, and to treat those passed-on points as a prepaid finance charge when calculating the APR being paid on the amount financed.

The second method allows the creditor to subtract the entire amount of seller's points from the loan to calculate the amount financed, whether the points are passed on entirely, partly, or not at all. That entire amount is also added to the finance charge and is treated as a prepaid finance charge when calculating the APR.

Alternative One also requires that a seller's advertisements use one or the other of those APRs when any interest rate is advertised.

Alternative Two calls for creditors on their disclosure statements and for sellers in their advertisements (1) to show the amount a seller has paid to the creditor so that buyers may obtain the reduced-rate financing and (2) to state that the seller's payment, to the extent that it has been passed on to the consumer in the form of a higher sales price or other charge, results in a higher cost of credit than is actually disclosed. The Board requests specific comment on whether a statement that an amount has been paid would be sufficient in advertisements without identifying a dollar amount.

Analysis of Alternative One

Disclosures. The following examples illustrate how the TIL disclosures would appear under both new Regulation Z and Alternative One.

In Example One the buyer obtains a $40,000 loan for 30 years, with a 13 percent interest rate for 3 years and a 16 percent interest rate for the remaining 27 years. In order to induce the creditor to offer the reduced rate for three years, the seller pays the creditor $3,626.

EXAMPLE ONE

	Annual percentage rate	Finance charge	Amount financed	Total of payments
New Regulation Z	14.87	$149,372.96	$40,000.00	$189,372.96
Alternative One (Entire $3,626 of points treated as prepaid finance charge)	16.34	152,998.96	36,374.00	189,372.96

In Example Two the buyer obtains a $30,000 zero-percent loan with a maturity of 5 years. The buyer pays $600 of points directly to the creditor, and the seller pays $9,500 of points to the creditor in order to induce it to offer the reduced-rate financing.

EXAMPLE TWO

	Annual percentage rate	Finance charge	Amount financed	Total of payments
New Regulation Z	0.8	$600.00	$29,400.00	$30,000.00
Alternative One (Entire $9,500 of points treated as prepaid finance charge)	17.5	10,100.00	19,900.00	30,000.00

Note that the total of payments are identical in the two disclosures shown for each example—$189,372.96 and $30,000, respectively. This is so because the scheduled monthly payments are unchanged. What differs is the apportionment of the total of payments between principal (amount financed) and interest (finance charge). And apportionment affects the calculation of the APR.

Relationship between price and interest rate. The TIL disclosures, in the examples above, show only financing costs and do not mention product price and downpayment. But, when the product being purchased and the financing are packaged together, the stream of payments made by a buyer is consistent with an infinite number of price and interest rate combinations. This section discusses the simultaneous relationship between price and interest rate in transactions where product and financing are tied together.

When the downpayment on a house and the monthly payments on the loan and its maturity are established, a price can be set; and the interest rate is determined automatically by a mathematical formula. Alternatively, an interest rate can be set, and the price is determined automatically. The mathematics is the same as that used in calculating the prices and yields of debt securities.

In Example One, where the interest rate is bought down to 13 percent for three years, the downpayment is $10,000; and the monthly payment for the first three years is $442.48 and for the next 27 years is $535.32. With the contract purchase price set at $50,000, the annual percentage rate is 14.8 percent. Alternatively, when the $3,626 of seller's points is treated as a prepaid finance charge, then the annual percentage rate is 16.34 percent; and the implied price of the house is $46,374, which is $3,626 less than the contract purchase price.

In the example with a zero interest rate, in which points are assumed to be passed on to the consumer through a higher price, the downpayment is $19,500; points paid by the buyer to the creditor are $600; and the monthly payment for 60 months is $500. When the interest rate is stated to be zero percent, the price is $49,500. But when the seller's $9,500 payment to the creditor is treated as a finance charge rather than as part of the price, the implied price is $40,000; and the APR stated in the TIL disclosure is 17.5 percent.

In fact, in any given transaction with any given downpayment, any one of an infinite number of price and interest-rate

price of real property, points may result in a higher assessment of property for tax purposes than would otherwise occur.

combinations accurately reflects the specific monthly payment and maturity terms. Each combination depends on how much of the price is treated as a prepaid finance charge and is deducted from the amount financed. Since the amount of financing plus the downpayment equals the price of a house, any deduction from the amount financed implies a reduction in price. The issue with seller's points, then, can be viewed as a question of how to apportion the total of payments involved in the financing between the amount financed and the finance charge. Thus when a regulatory requirement apportions less than the contractual amount of the loan to the "amount financed" in a Truth in Lending disclosure, a reduction in the price of the house is implied.

Alternative One, in effect, stipulates two methods of determining which of the multitude of rates will satisfy the advertising and disclosure requirements of Regulation Z. One method requires *estimating* the proportion of the seller's points that is passed on to the consumer and thus is treated as a prepaid finance charge in the calculation of TIL disclosures. The other method permits the entire amount of points to be treated as a prepaid finance charge.[6]

Significant economic impacts of Alternative One. Under the shopping goal of Truth in Lending, disclosure of credit costs on a comparable basis provides two benefits. First, disclosure increases the efficiency with which consumers use advertising to search for options. Second, it increases the efficiency with which consumers compare options. The treatment of seller's points in new Regulation Z can adversely affect consumer's search for options when all or a large portion of seller's points are passed on in a higher price. The bought-down APR can be advertised but the inflated price need not be. Thus, consumers may be induced through advertisements to spend scare shopping time and effort gaining further information about deals that, upon comparison, turn out to be more costly. Alternative One would help remedy this problem when all or a large portion of points are passed on.

Alternatively, when a seller does not pass on points by raising price or passes on only a small portion, then advertising of interest rates under new Regulation Z shows that the seller is willing to reduce the total cost of a transaction through subsidized financing. Under Alternative One, when creditors assume, contrary to fact, that seller's points are passed on, advertised interest rates would not reflect the interest-rate subsidy. Thus, under these circumstances, Alternative One would reduce consumers' ability to use advertising to direct their search efforts.

In order to assess the ultimate impact on the search process, it is necessary to take into account (1) the extent to which sellers are likely to pass on points to consumers and (2) the impact that Alternative One is likely to have on the behavior of creditors.

Little information is available to the Board on the extent to which sellers have been able to pass on points to consumers. However, under current economic conditions, sellers may not be able to increase prices sufficiently to pass on a large portion of the seller's points. Thus, the Board seeks information on this question.

The impact of Alternative One on sellers' and creditors' behavior is likely to arise from possible increases in costs in three areas. First, there are the costs of training personnel to treat all or part of seller's points as a prepaid finance charge. Second, there are costs of estimating the cash prices necessary to determine what portion of those points have been passed on to buyers in higher prices.[7] Third, and potentially most important, there is the cost to sellers and creditors that takes the form of an increased risk of litigation brought against them by consumers who claim that the passed-on portion of seller's points was underestimated. Many sellers and creditors are likely to avoid the second and third kinds of cost by including the full amount of the points in the finance charge or by overestimating the portion of points passed on, whenever the cash price is not obvious. To the extent costs in these areas are incurred, creditors can be expected to attempt to recover them through higher interest charges.

When seller's points are not passed on entirely and creditors choose to avoid the cost of estimating the amount of seller's points passed on and the risk of litigation, consumers may be misled in their search activities under Alternative One. Advertised APRs for subsidized financing would be as high as market interest rates. As a result, this alternative may impair consumers' ability to identify lower cost alternatives by comparing advertisements.

Following the search effort the consumers will attempt to choose the best combination of product and financing. The terms of the sales contract and the new Regulation Z disclosures provide sufficient information for consumers to make informed financial decisions. The total cost of each possible transaction is fully reflected either by the price and bought-down APR or the downpayment and monthly payments (assuming contract maturity and downpayment percentage are constants). However, when seller's points are treated as a prepaid finance charge under Alternative One, a reduction in price is implied, as noted in the discussion of the mathematical relationship between price and interest rate. But without knowing the implied price, the consumer will see the points double counted. That is, the points will be reflected in both the disclosed APR and in the contract price. As a result, consumers who rely on the proposed disclosure would overestimate the total cost of the transaction. Requiring disclosure of the implied price would remedy this deficiency in Alternative One. But an additional disclosure would conflict with a Board objective in simplifying Regulation Z.

The attached Appendix A has two examples illustrating some of the information that would be disclosed in the sales contract and in the credit documents under new Regulations Z and Alternative One.

In summary, Alternative One requires APRs and finance charges to be restated to reflect the amount of seller's points passed on. Whenever seller's points are largely or completely passed on, Alternative One prevents consumers from being misled by advertisements during their initial search for attractive combinations of product and financing arrangements. But, when seller's points are not passed on, as perhaps during times of economic distress, then the impact of Alternative One, through advertising, on consumers' search efforts depends on whether creditors and sellers choose to estimate the amount of points passed on or choose to treat the entire amount of points as a prepaid finance charge. When they treat the entire amount as a prepaid finance charge, the APRs for subsidized financing will appear the same as those for unsubsidized financing. Consequently, consumers might have greater difficulty in searching for deals with subsidized financing.

[6] By providing two methods for calculating the finance charge and the APR, Alternative One weakens the shopping function of Truth in Lending. When creditors do not use the same method, the TIL disclosures will not be comparable.

[7] Included here would be the cost to creditors of monitoring the extent to which negotiations between sellers and buyers have changed the characteristics of the houses being sold. For example, negotiated changes in landscaping, appointments, and other details, as well as settlement dates could affect the hypothetical cash price that the creditor must estimate.

Whether or not points are passed on, Alternative One could cause consumers confusion. Consumers would not know whether the APR reflected an estimate of points passed on or a cost-minimizing arbitrary inclusion of the full amount of points by the creditor. In addition, since the restated APR and price both reflect the points, they are double counted. This could affect consumers' ability to compare deals and their decision whether to finance a purchase with credit or liquid assets or to delay the purchase and save.

The Board seeks empirical and analytical information on these and other possible impacts of Alternative One on consumers, creditors, and sellers.

Analysis of Alternative Two

As described earlier, the warning statement required by Alternative Two tells consumers the dollar amount of seller's points paid to the creditor and that the cost of credit is higher than that disclosed to the extent that points have been passed on to the buyer. Alternative Two has important implications for consumers. First, it would lead consumers to doubt the usefulness of TIL disclosures, since the disclosure requirements of Alternative Two state that important information may not be taken into account in calculating the APR and finance charge, specifically, the amount of points paid by a seller. That doubt might undermine consumers' confidence in the process of obtaining credit. Nevertheles, the presence of a warning may induce consumers to devote greater attention to the details of reduced-rate financing plans. Second, disclosure of the dollar amount of points would not give consumers adequate information to determine whether the seller has subsidized the financing or has passed on the points in product price. In order to obtain this information, the consumer would have to compare various packages of price and annual percentage rate, which is the same task that the consumer performs when directly evaluating the costs of alternative product and financing combinations. Thus, disclosure of the dollar amount of points would not improve consumers' ability to compare deals but would introduce further complexity to Truth in Lending disclosures.

Alternative Two would impose some additional paperwork burdens on creditors. The Board recognizes that advertising copy would have to be different. The Board seeks information whether Alternative Two is likely to discourage interest rate advertising by sellers or have any other impact on advertising practices. Creditors' forms also would need to be reprinted or overprinted with the statement about the seller's payment. A long lead time before any amendment would take effect would minimize the impact of changes in forms. Documented estimates of such printing costs would be helpful to the Board's consideration of the issue.

In summary, Alternative Two would alert consumers that the below-market financing cost might be accompanied by a correspondingly higher product price. This lack of definitiveness may lead consumers to question the value of the TIL disclosures. Moreover, disclosure of the dollar amount of seller's points, as required by Alternative Two, does not improve consumers' ability to determine whether financing is subsidized or points have been passed on.

The Board seeks empirical or analytical information about whether the disclosure in Alternative Two would be effective in alerting consumers or would itself be confusing or misleading.

Other Aspects of the Analysis

Necessary professional skills. Creditors and sellers may need certain accounting, marketing, or other skills to estimate how much of any seller costs are passed on to a buyer. The Board seeks information about what skills might be necessary or desirable for making those estimates.

Impact on small business. Neither requirement would appear to have a seriously disproportionate impact on small creditors or small sellers of new homes.

Significant alternatives to the proposals. The Regulatory Flexibility Act calls for a description of alternatives to proposed rules. The Board will enteratain specific comment on any of the three alternatives given below or other proposals for dealing with seller's points.

(a) As a substitute for Alternative Two, require a statement indicating only that the contract price, rather than the APR, may reflect any points passed on. The statement could read as follows: "Costs to the seller of this financing are not reflected in the APR and may instead be included in part or entirely in the purchase price." This alternative would avoid the possibly misleading disclosure of the dollar amount of points. More important, it would alert consumers to the need to consider price and APR simultaneously when shopping for purchases that combine the house and reduced-rate financing in a single package.

(b) Require the statement in (a) to be shown only in advertisements and not on the disclosure statement. This modification of (a) would alert the consumer during the primary shopping effort and avoid the burden of disclosure after most shopping effort has been expended.

(c) Retain the current treatment of seller's costs for reduced-rate financing, recognizing (1) that the APR and price reflect each other when down-payments, monthly payments, and maturities are already specified and (2) that a multitude of APR and price combinations are mathematically consistent. Consumers must consider all costs revealed during negotiations and disclosed in the credit and sales documents when comparing alternatives that package the product with reduced-rate financing. To the extent that sellers' points are passed on, they will be reflected in a higher price, higher downpayment, higher monthly payment, less desirable house, or some combination of these elements.

Appendix A—Shopping Examples. Here are two "realistic" examples of deals that a consumer might face when shopping for a home.

Example A is one used earlier, in which the seller buys down the interest rate to 13 percent for three years. Negotiation of the sales contract or the contract itself shows the following:

(a) Price, $50,000.00.

(b) Downpayment, $10,000.00.

The TIL disclosure statement would show the following:

	Under new reg. Z	Under proposed alternative 1
(c) APR	14.87 percent	16.34 percent
(d) Finance charge	$149,372.96	$152,998.96
(e) Amount financed	$40,000.00	$36,374.00
(f) Total of payments	$189,372.96	$189,372.96
(g) Monthly payments	36 at $442.48 each and 324 at $535.32 each.	36 at $442.48 each and 324 at $535.32 each
(h) Prepaid finance charge (shown on a separate written itemization of the amount financed).		$3,626.00.

Example B represents the negotiated terms of the sale of a house that is essentially the same to the buyer as the house in Example A. The seller is willing

to sell for $48,000 rather than $50,000 as in Example A. The same bought-down financing is provided and because of the lower price, a smaller downpayment is required.

(a) Price, $48,000.00.

(b) Downpayment, $8,500.00.

The TIL disclosure statement would show the following:

	Under new regulation Z	Under proposed alternative 1
(c) APR	14.8 percent	16.34 percent.
(d) Finance charge	$147,506.32	$151,086.97.
(e) Amount financed	$39,500.00	$35,919.35.
(f) Total of payments	$187,006.32	$187,006.32.
(g) Monthly payments	36 at $436.95 each and 324 at $528.63 each.	36 at $436.95 each and 324 at $528.63 each.
(h) Prepaid finance charge (shown on a separate written itemization of the amount financed).		$3,580.65.

The creditor in Example B believes that approximately $2,250 in points were actually passed on in a higher price, since the seller said that $45,750 would probably have been accepted from a buyer with cash or other financing. The creditor chose to avoid the risks of litigation under Alternative One and disclosed the APR based on the assumption that all points had been passed on (as shown above). The APR based on only $2,250 being passed on would have been 15.77 percent.

Under both Examples A and B, the APRs would be the same calculated under new Regulation Z or under proposed Alternative One. The purchase decisions will be based on the different purchase price and the lower downpayment and monthly payments that are the result of the lower price. The question is whether the 16.34% APR or the 14.87% APR is the more nearly accurate statement of the cost of credit.

List of Subjects in 12 CFR Part 226

Advertising, Banks, banking, Consumer protection, Credit, Finance, Penalties, Truth in Lending.

(6) *Alternative One—Amendments to the Regulation and Official Staff Commentary.* Pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604) as amended by Pub. L. 96–221, 94 Stat. 170 (March 31, 1980), the Board proposes to amend § 226.4 of Regulation Z (12 CFR Part 226, as published at 46 FR 20892, April 7, 1981) by removing paragraph (c)(5) and redesignating paragraphs (c) (6), (7), and (8) as (c) (5), (6), and (7), respectively.

Pursuant to 15 U.S.C. 1640(f), the staff proposes to amend Official Staff Commentary, TIL–1 as follows:

1. The commentary to § 226.4 is amended by removing Comment 4(c)(5)–1, by redesignating Comments 4(c)(6)–1 and 4(c)(7)–1 as Comments 4(c)(5)–1 and 4(c)(6)–1, respectively, and by adding Comment 4(b)(3)–2, to read as follows:

§ 226.4 Finance Charge.

* * * * *

4(b) Examples of finance charges.

* * * * *

Paragraph 4(b)(3).

* * * * *

2. *Seller's points.* The points mentioned in § 226.4(b)(3) may include seller's points, that is, charges imposed by the creditor upon the non-creditor seller of property for providing credit to the consumer or for providing credit on certain terms. If seller's points are passed on by the seller to only those consumers using a financing arrangement, then the points are finance charges. Only the amount of the seller's points actually passed on to the consumer is a finance charge. If the creditor is unsure whether the seller's points are being passed on, or unsure of the amount being passed on, the creditor may include in the finance charge the entire amount of the seller's points or any amount in excess of the amount actually passed on.

* * * * *

2. The commentary to § 226.17 is amended by completely revising Comments 17(c)(1) –3 and –5, to read as follows:

§ 226.17 General Disclosure Requirements.

* * * * *

17(c) Basis of Disclosures and Use of Estimates.

Paragraph 17(c)(1).

* * * * *

3. *Seller buydowns.* In certain transactions, a seller may pay an amount, either to the creditor or to the consumer, in order to reduce the consumer's payments or buy down the interest rate for all or a portion of the credit term. For example, a consumer and a bank agree to a mortgage with an interest rate of 15% and level payments over 25 years. By a separate agreement, the seller of the property agrees to subsidize the consumer's payments for the first two years of the mortgage, giving the consumer an effective rate of 12% for that period.

- Whether or not the lower rate is reflected in the credit contract between the consumer and the bank, the disclosures must reflect any portion of the seller's points which is a finance charge. The commentary to § 226.4(b)(3) discusses those seller's points that are disclosed as finance charges.
- If the lower rate is reflected in the credit contract between the consumer and the bank, the disclosures must take the buydown into account. For example, the annual percentage rate must be a composite rate that takes account of both the lower initial rate and the higher subsequent rate, and the payment schedule disclosures must reflect the 2 payment levels.
- If the lower rate is not reflected in the credit contract between the consumer and the bank and the consumer is legally bound to the 15% rate from the outset, the disclosures given by the bank must not reflect the seller buydown in any way. For example, the annual percentage rate and payment schedule would not take into account the reduction in the interest rate and payment level for the first 2 years resulting from the buydown.

* * * * *

5. *Split buydowns.* In certain transactions, a seller and a consumer both pay an amount to the creditor to reduce the interest rate. The creditor should treat each portion of the buydown based on the discussion of seller and consumer buydown transactions elsewhere in the commentary to § 226.17(c).

* * * * *

(7) *Alternative Two—Amendments to the Regulation and Official Staff Commentary.* Pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604) as amended by Pub. L. 96–221, 94 Stat. 170 (March 31, 1980), the Board proposes to amend Regulation Z (12 CFR Part 226, as published at 46 FR 20892, April 7, 1981), to read as follows:

1. Section 226.17(a)(1) is amended by revising footnote 38, to read as follows:

§ 226.17 General disclosure requirements.

(a) *Form of disclosures.* (1) * * *

[38] The following disclosures may be made together or separately from other required disclosures: the creditor's identity under

§ 226.18(a), the variable rate example under § 226.18(f)(4), insurance under § 226.18(n), certain security interest charges under § 226.18(o), and seller's points under § 226.18(s).

* * * * *

2. Section 226.18 is amended by adding paragraph (s), to read as follows:

§ 226.18 Content of disclosures.

* * * * *

(s) *Seller's points.* If the creditor requires the seller of property or services to pay an amount for providing credit to the consumer or for providing credit on certain terms, the following disclosures:

(1) That the seller has paid an amount to obtain the financing.

(2) The amount that the seller has paid.

(3) That, to the extent the amount is passed on in the form of a higher sales price or other charge to the consumer, the annual percentage rate and other disclosures understate the cost of credit.

3. Section 226.24 is amended by redesignating paragraph (b) as paragraphs (b)(1) and (2), by adding paragraph (b)(3), and by adding paragraph (c)(2)(iv), to read as follows:

§ 226.24 Advertising.

* * * * *

(b) *Advertisement of rate of finance charge.* (1) If an advertisement states a rate of finance charge, it shall state the rate as an "annual percentage rate," using that term. The advertisement shall not state any other rate, except that a simple annual rate or periodic rate that is applied to an unpaid balance may be stated in conjunction with, but not more conspicuously than, the annual percentage rate.

(2) If the annual percentage rate is stated and that rate may be increased after consumation, the advertisement shall state that fact.

(3) If the annual percentage rate is stated and the financing transaction being advertised involves the payment of an amount by the seller to the creditor for providing credit to the consumer or for providing credit on certain terms, the advertisement must state:

(i) That the seller has paid an amount to obtain the financing.

(ii) The amount that the seller has paid.

(iii) That, to the extent the amount is passed on in the form of a higher sales price or other charge to the consumer, the annual percentage rate and other disclosures understate the cost of credit.

(c) * * *

(2) * * *

(iv) If the financing transaction being advertised involves the payment of an amount by the seller to the creditor for providing credit to the consumer or for providing credit on certain terms:

(A) That the seller has paid an amount to obtain the financing.

(B) The amount that the seller has paid.

(C) That, to the extent the amount is passed on in the form of a higher sales price or other charge to the consumer, the annual percentage rate and other disclosures understate the cost of credit.

* * * * *

4. Appendix H is amended by adding model clause H–16, to read as follows:

Appendix H—Closed-End Model Forms and Clauses

* * * * *

H–16—Seller's Points Model Clause

In order to obtain this financing the seller has paid $——. To the extent this amount has been passed on to you in the form of a higher sales price or other charge, the annual percentage rate and other diclosures given to you understate the cost of your credit.

Pursuant to 15 U.S.C. 1640(f), the staff proposes to amend TIL–1, as follows:

1. The commentary to § 226.4 is amended by revising Comment 4(c)(5)–1, to read as follows:

§ 226.4 Finance Charge.

* * * * *

4(c) Charges excluded from the finance charge.

* * * * *

Paragraph 4(c)(5).

1. *Seller's points.* Section 226.4(c)(5) excludes any charges imposed by the creditor upon the non-creditor seller of property for providing credit to the consumer or for providing credit on certain terms that would otherwise be finance charges. These charges are excluded from the finance charge even if they are passed on to the consumer, for example, in the form of a higher sales price. Seller's points are frequently involved in real estate transactions guaranteed or insured by governmental agencies. A "commitment fee" paid by a non-creditor seller (such as a real estate developer) to the creditor, if not otherwise excluded from the finance charge (see the discussion in Comments 4(a) –1 and –2), should be treated as seller's points. Buyer's points (that is, points charged to the buyer by the creditor), however, are finance charges. Certain disclosures are required in disclosures and advertisements for transactions that involve seller's points; see §§ 226.18(s), 226.24(b)(2), and 226.24(c)(2)(iv) and the accompanying commentary.

* * * * *

2. The commentary to § 226.17 is amended by revising the first bulleted paragraph of comment 17(c)(1)–3 to read as follows:

§ 226.17 General Disclosure Requirements.

* * * * *

17(c) Basis of disclosures and use of estimates.

Paragraph 17(c)(1).

* * * * *

3. *Third party buydowns.* In certain transactions, a seller or other third party may pay an amount, either to the creditor or to the consumer, in order to reduce the consumer's payments or buy down the interest rate for all or a portion of the credit term. For example, a consumer and a bank agree to a mortgage with an interest rate of 15% and level payments over 25 years. By a separate agreement, the seller of the property agrees to subsidize the consumer's payments for the first two years of the mortgage, giving the consumer an effective rate of 12% for that period.

- If the lower rate is reflected in the credit contract between the consumer and the bank, the disclosures must take the buydown into account. For example, the annual percentage rate must be a composite rate that takes account of both the lower initial rate and the higher subsequent rate, and the payment schedule disclosures must reflect the two payment levels. However, the effects of the amount paid by the seller would not be specifically reflected in the disclosures given by the bank, since that amount constitutes seller's points (see comment 4(c)(5)–1) and thus is not part of the finance charge. Note that a statement is required disclosing the fact that this charge has been paid; the amount of the charge; and the fact that, to the extent the amount has been passed on to the buyer in the form of a higher sales price or other charge, the annual percentage rate and other disclosures understate the cost of credit. See § 226.18(s) and the accompanying commentary.
- If the lower rate is not reflected in the credit contract between the consumer and the bank and the consumer is legally bound to the 15% rate from the outset, the disclosures given by the bank must not reflect the seller buydown in any way. For example, the annual percentage rate and payment schedule would not take into

account the reduction in the interest rate and payment level for the first 2 years resulting from the buydown.

* * * * *

3. The commentary to § 226.18 is amended by adding Comments 18(s) –1 and –2, to read as follows:

§ 226.18 Content of Disclosures.

* * * * *

18(s) Seller's Points.

1. *Disclosure required.* This section provides that the creditor must inform the consumer of the existence of "seller's points," that is, charges imposed by the creditor on the non-creditor seller of property for providing credit to the buyer or for providing credit on certain terms. This disclosure is not required in transactions involving only commitment fees (charges that are paid in connection with a developer or other seller obtaining financing for a number of sales transactions, are not transaction specific, and do not result in a higher sales price for only customers taking advantage of certain financing).

2. *Location and content of disclosure.* The disclosure required by § 226.18(s) may be made outside of the so-called "federal box" (that is, separate from the other required disclosures). The disclosure must include all three items of information: that a charge has been paid by the seller in connection with the transaction; the amount of the charge; and that, to the extent the amount has been passed on to the consumer in the form of a higher sales price or other charge, the disclosures do not reflect the full cost of the credit. Appendix H provides a model clause that may be used in making the disclosure. See also §§ 226.24(b)(2) and 226.24(c)(2)(iv) for special rules regarding the advertising of transactions involving seller's points.

* * * * *

4. The commentary to § 226.24 is amended by redesignating the last two sentences of Comment 24(b)–1 as Comment 24(b)(2)–1; by redesignating Comments 24(b)–1, –2, and –3 as Comments 24(b)(1)–1, –2, and –3, respectively; and by adding Comments 24(b)(3)–1 and 24(c)(2)–5, to read as follows:

§ 226.24 Advertising.

* * * * *

24(b) Advertisement of rate of finance charge.

Paragraph 24(b)(1).

1. *Annual percentage rate.* Advertised rates must be stated in terms of an "annual percentage rate," as defined in § 226.22, even though state or local law permits the use of add-on, discount, time-price differential, or other methods of stating rates. Unlike the transactional disclosure of the annual percentage rate under § 226.18(e), the advertised annual percentage rate need not include a descriptive explanation of the term.

* * * * *

Paragraph 24(b)(2).

1. *Annual percentage rate subject to change.* The advertisement must state that the annual percentage rate is subject to increase after consummation if that is the case, but the advertisement need not describe the rate increase, its limits, or how it would affect the payment schedule. As under § 226.18(f), relating to disclosure of a variable rate, the rate increase disclosure requirement in this provision does not apply to any rate increase due to delinquency (including late payment), default, acceleration, assumption, or transfer of collateral.

Paragraph 24(b)(3).

1. *Effect of seller's points.* If an annual percentage rate is disclosed in an advertisement and the financing transaction being advertised involves payment of an amount by the seller to the creditor for providing credit to the consumer or for providing credit on certain terms, a disclosure concerning payment of the amount is required. The disclosure must state the fact that such a charge is involved in the transaction; the amount of the charge; and that, to the extent the seller's points have been passed on to the consumer in the form of a higher sales price or other charge, the annual percentage rate understates the cost of credit. In disclosing the amount of the charge, the amount may be that for a typical transaction.

* * * * *

24(c) Advertisement of terms that require additional disclosure.

* * * * *

Paragraph 24(c)(2).

* * * * *

5. *Effect of seller's points.* If the financing transaction being advertised involves payment of an amount by the seller to the creditor for extending credit to the consumer or extending credit on certain terms, a disclosure concerning the charge is required. The disclosure must state the fact that such a charge is involved in the transaction; the amount of the charge; and that, to the extent the seller's points have been passed on to the consumer in the form of a higher sales price or other charge, the annual percentage rate and other disclosures understate the cost of credit. In disclosing the amount of the charge, the amount may be that for a typical transaction.

* * * * *

5. The commentary to Appendix H is amended by adding Comment H–17, to read as follows:

Appendix H—Closed-End Model Forms and Clauses

* * * * *

17. *Model H–16.* This contains the seller's points disclosure clause.

* * * * *

By Order of the Board of Governors of the Federal Reserve System, July 20, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–20159 Filed 7–26–82; 8:45 am]

BILLING CODE 6210–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[PSDR–78; Policy Statements Docket: 40823]

Statements of General Policy

Dated: July 8, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The CAB is considering alternatives to change the duration of experimental certificates awarded to U.S. air carriers to provide foreign air transportation in limited-designation international markets. The alternatives range from awarding certificates with a fixed term of years, with perhaps a rebuttable presumption of renewal, to experimental certificates of an indefinite duration with set replacement criteria to be used when in the public interest. This advance notice of proposed rulemaking is in response to Congressional and industry suggestions.

DATES:

Comments by: September 27, 1982.

Reply comments by: October 12, 1982.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: August 6, 1982.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40823, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:
Donald H. Horn, Associate General Counsel, Pricing & Entry, (202) 673–5205, or Joseph A. Brooks (202) 673–5442, Office of the General Counsel, or Jeffrey B. Gaynes, Legal Division, Bureau of International Aviation, (202) 673–5035, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

Background

Under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), the Board may give U.S. carriers authority to operate in foreign air transportation in several ways. It may award the airline a certificate to operate in certain markets without any time limit, or it may award the airline a temporary certificate for a definite term. The Board may make either of those awards in the form of an experimental certificate in order to evaluate the carrier's performance and the service provided in the market, or it may issue a certificate that is not subject to performance requirements.

In 1979, Congress passed the International Air Transportation Competition Act (Pub. L. 96–192). This statute directs the Board to follow a more competitive policy in international air transportation. The theory of the Act is that competition to the extent feasible in foreign air transportation, provides the best incentive for the airlines to operate efficiently and consequently at a lower cost to themselves and to the traveling public. In accordance with the Act, the Board and the concerned Executive departments began to negotiate bilateral agreements with foreign governments that would allow any number of airlines to serve markets in those countries. The United States, however, has not been able to negotiate that type of agreement with all foreign governments for markets served by U.S. airlines. In some limited-designation markets, the Board must select only one or two U.S. airlines to provide service.

In those limited entry markets, providing a competitive incentive with minimal government intrusion requires innovative measures to "simulate" competition. The Board has been doing that by giving a selected carrier temporary experimental authority for a set term. This puts the carrier on notice that: (1) at the end of its certificate term it will have to demonstrate, perhaps in a comparative proceeding, that its authority should be renewed, and (2) prior to the end of the term the Board may review the carrier's performance and amend, suspend, or revoke the authority under the standard in section 401(d)(8) based on that performance.

This creates a regulatory incentive for carriers to be responsive to consumer demand during the term of their certificate. Further, it encourages other carriers that may be able to provide superior fares and services to compete for the authority. This, to some degree, approximates the influence such competitors exert in unrestricted markets. The Board has also attempted to create structural incentives, for example by fostering inter-gateway competition.

Without temporary certificates, the only means by which the Board could change the airline serving a market in foreign air transportation, by suspending or amending its certificate, would be the procedure set forth in section 401(g) of the Act. Those procedures apply to indefinite and experimental certificates, and to changes in temporary certificates in mid-term. They are time-consuming and require an oral hearing if the incumbent airline requests it. In contrast, carrier selection at the end of a temporary certificate term may be by means of simplified procedures under section 401(p), which do not require an oral evidentiary hearing.

The procedural delays built into section 401(g) are coupled with its substantive standards that make changing any type of nonexperimental certificate, temporary or indefinite, an impractical regulatory substitute for competitive incentives. The standard for amending or suspending nonexperimental certificates in section 401(g) is "if the public convenience and necessity so require." For this reason, section 401(g) has been rarely used by the Board. Further, the procedural and substantive limitations discourage other airlines from seeking to replace an incumbent carrier by invoking section 401(g).

Experimental certificates, on the other hand, may be revoked, amended, or suspended on the ground that the carrier has not provided or is not providing the air transportation it promised when selected. A new certificate issued at the end of a specific term need only meet the standard in section 401(d) of "consistent with the public convenience and necessity." Temporary experimental certificates may thus be changed at the end of their terms under simplified procedures and under standards more open to competitive challenge in comparative proceedings.

For those reasons, the Board began issuing 3-year temporary experimental certificates in limited-designation markets. Some carriers have stated that 3 years is an insufficent time to develop a market adequately and to recover the costs of that development, or for the Board to judge accurately the carrier's performance. While these concerns have never been expressed in any Board licensing proceedings and applicant carriers consistently forecast much earlier recovery of start-up costs than 3 years, the Board revised its practice last year and began awarding temproary experimental certificates for 5 years in the usual case.

Senators Howard Cannon and Nancy Kassebaum, in a letter to the Board that has been placed in this docket, have stated their concerns and those of some carriers about the consequences of time-limited certificates. They stated that such certificates subject the incumbents, regardless of their performance, to lengthy and costly defenses in renewal cases that serve little purpose. They further stated that stability is important in developing a market, requiring consistency over several years to devleop an interline service network and to recover development costs. This is especially true, the Senators stated, since foreign airline competitors are rarely removed from their routes. In addition, they argued that the public interest could be hurt in a case where a carrier's service deteriorates and it is not challenged until the end of a fixed term, inferring that the fixed term of a temporary experimental certificate might discourage challenge in mid-term. The Senators urged that the Board change the present temporary certificates to indefinite certificates. That type of certificate would, they stated, still give the Board a means to find a substitute carrier at any time, yet allow the incumbent to develop the market.

This advance notice of proposed rulemaking invites comment on Board policy with respect to certificates in limited-designation international markets. The Board is convinced that some form of regulatory incentive is needed in these markets to encourage efficiency and responsive service. The question is how to balance this goal with the valid market development needs of carriers serving those markets.

Experimental licensing alone might meet this goal. In limited designation markets, the review mechanism inherent in experimental licensing creates incentives for a carrier to offer the fares and service that were proposed and that were important bases for its selection over other applicants. The process also recognizes the relevance of changing economic conditions.

An effective review mechanism may be set up either by use of fixed-term certificates or by a "bumping" procedure in which an incumbent holding an indefinite experimental certificate can be challenged. While a bumping mechanism applicable to indefinite certificate authority can be made to work, it may not be as effective as the certain review and reappraisal required by a temporary certificate. This notice suggest various changes in the present temporary experimental certificates and means by which an indefinite experimental certificate may be made more competitive by an effective bumping procedure. We would also like to have other suggestions on how to meet the goals of competitive incentive and market stability.

Temporary Experimental Certificates

We do not now believe that any basic changes are necessary in the current practice of issuing temporary certificates. However, there are two changes that could be made that might be compatible with the goals of competitive incentive and market stability. One of those changes would be to increase to 5 years, the term of all existing temporary experimental certificates of less than 5 years duration, thus conforming those certificates to the Board's present practice. Such an extension (2 years in most cases) would not appear to dilute the effect of the automatic review as a performance incentive. In light of current economic conditions in the airline industry and the rapid changes that have occurred in commercial aviation regulation, the additional 2 years would allow incumbent carriers time to develop their markets in a stabler environment.

Another compatible change might be the create for temporary experimental certificates a rebuttable presumption of renewal. Although the Board has not yet heard a contested renewal case involving a temporary experimental award under section 401(d)(8), it has decided an analogous case. In the *Yucatan Service Case*, Order 80–12–18, October 30, 1980, the issues included whether the temporary certificate authority of Eastern (New Orleans-Yucatan) and Texas International (Houston-Yucatan) should be renewed, or some other applicant should be selected to service those routes. The Board decided that Eastern's outstanding performance, surpassing its proposal, strongly favored renewing its authority.

The Board also carefully considered Texas International's performance in light of existing market conditions and concluded that it was neither so good as to give an advantage over other applicants, nor so bad as to prejudice its renewal bid. The Board went on to find that Continental would provide better fares and service and awarded it the route.

The type of analysis used in the *Yucatan Service Case* could be adapted to establish a presumption of renewal for temporary experimental certificates. In this way, the incumbent would prevail absent a finding that another carrier would be able to provide superior performance.

That presumption, however, must not be so strong as to deprive travelers of real fare and service benefits where there is a reasonable degree of certainty that the replacement could do a better job than the incumbent. As one possibility, the language could read: "the Board will grant the renewal unless it finds that another applicant should be able to provide a significant improvement in the cost on quality of the service." Commenters should provide specific language for the presumption when commenting on this possible change in policy regarding temporary experimental certificates.

Another aspect of the temporary experimental certificate on which the Board would like comment is its term. Specifically, we request comments on whether the current policy of usually issuing 5-year certificates strikes an adequate balance between developmental stability and service incentives. Carrier commenters should specify examples of development costs in particular markets and data on how long it takes to recover those costs, in support of either shorter or longer terms.

In order to relieve the concern of Senators Kassebaum and Cannon about the reluctance of challengers to contest a temporary experimental certificate in mid-term, some type of "bumping" could be allowed in that situation. The proposed criteria for bumping are discussed below. The Board would like comment on how best to apply such a process to temporary experimental certificates.

Indefinite Experimental Certificates

The suggestion made by Senators Kassebaum and Cannon is to change all existing temporary certificates to indefinite certificates and to award only indefinite certificates in the future. The Senators recommended this change because, in their view, temporary certificates burden the efficient carrier with unneeded renewal proceedings and protect the inefficient incumbent until a date certain occurs for renewal of its temporary certificate. They further argued that strong competition with foreign flag carriers requires consistency and market stability over several years. This, they stated, would enable a U.S. carrier to develop the market and to recover its development costs.

If the change is made to indefinite certificates, the same question arises as with changing temporary certificates from 3 years to 5 years: whether to make the change prospective or retroactive. Those carriers now operating under temporary certificates knew when they applied for and accepted the time-limited certificates that the decision whether to renew the award would occur at a date certain. The Board's original award, the carrier's projections, and its operations in the market were all based on that fact. Under these circumstances, there would appear to be little substantive basis for applying retroactively a change to indefinite certificates. Furthermore, the renewals of many of those temporary certificates now in force will be due within the next 2 years, so indefinite experimental certificates could be issued at that time.

On the other hand, it may not be fair to those carriers now operating under temporary certificates to continue to hold them to the threat of nonrenewal while awarding indefinite certificates to other carriers. This would place carriers holding temporary certificates at a disadvantage in terms of planning and projecting costs. If such is the case, it would be preferable to make the change retroactive and convert all temporary certificates, now in force to idefinite awards. Carriers supporting this review should indicate and document the specific nature of any asserted competitive disadvantage.

Bumping

The central question involved in making certificate awards indefinite, however, is how the incumbent could be challenged. The Board's experience with bumping to date has been minimal. We have developed bumping procedures in the essential air service program under section 419 of the Act. In that program, beginning on January 1, 1983, carriers may challenge incumbent subsidized carriers for the change to serve that community. In the case of an incumbent carrier receiving subsidy under section 406, the prospective replacement carrier must show that there would be a "substantial improvement" in service and that there would be a substantial decrease in subsidy. In the case of an incumbent carrier receiving section 419 subsidy, the prospective replacement carrier must show a substantial improvement in service with no increase in subsidy *or* a substantial decrease in

subsidy. This standard is a strict one. Since the bumping provisions are not yet in effect, we have no experience in how they will work.

The bumping of carriers holding experimental certificates is provided for under section 401(d)(8). The Board may terminate an experimental certificate if the carrier does not provide the innovative or low-priced service promised when selected. While the Board has issued numerous certificates under that section, it has never received a petition to replace an incumbent under those provisions. It thus has not had any opportunity to establish standards for deciding when and how to replace a carrier that was not performing as promised.

The Board would like comment on the factors that should be placed in a standard as part of an indefinite experimental certificate that would make bumping fair to both challenger and incumbent. Among the factors that might be included in the standard are:

—Existing economic conditions;
—Performance of the incumbent in comparison to its fare and service proposals;
—Extraordinary foreign relations considerations;
—Market structure;
—Public benefit, if any, of continuity; and
—Projections and record of the challenger.

Also, in order to protect a carrier recently awarded an indefinite certificate in a limited entry market from instantaneous challenges under the bumping provisions, consideration should be given to preventing challenge by another carrier for introductory period of time. The Board could, of course, take action against the certificate at any time if in the public interest. This introductory period would have to be long enough to allow the incumbent to demonstrate its performance, but not long enough to remove all competitive incentive. The Board would like to comment on this issue and on how long this initial performance period should be.

Flexible Approach

One more alternative for restructuring limited designation international certificates would be to decide the type of certificate to be awarded on case-by-case basis. The Board would look at size and character of the market involved, the operational projections of the applicant, competition in the market, estimates of developmental costs and the time needed to recover them, and the public interest to determine whether the certificate should be temporary or indefinite, and if temporary, for what term. The Board could further decide whether there should be a presumption for renewal and the type of bumping to be allowed, and when it should be allowed on an indefinite certificate. These factors would be at issue in the proceeding to award the route. Applicants could then submit evidence and argument in support of the options they believe most important.

This approach would allow the Board maximum flexibility to tailor the certificate award to the market, carrier, foreign relations, and economic conditions at that time. Giving the Board this type of flexibility would recognize the inherent differences among international markets and carrier applicants and prevent the application of rigid, uniform awards where flexibility might better enable us to respond to foreign competition.

Request for Comments

In summary, the Board would like comment on these major issues:

—Whether the practice of issuing temporary experimental certificates for 5 years in limited entry markets should be continued.
—Whether there should be a rebuttable presumption of renewal for incumbents with temporary certificates under sections 401(d)(2) or (d)(8).
—Whether only indefinite experimental certificates should be issued, accompanied by an effective bumping procedure.
—What criteria should be used by the Board in developing either a rebuttable presumption of renewal or a bumping mechanism.
—Whether any changes should be made retroactive to existing certificates.

In addition, carriers should specify in their comments specific examples of markets and their development costs and the length of time needed to recover those costs. Carriers should further specify and document the length of time needed to develop a full interline network and other factors necessary to compete strongly with existing foreign carriers in the market. The Board would like comment on other subsidiary issues raised in this notice and on specific alternatives to the certificate approaches discussed.

After reviewing the comments, the Board will decide whether to proceed further. If is decides to do so, the Board will issue a notice of proposed rulemaking, proposing definite changes in the present licensing policy.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of the alternatives discussed in this advance notice of proposed rulemaking will, if adopted, have a significant economic impact on a substantial number of small entities. Small air carriers, which use only small aircraft, are exempted from the requirement to obtain a certificate to provide foreign air transportation.

List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Advertising, Air carriers, Antitrust, Archives and records, Consumer protection, Freight forwarders, Grant program-transportation, Hawaii, Motor carriers, Puerto Rico, Railroads, Reporting requirements, Travel agents, Virgin Islands.

(Secs 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1004, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797; 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20236 Filed 7–26–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Customs Regulations Amendment Relating to the Customs Field Organization

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations by establishing a new Customs port of entry at Columbia, South Carolina, in the Charleston, South Carolina, Customs district. The change is being proposed as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before September 27, 1982.

ADDRESS: Comments (preferably in triplicate) may be addressed to the

Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Renee DeAtley, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

The Central Planning Council of South Carolina filed an application with Customs requesting the establishment of a new Customs port of entry at Columbia, South Carolina. A review of that application has confirmed that the proposed port meets the minimum Customs criteria for establishing ports of entry.

The geographical boundaries of the new port would encompass all of the territory in Richland and Lexington counties, South Carolina. According to the application, between 1975 and 1980, these counties have had 39 new firms locate in the area. Since 1977, more than 130 firms have expanded their operations in the area. Industrial employment increased by 3,000 jobs in 1980.

Accompanying this industrial growth has been population increases over the past decade. During this period, the population of the Columbia metropolitan area increased by 26.4 percent. The proposed location for the Customs station is in Lexington County which grew by 57.7 percent.

The economic base of the Columbia metropolitan area is diversified. Government is the largest employment sector accounting for 30.1 percent of the job market. Wholesale and retail trade employment accounts for 19.5 percent and manufacturing employment makes up 17.9 percent of the job market. Both wholesale and retail employment sectors would benefit from access to a local port of entry.

The industrial and distribution firms in the area export and import a tremendous volume of goods annually. There are over 100 importers and more than 200 exporters located in the area to be served by the proposed port of entry. Many of these firms are foreign based and require extensive travel abroad.

The need for a port of entry at Columbia is illustrated by the results of a recently completed survey of 390 companies which revealed that there were at least 2,000 entries of goods from foreign markets into the area in 1981. Custom duties paid by these companies exceeded $6,700,000. Due to expansions and new industrial locations, it is estimated that this will grow to over 6,500 entries and $7,200,000 in duties paid in 1981. Based on replies from 99 respondents, establishment of a port of entry in the Columbia metropolitan area will accelerate the number of entries funneling into the region.

In addition to a viable economic base, there are sufficient support services in the area to support a full-time operating port of entry.

The Richland Lexington Airport Commission has committed itself to providing necessary facilities at no cost to the Government. The proposed inland port facility would be built to Customs specifications to represent a model inland port facility. The proposed location for the facility is adjacent to the Columbia Metropolitan Airport. The Airport is 6 miles west of Columbia and 1 mile west of Cayce, 1 mile off Interstate 26.

The port facility would be served by access to three interstate highways, four major national highways, three railways, two major airlines, and at least 57 trucking firms. Three interstate highways (I–77, I–20, and I–26) intersect in Charlotte, North Carolina; and Greenville and Spartanburg, South Carolina. Major highways include US–1, US–321, US–21, and US–378. Direct truck and rail in-transit shipping will be easily passed through the facility. Southern Railways has its Columbia switchyard and a major trunk line adjacent to the site, and will serve it as needed. Five major trucking firms maintain terminals within 1 mile of the proposed site. Eastern and Delta Airlines serve the Columbia Metropolitan Airport.

There are over 3 million square feet of warehouse space available to serve the needs of the port. Over 900,000 square feet is operated by warehousemen. Over 400,000 square feet of general warehouse space is located within 1 mile of the proposed facility.

Thus, Columbia's increased importance as a distribution center in the southeast would be enhanced by its designation as a port of entry. Such designation would also result in more economic and efficient trade, due to the intersection of national highways, the location of trunk and air lines connecting Columbia to all parts of the east coast and southeast, and Columbia's central location in South Carolina.

Based on the responses received from the survey, importing firms in the area currently utilize 18 ports of entry. Charleston, Charlotte, and Atlanta are the most frequently used ports. Industry located in the proposed district is burdened by the distance from existing ports of entry. Columbia Metropolitan Airport is 101 miles from the Greenville-Spartanburg Airport, 105 miles from Charleston, 213 miles from Atlanta, and 105 miles from Charlotte. No port of entry is within 100 miles. This requires local industry to employ staff or agents to handle their shipments at great expense.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

PART 101—GENERAL PROVISIONS

§ 101.3 [Amended]

Based on the foregoing, Customs has determined that § 101.3, Customs Regulations, should be amended to permit the establishment of a port of entry at Columbia, South Carolina.

Proposed Amendment to the Regulations

If the proposed change is adopted, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), will be amended accordingly.

Authority

This amendment is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch, II), and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b)), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

Because this proposal relates to the organization of Customs it is not a regulation or rule subject to Executive Order 12291 pursuant to section 1(a)(3) of that E.O.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act ("Act") relating to an

initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because it will not have a significant economic impact on a substantial number of small entities.

Customs routinely establishes and expands Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although the proposal may have a limited effect upon some small entities in the area affected, it is not expected to be significant because establishing and expanding port limits at Customs ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Accordingly, the Secretary of the Treasury, certifies that the rule, if promulgated, will not have a significant economic impact upon such entities.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: July 1, 1982

John M. Walker, Jr.

Assistant Secretary of the Treasury.

[FR DOC. 82-20252 Filed 7-26-82; 8:45 am]

BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 240

[Notice No. 414]

Reconstitution of Wine Subjected To Thin-Film Evaporation Under Reduced Pressure

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) requests comments from members of the domestic wine industry and other interested parties on whether the practice of restoring the volume of water lost in the processing of low alcohol wine by thin-film evaporation of standard wine under reduced pressure constitutes "good commercial practice." Comment is also requested on whether such reconstitution, if found to be acceptable in good commercial practice, should be disclosed on the label of the low alcohol wine, e.g., "reconstituted wine." This notice results from ATF's decision to settle a law suit by authorizing temporarily the limited addition of water dependent upon the outcome of the rulemaking process.

DATE: Comments must be received on or before September 27, 1982.

ADDRESS: Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202) 566-7532.

SUPPLEMENTARY INFORMATION:

Background

During the past year the Bureau has authorized applicant winemakers to apply technology involving the use of thin-film evaporation under reduced pressure to reduce the alcohol content of standard wine. Winemakers are employing either the centrifugal film evaporator or the combination of vacuum still and flash pan to reduce the alcohol content of standard wine from approximately 12 percent by volume to a minimum of 1.4 percent by volume.

The processing involves reducing standard wine either (1) to a minimum alcohol content of 7 percent by volume for bottling purposes or (2) to a minimum alcohol content of 1.4 percent by volume and blending with other standard wine to produce wine having an alcohol content of 7 to 9 percent by volume. Both processes result in a partial loss of wine due to heat evaporation since a portion of the alcohol, water, and volatile compounds in the wine is vaporized. The original requests for approval of the use of this technology in the processing of standard wine did not address the reconstitution of the low alcohol wine.

After the Bureau had authorized the use of this technology, at least one winemaker sought to add water to reconstitute the processed wine. The following example will help to explain how this practice is performed. Where 1,000 gallons of an alcohol/water solution are extracted as a by-product of the thin-film evaporation of standard wine under reduced pressure and this solution contains 150 gallons of alcohol and 850 gallons of water, the winemaker reconstitutes the processed wine by adding up to 850 gallons of water.

It is important to recognize that the water being lost through this processing may differ in composition from water which would be used to reconstitute the low alcohol wine. During the evaporation process, azeotropic action causes the removal of molecules of water and volatile compounds in addition to the ethyl alcohol molecules which are being vaporized. The degree to which the volatile compounds are "lost" is dependent upon the composition of ethyl alcohol, water, and volatile compounds originally present in the standard wine prior to processing. These volatile compounds are not present in either tap water or distilled water.

Under the Internal Revenue Code of 1954, as amended (26 U.S.C. 5382(a), 5385(b), 5386(b), and 5387(a)), proper cellar treatment of standard wine constitutes those practices and procedures in the United States and elsewhere, whether historical or newly developed, of using various methods and materials to correct or stabilize the wine so as to produce a finished product acceptable in good commercial practice. Pursuant to 26 U.S.C. 5382(c) regulations may prescribe limitations on the preparation and use of corrective methods or materials, to the extent that such preparation or use is not acceptable in good commercial practice. Under 26 U.S.C. 5382(b), the specifically authorized cellar treatments for standard natural wine, i.e., wine made from grapes, fruit, or berries, restrict the use of water to limited situations and conditions, such as, clearing crushing equipment and amelioration of high acid wines. Accordingly, the Bureau questions whether the use of water to restore the volume of water lost through thin-film evaporation of standard wine under reduced pressure is a method acceptable in "good commercial practice" within the intent of the Code.

Under the Federal Alcohol Administration Act, 27 U.S.C. 205(e), wine must be labeled in accordance with regulations which require adequate information as to the identity and quality of the product. The Bureau questions whether such reconstitution, if found to be acceptable in good commercial practice, should be disclosed on the label of the low alcohol wine in order to adequately identify the product. The standard of identity could require disclosure of the volume of water used to reconstitute the processed wine.

ATF proposes under the authority of 26 U.S.C. 538(c) to amend the regulations prescribed in 27 CFR Part 240 respecting treating materials and methods for

standard wine by placing limitations on this practice. The Bureau seeks comment on whether it is "good commercial practice" to restore the volume of water lost in the processing of low alcohol wine by thin-film evaporation of standard wine under reduced pressure. Further, the Bureau seeks comment on the extent to which this practice would be consistent with good commercial practice, if at all. For example, should the addition of water be limited to the volume of water lost in the processing.

The Bureau also proposes to amend 27 CFR 4.21 to provide a standard of identity for reconstituted wine and possible disclosure of the addition of water to such wine and seeks comment on whether the practice of reconstituting the processed wine, if found to be acceptable, should be disclosed on the label of the low alcohol wine. Advice regarding the manner of label disclosure is invited from those persons who feel that label disclosure should be made.

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this notice of proposed rulemaking, if promulgated as a final rule, will not be a major rule since it will not result in:

(a) An annual effect on the economy of $100,000,000 or more;

(a) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or,

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking since it is not expected to have a significant economic impact on a substantial number of small entities. This notice of proposed rulemaking, if promulgated as a final rule, is not expected to have: Significant or secondary incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Disclosure

Copies of this notice of proposed rulemaking and all written comments will be available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, DC.

Comments

The Bureau will not recognize any material or coment as confidential and will disclose the information. Any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting comments is not exempt from disclosure. Any comment received after the closing date and too late for consideration will be treated as a possible suggestion for future ATF action.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Acting Director within the 60 day comment period. The Acting Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Michael J. Breen, Specialist, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel in the Bureau participated in the preparation of the document, both in matters of substance and style.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine, Vinegar.

Authority

This notice of proposed rulemaking is issued under the authority contained in section 5382 of the Internal Revenue Code of 1954 (26 U.S.C. 5382) and Section 205(e) of the Federal Alcohol Administration Act (27 U.S.C. 205).

Signed: May 17, 1982.

Stephen E. Higgins,

Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20221 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 415]

North Fork of the Roanoke Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of the Roanoke." This proposal is the result of a petition submitted by MJC Vineyard. ATF believes that the establishment of viticultural area names and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by August 26, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 415).

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations provide for the establishment of definitie American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as

a delimited grape growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from MJC Vineyard proposing a viticultural area in parts of Roanoke and Montgomery Counties in southern Virginia to be known as "North Fork of the Roanoke." MJC Winery is the only bonded winery located in the proposed viticultural area and it has about 23 acres of grapes. There are four other vineyards in the proposed area with a total of about 26 acres of grapes. The nearest vineyard outside the proposed viticultural area is at least 40 miles.

The name specifically applies to the 22 mile valley of the North Fork of the Roanoke River, including the surrounding hills, ridges, and mountains of the watershed. The viticultural area is well defined geographically because the North Fork of the Roanoke River flows southwesterly for ½ its length, then reverses its direction around Pearis Mountain and flows northeasterly an additional 10 miles to form the main body of the Roanoke River. It is bounded on the west by the Alleghany Mountain ridges of the Eastern Continental Divide, on the south by the Pedlar Hills, and on the north and east by the Pearis and Ft. Lewis Mountains. The North Fork of the Roanoke has been a major center for grape hybridization and propagation. No fewer than five nationally significant varieties of grapes have been developed in this area by Virginia Tech fruit breeders in the past 30 years. The name North Fork of the Roanoke is well established today as a recreation area on the Eastern Continental Divide with portions of the Appalachian Trail and the Jefferson National Forest bordering the area. The North Fork of the Roanoke appears on State, regional, and U.S. geological maps. The North Fork of the Roanoke is also known widely for its unique geologic formations.

The North Fork of the Roanoke has had a continuity in grape and wine production. The Indians and the early European settlers first harvested the local fox grape that was native to the area. Wine production in this area was nationally recognized as early as the 1840 national census. By 1889, the principal wine grapes of the area included Concord, Virginia Norton, and Martha. Every plantation produced grapes and about half of all grapes were pressed into wine. Grape production increased in this area until 1925, after which time there was a major reduction in vine and wine production throughout Virginia. Today Virginia Tech continues to operate an experimental vineyard in the valley of the North Fork of the Roanoke including varietal trials of breeding lines from other States. Virginia Tech, with MJC Vineyard and Nurseries as an instructional station, also has become a center for wine and viticulture education, offering regular academic and extension courses and consultation in enology and viticulture. Other farm vineyards are reappearing on the North Fork with wine producing grapes.

The features which distinguish the proposed North Fork of the Roanoke from surrounding areas are:

(a) *Elevation*—The valley floor of the North Fork begins in Roanoke County at an elevation of 1,800 feet. As the river flows through Montgomery County it falls 600 feet before reentering Roanoke County to form the main body of the Roanoke River. Both the Pearis and Ft. Lewis Mountains overlook the North Fork. These rise to elevations of 3,100 feet. The viticulturally significant part of the North Fork of the Roanoke however, is an uneven but frost free area between 1,700 and 2,100 feet of elevation on the southeast facing slopes of the Continental Divide and lower fringe of the north facing slopes of Pearis Mountain.

(b) *Soil*—The viticulturally productive slopes are principally made up of Frederic and Poplimento soils with limestone characteristics of the southeast facing slopes and limestone/sandstone layers characteristic of the north facing slopes. The soil in the proposed viticultural area is significantly different than that found in the surrounding hills and ridges. On the north and west are the Alleghany ridges and the Jefferson National Forest which are largely unsuited for agriculture.

(c) *Climate*—The micro climate for grape production in the North Fork of the Roanoke is excellent due largely to the protection the valley derives from its location between two high ranging, parallel and northwest facing mountain ridges. The mountains protect the valley and its southeast facing slopes from destructive storms and limit excessive rainfall in the growing season. The average rainfall in the North Fork is 39.5 inches as contrasted with 44 inches and more annually in the western mountains. Air and soil drainage on the slopes are good. Prevailing westerlies wash out potentially troubling pollutants and keep vine diseases to a minimum. An early morning fog from the North Fork characteristically cool the vines in the summer. Despite variations in elevation, the growing season in the North Fork is relatively constant averaging 170 days with a heat summation of about 2800 degree days between the 28 degrees F Spring and Fall frosts. Winters are mild with temperatures below −5 degrees F occurring only every 12 to 15 years with a 150 year record low of −16 degrees F in 1977. Summer highs rarely exceed 90 degrees F and the pattern of warm days and cool nights is conducive to wine grape quality.

(d) *Boundaries*—The proposed viticultural area is defined principally by State and Federal roadways. The map submitted by the petitioner consists of eight 7.5 minute series U.S. Geological Survey Maps. The boundaries as proposed by the petitioner are described in the proposed § 9.65.

Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. Although this notice proposes possible boundaries for the North Fork of the Roanoke viticultural area, comments concerning other possible boundaries for this viticultural area will be considered as well. The proposed viticultural area is a 22 mile long valley with only 49 acres of grapes; therefore, could the boundary be reduced in size to include just the five vineyards? ATF is also particularly interested in comments regarding the viticultural area name.

All pertinent comments will be considered prior to the proposal of final regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for

disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Acting Director within the 30 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Acting Director, however, reserves the right to determine whether a public hearing will be held.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individuals industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed North Fork of the Roanoke viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection and wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), ATF proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.65 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.65 North Fork of the Roanoke

Subpart C—Approved American Vitcultural Areas

Par. 2. Subpart C is amended by adding § 9.65 to read as follows:

§ 9.65 North Fork of the Roanoke.

(a) *Name.* The name of the viticultural area described in this section is "North Fork of the Roanoke."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of the Roanoke viticultural area are 1965 U.S.G.S., 7.5 minute series maps titled: Looney Quadrangle, McDonalds Mill Quadrangle, Glenbar Quadrangle, Elliston Quadrangle, Ironto Quadrangle, Blacksburg Quadrangle, Newport Quadrangle and Craig Springs Quadrangle.

(c) *Boundaries.* The North Fork of the Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia.

(1) The point of beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County. The line follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624. The viticultural area line turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business). The line follows U.S. 460 (business) south through the town of Blacksburg. The line then continues on U.S. 460 (bypass to the intersection of U.S. 460-east where it turns east for approximately 1 mile to the intersection of U.S. Interstate Highway 81 at Interchange 37. The line continues northeast on Interstate 81 along the ridge of the Pedlar Hills to Interchange 38 at State Route 603. At this point, the line goes west on State Route 603 approximately 1 mile to the intersection of State Route 629, then follows State Route 629 (which later becomes State Route 622 north of Bradshaw Creek) about 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way. The line then turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersection of State Routes 785 and 697 and then follows State Route 784 back to the starting point.

Signed: June 3, 1982.

Stephen E. Higgins,

Acting Director.

Approved: July 1, 1982.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20220 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 416]

Temecula, Murrieta, and Rancho California Viticultural Areas

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of viticultural areas in Riverside County, California, to be known as "Temecula," "Murrieta," and "Rancho California." This proposal is the result of petitions submitted by the Rancho California/Temecula Winegrowers Association (hereinafter referred to as "the Association") and Callaway Vineyard and Winery, Temecula, California. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural areas as appellations of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by September 10, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Attn: Notice No. 416).

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure,

Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202–566–7602).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounded areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petitions

I. *The Association's petition.* ATF has received a petition from the Rancho California/Temecula Winegrowers Association, proposing an area in southwestern Riverside County, California, as a viticultural area to be known as "Temecula." The Association's "Temecula" viticultural area consists of approximately 48,000 acres of the Santa Rosa Plateau and 51,000 acres of the Temecula Basin, east of the Plateau.

II. *Callaway's petition.* A second petition submitted by Callaway Vineyards and Winery, Temecula, California, requests the establishment of three viticultural areas in southwestern Riverside County, California, to be known by the names "Temecula," "Murrieta," and "Rancho California."

A. The "Temecula" viticultural area consists of approximately 33,000 acres in the Temecula Basin.

B. The "Murrieta" viticultural area consists of approximately 2,500 acres extending from Murrieta Creek to the Santa Rosa Plateau, west and north of the town of Murrieta, California.

C. The "Rancho California" viticultural area consists of approximately 90,000 acres with nearly the same eastern, southern, and western boundary as the Association's "Temecula" viticultural area, but a different northern boundary.

Current viticultural use. In the Temecula Basin, there are 7 wineries which have all been established since 1974.

The Association's petition states that there are about 2500 acres of grapevines growing in its proposed "Temecula" area. Callaway's petition states that there are about 1700 acres of grapevines growing in its proposed "Temecula" area, and one vineyard of about 300 acres in the proposed "Murrieta" area. In addition, Callaway's petition contains a schematic drawing of the approximate sizes and locations of all vineyards in southwesten Riverside County, California. This drawing indicates that there are more than 2000 acres of grapevines growing in the proposed "Rancho California" area, including four small vineyards on the Santa Rosa Plateau which are not in the proposed "Murrieta" area. This drawing also indicates that the 300 acre vineyard in the proposed "Murrieta" area is partially outside the proposed "Rancho California" area.

History. There is little evidence in either petition that wine grapes have been grown commercially in southwesten Riverside County prior to the mid-1960's

The words "Temecula, California" have appeared on wine labels since 1974. Although wine production in southwestern Riverside County is a recent phenomenon, Callaway's petition contains evidence relating to the boundaries of the areas historically and currently known by the names "Temecula," "Murrieta," and "Rancho California."

Names. The name "Temecula" was derived by Spanish missionaries from the Luiseno Indian word "Temeku", the name which the local Indians call themselves.

The Association's proposed "Temecula" viticultural area is located in the Santa Rosa, Temecula, Little Temecula, and Pauba land grants. The Association's petition states that the name "Temecula" should apply to the entire area in southwestern Riverside County in view of the geographical isolation of the general Temecula area from other viticultural areas, the common weather pattern of the area, and the area's history.

Callaway's proposed "Temecula" viticultural area is located in the Temecula, Little Temecula, and Pauba land grants. Callaway's petition states that the name "Temecula" also applies to the Pauba land grant for the following reasons:

(1) Temecula Creek runs through the Pauba land grant.

(2) The Mexican War battle which occurred in the Pauba land grant in 1847 is called the Temecula Massacre.

(3) The Temecula Union school district includes the Pauba land grant.

(4) Postal patrons in the Pauba land grant are served by the Temecula post office.

(5) The Temecula Valley Chamber of Commerce territory includes the Pauba land grant.

Callaway's petition disputes the Association's opinion that the name "Temecula" applies to the Santa Rosa land grant. Callaway's petition states that the Santa Rosa land grant is not in the Temecula Union School District, the Temecula Valley Chamber of Commerce territory, or the Temecula postal delivery area. Callaway's petition states that the name "Temecula" does not appear to have been associated with the Santa Rosa land grant.

Both petitions agree on the origin of the name "Murrieta." In 1884, J. Murrieta, owner of the Temecula land grant, sold 14,000 acres at the northern end of the land grant. The purchaser, a developer, built the town which was named Murrieta. Callaway's proposed "Murrieta" viticultural area is located within the Murrieta School District and the Murrieta postal delivery area. Callaway's petition states that the Murrieta area has a Chamber of Commerce, but its territory is not defined in the petition. Callaway's petition states that the name "Temecula" does not appear to have

been associated with the Murrieta area after 1884.

The name "Rancho California" applies to a planned community development project begun in 1964. Callaway's petition states that Kaiser Aluminum and partner corporations purchased major portions of the Santa Rosa, Temecula, Little Temecula, and Pauba land grants in 1964 and begin the subdivision and development of the property. Callaway's proposed "Rancho California" viticultural area is within (1) the Rancho California real estate development project, (2) the Rancho California Water District, and (3) the area perceived as Rancho California in a community opinion survey conducted in 1975 by the Riverside County Planning Department.

Callaway's proposed "Murrieta" area is partially within and partially outside of the proposed "Rancho California" area. The Santa Rosa land grant boundary (part of the "Rancho California" area boundary) runs through the "Murrieta" area, dividing it into two parts: an area which could qualify for both "Rancho California" and "Murrieta" appellations (if both were approved) and an area which is part of the "Murrieta" area but outside of the "Rancho California" area. This unusual circumstance is based on evidence in Callaway's petition (1) that the name "Rancho California" does not apply in the town of Murrieta, and (2) that the name "Murrieta" applies to the area west of the town of Murrieta. Since Callaway's proposed Murrieta area partially overlaps the proposed Rancho California area, ATF is particularly interested in receiving additional historical or current evidence that would substantiate the fact that the overlapping area has been historically or currently known by both proposed names. Also, Callaway's inclusion of the proposed "Temecula" area entirely within the proposed "Rancho California" area is similarly based on evidence relating to the boundaries of the names. ATF is particularly interested in receiving additional historical or current evidence that would substantiate the fact that the wholly-included area has been historically or currently known by both proposed names.

To summarize the discussion of names, the Association believes that the Santa Rosa, Temecula, Little Temecula, and Pauba land grants are collectively known by the name "Temecula."

Callaway's petition contains evidence supporting the following claims:

—The Santa Rosa, Little Temecula, and Pauba land grants and the southern half of the Temecula land grant (*i.e.* south of the town of Murrieta) are collectively known by the name "Rancho California."

—The Association's proposed "Temecula" includes the town of Murrieta and the Santa Rosa land grant, areas not known by the name "Temecula."

—The name "Temecula" applies only to the town of Temecula and areas east and northeast of the town.

—Except for including the town of Murrieta, the Association's proposed "Temecula" should be called "Rancho California."

—The area known as "Rancho California" does not include the town of Murrieta. However, the name "Murrieta" applies to the part of Rancho California west of the town of Murrieta.

Physiography. The Association's petition states that its proposed Temecula viticultural area consists physiographically of a 48,000 acre plateau along the southern extension of the Elsinore Mountains and a 51,000 acre basin lying to the east of these mountains. The Santa Rosa Plateau is named after the Santa Rosa Land Grant in which it is located. Although the area is described physiographically as a plateau, it contains several mesas with elevations between 2,000 and 2,200 feet above sea level, with other areas where the elevation decreases to less than 1000 feet above sea level.

The Association's petition describes the Temecula Basin as roughly a triangle, bounded by the northwest to southeast line of the Elsinore Mountains, the northeast to southwest line of the Oak Mountain barrier, and along the northern edge by the rolling hills on the Perris Block. The Association's petition states that the Temecula Basin is alluviated plains with low relief mesas. The lowest elevation is less than 1000 feet above sea level, and the basin does not vary in elevation more than 500 feet throughout.

All of the drainage in the proposed area (except for one small portion at the western end of the Santa Rosa Plateau) passes to the ocean through Temecula Canyon.

Soils. The Santa Rosa Plateau contains the following three soil associations: Cajalco-Temescal-Las Posas association, Friant-Lodo-Escondido association, and Cineba-Rock land-Fallbrook association. The Temecula Basin contains the following two soil associations: Hanford-Tujunga-Greenfield association and Monserate-Arlington-Exeter association. The Association's petition states that not all of the soils of the Santa Rosa Plateau are suitable for wine grapes, and that presently there are only 100 acres of grapes growing on the plateau.

The Association's petition states that in a typical profile, the basin soils consist of a surface layer of sandy loam which formed in granitic alluvium washed from the uplands. The subsoil is well-drained and moderately deep.

Callaway's petition states that granitic composition of soils in the Temecula Basin makes these soils unique in California, and especially suited to growing certain varieties of wine grapes.

Climate. The Association's petition states that the climate of the proposed area is its most distinguishable feature. The area is cooled in the summer and warmed in the winter by afternoon ocean breezes which enter through passes in the Santa Rosa Mountains. The Association's petition states that this accounts for a comparatively cool micro-climate, especially in comparison to the latitude of the area.

However, the petitions do not agree on which parts of southwestern Riverside County are actually the coolest.

The Association's petition states that the western side of the Santa Rosa Plateau is the coolest place in the proposed areas because of its direct exposure to cool coastal air. Callaway's petition acknowledges that the Santa Rosa Mountains are the coolest areas, but attributes this to the elevation. Callaway argues that the cooling effect of the wind favors areas east of Temecula Canyon and Rainbow Gap, over areas west of these two features.

Using the *Amerine-Winkler* method utilizing heat summation to segregate climatic regions, the proposed areas would be located in Regions II and III and the coolest range of Region IV. This is significantly cooler than areas surrounding the proposed areas, which are Regions IV and V.

The following data was submitted by the Association:

Weather station	Elevation	1971	1972	1973	3-Year average
P-2	1,375	[1]3,528	3,452	4,101	3,694 (Region IV).
P-6	1,446	3,447	3,390	3,442	3,426 (Region III).
SR-11	1,230	2,686	2,517	3,148	2,783 (Region II).

[1]Figures represent degree-days of heat summation.

Weather Station P2 is located at the intersection of Rancho California Road and Anza Road.

Weather Station P–6 is located on De Portola Road approximately 1 mile

northeast of the intersection with Monte De Oro Road.

Weather Station SR–11 is located on Murrieta Ridge north of Tenaja Road.

Callaway's petition contains the following data:

Location	Dates	Heat summation
Average of 6 weather stations northeast of town of Temecula.	Early 1970's	3,596 (Region IV).
Town of Murrieta	1954–57	3,771 (Region IV).
Santa Rosa Springs and an unidentified location on Santa Rosa Plateau.	Early 1970's	2,665 (Region II). 3,106 (Region III).

Callaway's petition argues that the *Amerine-Winkler* method is not helpful in the Rancho California area because it uses the mean of the daytime high and low temperatures. This method is misleading if the high or low temperature is only maintained for a brief time. Callaway's petition states that moisture and wind chill factors differ significantly between the Temecula Basin and the Santa Rosa Plateau. However, these weather phenomena have not been measured cumulatively by local observers. Callaway's petition quotes a viticultural consultant and three local residents who all observe that Temecula is cooler than Murrieta in summer.

Callaway's petition argues that thermograph recordings of hourly temperatures would provide a more accurate measure of heat summation. Therefore, ATF is requesting each interested party who uses thermographs in the Rancho California area to submit the following information: name and address of the interested party, location(s) of the thermograph(s), and a description of the heat summation from April 1 through October 31. Please submit this data for as many years as possible, with each year identified. Please submit the data to the address identified at the beginning of this document for submission of public comments. This data will help ATF evaluate the scope of climatic differences in the proposed areas.

Area Proposed by ATF

Based on data contained on both petitions, ATF believes that the Santa Rosa Plateau and the Temecula Basin are too diverse to be included in one approved viticultural area. The Santa Rosa Plateau rises in elevation approximately 600 to 800 feet within one mile southwest of Murrieta Creek. Traveling easterly into Temecula Basin, this increase of 600 to 800 feet is attained about seven miles from Murrieta Creek. This dramatic difference in change of elevation affects the wind patterns.

Both petitioners believe that wind patterns are critically important in keeping the area cooler than surrounding areas. A study of wind patterns in southern California conducted by the U.S. Weather Bureau in 1965 shows that wind patterns on the Santa Rosa Plateau and in Temecula Basin are markedly different. Murrieta Creek is the natural boundary between two different wind patterns.

The Association's petition states that not all soils on the Santa Rosa Plateau are suitable for growing grapes. The following discussion of soils is taken from Soil Survey of Western Riverside Area, California, issued in 1971 by the U.S. Department of Agriculture, Soil Conservation Service. Some of the soils which are not suitable for viticulture are:

Cieneba rocky sandy loam, 15–50% slope, eroded
Fallbrook rocky sandy loam, 15–50% slope, eroded
Las Posas rocky loam, 15–50% slope, severely eroded
Lodo rocky loam, 25–50% slope, eroded

These soils are not suited to cultivation because of the slope, shallow depth, and high hazard of erosion. They are used mostly for range, for watershed, and as wildlife habitat. Seeding or fertilizing is not economically feasible on these soils.

These soils are found scattered throughout the Santa Rosa Plateau, but they dominate the area south of 33° 30′ N latitude parallel.

Therefore, ATF is proposing an alternative viticultural area bounded approximately by 33° 30′ N latitude parallel, Murrieta Creek and the Cleveland National Forest boundary. The connection between the Cleveland National Forest boundary and Murrieta Creek would be a straight line from the point where Orange Street in Wildomar, California crosses Murrieta Creek to the easternmost point of the Cleveland National Forest boundary (the northernmost point of the Santa Rosa Land Grant). This area consists of approximately 30,000 acres with viticultural features distinguished from the surrounding area by the following geographical features:

—different wind patterns to the east and northeast,
—unsuitable soils to the south, and
—the Cleveland National Forest, where a special use permit is necessary for agricultural land use, to the west and northwest.

According to information in both petitions, this proposed area would include all of the existing vineyards (approximately 400 acres) on the Santa Rosa Plateau.

ATF does not know what name should apply to this proposed area. The name Santa Rosa is associated by most wine consumers with the city of Santa Rosa in Sonoma County, California. Therefore, Santa Rosa Plateau might be misleading to consumers. ATF believes that either Murrieta or Rancho California could apply as a name for the proposed area. For the purposes of this notice, ATF is calling this proposed area "Murrieta (as proposed by ATF)."

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using appellations of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of grapes or wines may be caused by a myriad of factors unrelated to this proposal.

These proposed viticultural areas encompass all of the vineyards in southwestern Riverside County, California. There are no vineyards remotely near the proposed viticultural areas which could qualify for use of any of the three proposed names. If one or more viticultural areas are approved as a result of this notice, any value derived from using a viticultural area appellation of origin would apply equally to all vineyards in the approved area.

Therefore, ATF believes that this notice of proposed rulemaking, If promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation—Written Comments

ATF requests comments concerning these proposed viticultural areas from all interested persons. Althouth this document proposes possible boundaries for the Temecula, Murrieta and Rancho California viticultural areas, ATF requests comments proposing other possible boundaries for these viticultural areas.

ATF is especially interested in comments on the following questions:

What are the boundaries of the areas known by the names "Temecula," "Murrieta," and "Rancho California"?

Is there sufficient evidence to support the overlapping of these proposed areas?

How should the boundaries of the proposed viticultural areas be modified to eliminate overlapping in the absence of sufficient historical or current evidence?

Should the boundaries be modified to exclude areas where grapes are not grown?

Are any parts of the Santa Rosa land grant commonly known by other names?

Are the Santa Rosa Plateau and the Temecula Basin geographically similar enough to be included in one approved viticultural area?

Although both petitions contain evidence that the name "Temecula" has appeared on wine labels, is there any historical or current evidence associating the names "Murrieta" or "Rancho California" with winemaking?

Are there any significant geographic features in southwestern Riverside County, California which have not been given adequate consideration in this notice of proposed rulemaking?

What name should be given to the viticultural area proposed by ATF?

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural area, Wine.

Drafting Information

The principal author of this document is John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the titles of §§ 9.50, 9.55 and 9.56. As amended, the additions to the table of sections read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.50 Temecula.

* * * * *

9.55 Murrieta.

9.56 Rancho California.

Par. 2. Subpart C is amended by adding § 9.50 Temecula, § 9.55 Murrieta, and § 9.56 Rancho California. The two proposals for the boundary of Temecula viticultural area are set out as § 9.50a and § 9.50b. Callaway's proposed Murrieta viticultural area is set out as § 9.55a, and ATF's proposed Murrieta viticultural area is set out as § 9.55b. As amended, the additions to Subpart C read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.50a Temecula (as proposed by the Rancho California/Temecula Winegrower's Association).

(a) *Name.* The name of the viticultural area described in this section is "Temecula."

(b) *Approved maps.* The approved maps for determinig the boundary of Temecula viticultural area are seven U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California;

(2) Fallbrook, California;

(3) Murrieta, California;

(4) Temecula, California;

(5) Bachelor Mountain, California;

(6) Pechanga, California;

(7) Sage, California;

(c) *Boundary.* The Temecula viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the point where it converges with the Riverside County-San Diego County line.

(3) The boundary follows the Riverside County-San Diego County line southwesterly, then southeasterly, to the point where the Riverside County-San Diego County line diverges southward and the Santa Rosa Land Grant boundary continues straight southeasterly.

(4) The boundary follows the Santa Rosa Land Grant boundary southeasterly, then northeasterly, to its intersection with the Temecula Land Grant boundary.

(5) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecula Land Grant boundary.

(6) The boundary follows the Little Temecula Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(7) The boundary follows the Penchanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(8) The boundary follows the Little Temecula Land Grant boundary

northeasterly to its intersection with the Pauba Land Grant boundary.

(9) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(10) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(11) The boundary follows this range line north, across California State Highway 71/79, to the 1,400-foot contour line of Oak Mountain.

(12) The boundary follows the 1,400-foot contour line around Oak Mountain to its intersection with the 117°00′ West longitude meridian.

(13) The boundary follows the 117°00′ West longitude meridian north to its intersection with the Pauba Land Grant boundary.

(14) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly, then west, then south, then west to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(15) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(16) The boundary follows this road west to the north-south section line dividing Section 13 from Section 14 in Township 7 South, Range 2 West.

(17) The boundary follows this section line south to its intersection with Buck Road (which coincides with east-west section line on the southern edge of Section 14 in Township 7 South, Range 2 West).

(18) The boundary follows Buck Road west to the point where it diverges northwesterly from the section line on the southern edge of Section 14 in Township 7 South, Range 2 West.

(19) The boundary follows this section line west, along the southern edges of Sections 14, 15, 16, 17 and 18 in Township 7 South, Range 2 West, including a place where the section line coincides with an unnamed, unimproved road, continuing west of the range line dividing Range 2 West from Range 3 West, to the point where this section line intersects the Temecula Land Grant boundary.

(20) The boundary follows the Temecula Land Grant boundary northwesterly, then southwesterly to its intersection with the Santa Rosa Land Grant boundary.

(21) The boundary follows the Santa Rosa Land Grant boundary northwesterly to the beginning point.

§ 9.50b Temecula (as proposed by Callaway Vineyard and Winery).

(a) *Name.* The name of the viticultural area described in this section is "Temecula."

(b) *Approved maps.* The approved maps for determining the boundary of Temecula viticultural area are four U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Murrieta, California;

(2) Temecula, California;

(3) Pechanga, California;

(4) Bachelor Mountain, California.

(c) *Boundary.* The Temecula viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northern intersection of the Temecula Land Grant boundary and the range line dividing Range 2 West from Range 3 West, near Winchester Road and Tucalota Creek.

(2) The boundary follows this range line south to the point at which it intersects the Temecula Land Grant boundary again, south of the town of Temecula.

(3) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecula Land Grant boundary.

(4) The boundary follows the Little Temecula Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(5) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(6) The boundary follows the Little Temecula Land Grant boundary northeasterly to its intersection with the Pauba Land Grant boundary.

(7) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(8) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(9) The boundary follows this range line north to the 1400-foot contour line of Oak Mountain.

(10) The boundary follows the 1400-foot contour line around Oak Mountain to its intersection with the 117°00′ West longitude meridian.

(11) The boundary follows the 117°00′ West longitude meridian north to the Pauba Land Grant boundary.

(12) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly to its intersection with the north-south section line dividing Section 32 from Section 33 in Township 7 South, Range 1 West.

(13) From that point the boundary proceeds in a straight line to the intersection of East Benton Road and the north-south section line dividing Section 8 from Section 9 in Township 7 South, Range 1 West.

(14) The boundary follows East Benton Road westerly, then southwesterly to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(15) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(16) The boundary follows this road west to the north-south section line dividing Section 14 from Section 15 in Township 7 South, Range 2 West.

(17) The boundary follows this section line south to its intersection with the Pauba Land Grant boundary at the southwest corner of Section 14 in Township 7 South, Range 2 West.

(18) The boundary follows the Pauba Land Grant south, then west, then south, then west (where it coincides with the east-west section line on the southern edge of Section 21 in Township 7 South, Range 2 West) to the point at which it diverges southerly from the east-west section line.

(19) The boundary follows this section line west to the southeast corner of Section 20 in Township 7 South, Range 2 West.

(20) The boundary proceeds north, west and south around the perimeter of Section 20 in Township 7 South, Range 2 West.

(21) From the southwest corner of this section, the boundary follows the east-west section line west to its intersection with the Temecula Land Grant boundary.

(22) The boundary follows the Temecula Land Grant boundary northwest to the beginning point.

§ 9.55a Murrieta (as proposed by Callaway Vineyard and Winery).

(a) *Name.* The name of tthe viticultural area described in this section is "Murrieta."

(b) *Approved maps.* The approved maps for determining the boundary of Murrieta viticultural area are two U.S.G.S. guadrangle maps in the 7.5 minute series, as follows:

(1) Murrieta, California;

(2) Wildomar, California.

(c) *Boundary.* The Murrieta viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the intersection of Ivy Street and Murrieta Creek.

(2) The boundary proceeds in a southwesterly extension of Ivy Street to the 1520 foot contour line of Miller Canyon.

(3) The boundary follows the 1520 foot contour line northwesterly, around and through Miller Canyon, Cole Canyon and Slaughterhouse Canyon, westerly toward a prospecting site, and northeasterly to the point of the 1520 foot contour line which is closest to a peak with recorded elevation of 1496 feet.

(4) From that point, the boundary proceeds straight northeast to Murrieta Creek.

(5) The boundary follows the westernmost branches of Murrieta Creek southeasterly to the beginning point.

§ 9.55b Murrieta (as proposed by ATF).

(a) *Name.* The name of the viticultural area described in this section is "Murrieta."

(b) *Approved maps.* The approved maps for determining the boundary of "Murrieta" viticultural area are two U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California;

(2) Murrieta, California.

(c) *Boundary.* The "Murrieta" viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the 33° 30′ North latitude parallel.

(3) The boundary proceeds east along the 33° 30′ North latitude parallel to Murrieta Creek.

(4) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to Orange Street in Wildomar, California.

(5) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

§ 9.56 Rancho California.

(a) *Name.* The name of the viticultural area described in this section is "Rancho California."

(b) *Approved maps.* The approved maps for determining the boundary of Rancho California viticultural area are seven U.S.G.S. quadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California;

(2) Fallbrook, California;

(3) Murrieta, California;

(4) Temecula, California;

(5) Bachelor Mountain, California;

(6) Pechanga, California;

(7) Sage, California.

(c) *Boundary.* The Rancho California viticultural area is located in Riverside County, California. The boundary is as follows:

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost boundary of the Cleveland National Forest.

(2) The bounary follows the Cleveland National Forest boundary southwesterly to the point where it converges with the Riverside County-San Diego County line.

(3) The boundary follows the Riverside County-San Diego County line southwesterly, then southeasterly, to the point the Riverside County-San Diego County line diverges southward and the Santa Rosa Land Grant boundary continues straight southeasterly.

(4) The boundary follows the Santa Rosa Land Grant boundary southeasterly, then northeasterly, to its intersection with the Temecula Land Grant boundary.

(5) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to its intersection with the Little Temecular Land Grant boundary.

(6) The boundary follows the Little Temecular Land Grant boundary southeasterly to its intersection with the Pechanga Indian Reservation boundary.

(7) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including the Pechanga Indian Reservation in the proposed viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(8) The boundary follows the Little Temecular Land Grant boundary northeasterly to its intersection with the Pauba Land Grant boundary.

(9) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the east-west section line dividing Section 13 from Section 24 in Township 8 South, Range 2 West.

(10) The boundary follows this section line east to the range line dividing Range 2 West from Range 1 West.

(11) The boundary follows this range line north to the 1400-foot contour line of Oak Mountain.

(12) The boundary follows the 1,400-foot contour line around Oak Mountain to its intersection with the 117° 00′ West longitude meridian.

(13) The boundary follows the 117° 00′ West longitude meridian north to its intersection with the Pauba Land Grant boundary.

(14) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly to East Benton Road.

(15) The boundary follows East Benton Road northerly, then westerly, then southwesterly to its intersection with Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(16) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13, in Township 7 South, Range 2 West).

(17) The boundary follows this road west to the north-south section line dividing Section 14 from Section 15 in Township 7 South, Range 2 West.

(18) The boundary follows this section line south to its intersection with the Pauba Land Grant boundary in the southwest corner of Section 14 in Township 7 South, Range 2 West.

(19) The boundary follows the Pauba Land Grant boundary south, then west, then south, then west (where it coincides with the east-west section line on the southern edge of Section 21 in Township 7 South, Range 2 West) to the point at which it diverages southerly from the east-west section line.

(20) The boundary follows this section line west to the southeast corner of Section 20 in Township 7 South, Range 2 West.

(21) The boundary proceeds north, west and south around the perimeter of Section 20 in Township 7 South, Range 2 West.

(22) From the southwest corner of this section, the boundary follows the east-west section line west to its intersection with the Temecula Land Grant boundary.

(23) The boundary follows the Temecula Land Grant boundary northwest to its intersection with Winchester Road.

(24) The boundary follows Winchester Road southerly to its northernmost intersection with Webster Avenue (which was renamed Murrieta Hot Springs Road after the map was printed).

(25) The boundary proceeds westerly along Webster Avenue to its

intersection with the northbound lane of Interstate Route 15 E.

(26) The boundary proceeds southeasterly along the northbound lane of Interstate Route 15 E to a point which is even with a northeastern extension of Cherry Street.

(27) From this point, the boundary proceeds in a southwesterly extension of Cherry Street to the boundary of the Santa Rosa Land Grant.

(28) The boundary follows the Santa Rosa Land Grant boundary northwesterly to the beginning point.

Signed May 27, 1982.

Stephen E. Higgins,

Acting Direction.

Approved: July 1, 1982.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-20222 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Public Comment and Opportunity for Public Hearing on Modified Portions of the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; notice of receipt of permanent program modifications, public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment concerning reclamation bonding submitted by Virginia.

This notice sets forth the times and locations that the Virginia program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments, on the proposed program elements, and information pertinent to the public hearing.

DATES: Written comments data or other relevant information relating to Virginia's modifications to its program not received on or before 4:00 p.m. on August 26, 1982, will not necessarily be considered in the Director's decision on whether to approve the proposed amendment.

A public hearing on the proposed modification has been scheduled for 10:00 a.m. on August 19, 1982, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address and phone number listed below by August 11, 1982. If no person has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Route 3, Box 183-C-1, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

The public hearing will be held at Clinch Valley College, Science Lecture Hall, Science Building, Room S-100, Wise, Virginia 24273.

Copies of the Virginia program, the proposed modifications to the program a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, Route 3, Box 183-C-1, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977-70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of nineteen minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 **Federal Register** (46 FR 61088-61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61089-61115).

On July 8, 1982, Virginia submitted to OSM a proposed program amendment consisting of a General Assembly bill passed on an emergency basis creating the Coal Surface Mining Reclamation Fund (Fund) and promulgated regulations to implement the legislation (Administrative Record No. VA 401). The proposed program amendment creates and implements an alternative reclamation bonding system in the Virginia program. Under the amendment, operators would have the option of participating in the Fund or fulfilling their reclamation bonding requirements pursuant to the Virginia permanent program provisions approved by the Secretary on December 15, 1981.

The Director now seeks public comment on the adequacy of this program amendment.

Additional Determinations

Pursuant to section 702(d) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all State program actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this rule is exempt from a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: July 21, 1982.

Arthur W. Abbs,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 82-20254 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1, 3, and 4

[Docket Nos. 2616-108A and 2616-111A]

Revision of Patent and Trademark Fees

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 28, 1982, notices of proposed rulemaking were published in the **Federal Register** (47 FR 28042-28065) advising that the Patent and Trademark Office was proposing to amend the rules of practice in patent and trademark cases to establish procedures and fees in amounts which comply with the requirements of Pub. L. 96-517 or which would apply with enactment of H.R. 6260 as a Public Law.

Those notices provided that comments regarding the proposed rulemakings must be submitted on or before July 9, 1982.

At the hearings on the proposed rule changes relating to the "Revision of Patent and Trademark Fees" held on July 9, 1982, several persons requested additional time to comment on the proposed rules (§§ 1.9(c)-(f), 1.27 and 1.28) for implementing the procedures for the payment of lower fees by independent inventors, small business concerns, and nonprofit organizations.

Requests were also received for additional time to comment on the proposed deletion of Parts 3 and 4 of Title 37, Code of Federal Regulations, which parts relate to patent and trademark forms.

In view of the requests, the Patent and Trademark Office is extending the period for written comments only on §§ 1.9, 1.27 and 1.28 and the proposed deletion of Parts 3 and 4 of title 37, Code of Federal Regulations, until August 13, 1982. Adoption of these changes is being deferred at this time to permit receipt of additional comments.

DATE: The time for filing comments on §§ 1.9(c)-(f), 1.27, and 1.28, and the proposed deletion of Parts 3 and 4 is hereby extended to and including August 13, 1982.

ADDRESSES: Submit written comments as to §§ 1.9, 1.27, 1.28 and the proposed deletion of Part 3 to the Commissioner of Patents and Trademarks, Attention: R. Franklin Burnett, Room 3-11A13, Washington, D.C. 20231.

Submit written comments as to the proposed deletion of Part 4 to the Commissioner of Patents and Trademarks, Attention: Miss Maude Williams, Room 3-11C17, Washington, D.C. 20231.

FOR FURTHER INFORMATION CONTACT: For further information on §§ 1.9, 1.27, 1.28 and the proposed deletion of Part 3 contact R. Franklin Burnett at (703) 557-3054.

For further information on the proposed deletion of Part 4 contact Miss Maude Williams at (703) 557-2222.

Dated: July 21, 1982.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 82-20242 Filed 7-26-82; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OPTS-82004G; 2039-6]

Chemical Information Rules; Preliminary Assessment Information; Opportunity for Additional Comment

Correction

On page 29853, in the **Federal Register** issue of Friday, July 9, 1982, there is a correction in the third column for the Environmental Protection Agency. In the heading of the correction, the OPTS Number which read, "[OPTS-82004 F; 2039-7]" should have read "[OPTS-82004G; 2039-6]"

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 47, No. 144
Tuesday, July 27, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1982 Corn, Sorghum, Barley, Oats, and Rye Program; Determination Regarding the Proclamation of 1982—Crop Program Provisions for Corn, Sorghum, Barley, Oats, and Rye

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1982—Crop program provisions for corn, sorghum, barley, oats, and rye.

SUMMARY: The purpose of this notice is to set forth the following determinations with respect to the 1982 crops of corn, sorghum, barley, oats and rye: (1) The loan and purchase level per bushel shall be $2.55 for corn, $2.42 ($4.32 per cwt.) for sorghum, $2.08 for barley, $1.31 for oats, and $2.17 for rye; (2) the established target level per bushel is $2.70 for corn, $2.60 for sorghum ($4.64 per cwt.), $2.60 for barley, and $1.50 for oats; (3) an acreage reduction program will be in effect for feed grains with a uniform reduction of 10 percent for corn, grain sorghum, barley, and oats; (4) malting barley shall not be exempt from the feed grain acreage reduction program; and (5) there will be no land diversion or set-aside. Notice is also being given of certain determinations concerning the producer reserve program. These determinations are required to be made in accordance with Sections 105A and 110 of the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: January 29, 1982.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Analysis Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4417. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major." It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program that this notice applies to are: Title—Feed Grain Production Stabilization: Number 10.055 as found in the Catalog of Federal Domestic Assistance.

These actions will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A–95, was not used to assure that units of local Government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published with respect to the subject matter of these determinations in accordance with 5 U.S.C. 553 or any other provision of law.

This notice sets forth determinations with respect to the following issues:

1. *Loan and Purchase Level.* Section 105B(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for 1982 crop corn at such a level, not less than $2.55 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. Section 105B(a)(2) provides that the Secretary shall make available to producers loans and purchases for the 1982 crops of grain sorghum, barley, oats, and rye at such levels as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and certain other factors specified in Section 401(b) of the 1949 Act.

2. *Established (Target) Price.* Section 105B(b)(1)(C) of the 1949 Act provides that the established price for 1982 corn shall not be less than $2.70 per bushel. The Secretary may adjust this established price to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii) the average cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. Section 105B(b)(1)(E) of the 1949 Act provides that the payment rate for grain sorghum, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

3. *Acreage Reduction Program.* Section 105B(e)(1) of the 1949 Act authorizes the Secretary to provide for an acreage reduction program if the Secretary determines that the total supply of feed grains will be excessive, in absence of such program, taking into account the need for an adequate carryover to maintain reasonable supplies and prices and to meet a national emergency. The Secretary shall announce any such acreage reduction program for the 1982 crop of feed grains as soon as possible after enactment of the Agriculture and Food Act of 1981. Such acreage reduction shall be achieved by applying a uniform percentage reduction to the acreage base established for each feed grain-producing farm. Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. If an acreage reduction program is in effect for any crop, the national program acreage, program allocation factor and voluntary acreage reduction provisions are not applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm.

4. *Exemption of Malting Barley.* In accordance with Section 105B(e)(2) of the 1949 Act, the Secretary may provide

that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, and meets other conditions as the Secretary may prescribe.

5. *Land Diversion.* Section 105B(e)(5) of the 1949 Act provides that the Secretary may make land diversion payments to producers of feed grains, whether or not an acreage reduction or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals.

6. *Producer Reserve Program.* Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program under which producers of feed grains will be able to store feed grains when in abundant supply and extend the time for its orderly marketing. Reserve loans shall be made at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided for under the feed grain program established in accordance with Section 105B of the 1949 Act. The program may provide for (1) repayment of such loans in not less than 3 years nor more than 5 years; (2) payments to producers for storage in such amounts and under such conditions as are determined to be appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers before the market price for feed grains has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for a commodity has attained a specific trigger release level, as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcements, the Secretary shall specify the quantity of feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of feed grains. The Secretary may place an upper limit on the amount of feed grains placed in the reserve but such upper limit may not be less than 1 billion bushels of feed grains.

7. *Set-Aside Program.* Section 105B(e)(1) and (3) of the 1949 Act provide that the Secretary may provide for a set-aside program if he determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

8. *Grazing and Haying of Designated Acreage Reduction Program Acreage.* Section 1058B(e)(4) of the Act provides the Secretary may permit all or any part of the conservation use acreage to be devoted to sweet sorghum, hay and grazing or the production of quar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or any other commodity, if he determines such crop production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of price support programs, and will not affect farm income adversely.

The following program options were considered for the 1982 crop of feed grains: (1) No acreage reduction program; (2) a 10 percent acreage reduction program; (3) a 10 percent acreage reduction program with higher reserve loan rates; (4) a 15 percent acreage reduction program; (5) a 5 percent acreage reduction program and a 10 percent paid diversion program for corn and sorghum with a 10 percent acreage reduction program for barley and oats; and (6) a 5 percent acreage reduction program and a 10 percent paid diversion program for corn and sorghum and a 10 percent acreage reduction program for barley and oats with higher reserve loan rates. These options were considered with the data that was available at the time the 1982 Feed Grain Program was announced—January 29, 1982.

Without an acreage reduction program for the 1982 feed grain crop, U.S. harvested feed grain acreage is estimated to be 107.7 million acres, resulting in a production of 237.1 million metric tons (mmt). Total utilization is estimated to be 222.9 mmt with ending stocks rising to 77.3 mmt. The season average corn price for this program is expected to be $2.65 per bushel. Feed grain deficiency payments will approach $1.4 billion and total government feed grain program outlays are estimated to be $3.8 billion for fiscal year 1983.

Under a 10 percent acreage reduction program, the 1982 crop harvested acreage is estimated to be 104.9 million acres with production estimated at 232.5 mmt. Total utilization is estimated to be 222.9 mmt with ending stocks estimated at 72.7 mmt. The season average price for corn is estimated to be $2.65 with feed grain deficiency payments of $460 million and total government outlays of $1.7 billion for fiscal year 1983.

Under a 10 percent acreage reduction program with higher reserve loan rates, the 1982 crop harvested acreage is estimated to be 104.8 million acres with production estimated to be 232.2 mmt. Total utilization is expected to be 222.5 mmt with ending stocks of 72.8 mmt. The season average price for corn is estimated to be $2.70 per bushel with deficiency payments for feed grains estimated to be $485 million and total government outlays for fiscal 1983 of $2.1 billion.

Under a 15 percent acreage reduction program, the feed grain harvested acreage is estimated to be 104.5 million acres with production estimated to be 231.9 mmt. Total utilization is expected to be 222.9 mmt with ending stocks estimated to be 72.1 mmt. The season average price for corn is estimated to be $2.65 with feed grain deficiency payments of $320 million and government outlays for fiscal year 1983 is $1.3 billion.

Under a 5 percent acreage reduction program and a 10 percent paid diversion program for corn and sorghum and a 10 percent acreage reduction program for barley and oats, the feed grain harvested acreage is estimated to be 103.4 million acres with production estimated to be 229.7 mmt. Total utilization is estimated to be 221.8 mmt with ending stocks expected to be 71.0 mmt. The season average price for corn is expected to be $2.75 per bushel with feed grain deficiency payments of $446 million. Diversion payments are projected at $554 million. Total government outlays for fiscal year 1983 for this option would be $2.4 billion.

Under a 5 percent acreage reduction program with a 10 percent paid diversion program for corn and sorghum and a 10 percent acreage reduction program for barley and oats, with higher reserve loan rates, the 1982 feed grain harvested acreage is estimated to be 103.1 million acres with production estimated to be 229.0 mmt. Total utilization is estimated to be 221.3 mmt with ending stocks expected to be 70.8

mmt. The season average price for corn is estimated to be $2.80 per bushel. The diversion payments are estimated to be $597 million and deficiency payments $263 million. Total government outlays for fiscal year 1983 for this option would be $2.4 billion.

A number of the determinations with respect to the feed grain program are generally required to be made by section 105B(c)(1) of the Act not later than November 15 prior to the calendar year in which the crop is harvested. However, in the case of the 1982 crop, the Secretary is required to announce such program provisions as soon as practicable after the enactment of the Agriculture and Food Act of 1981, which was December 22, 1981. On January 29, 1982, the Secretary announced by press release the various program determinations for the 1982 crop of feed grains which are set forth in this notice. Accordingly, the purpose of this notice is to affirm the program determinations which have previously been announced. Thus, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Loan and Purchase Level.* In accordance with section 105B(a)(1) of the 1949 Act, it is hereby determined that the loan and purchase level per bushel shall be $2.55 for corn, $2.42 ($4.32 per cwt.) for grain sorghum, $2.08 for barley, $1.31 for oats, and $2.17 for rye.

2. *Established (Target) Price.* In accordance with section 105B(b)(1)(C) of the 1949 Act, the Secretary hereby determines that the established (target) price per bushel shall be $2.70 for corn, $2.60 ($4.64 per cwt.) for grain sorghum, $2.60 for barley and $1.50 for oats.

3. *Acreage Reduction Program.* In accordance with section 105B(e)(1) of the 1949 Act the Secretary hereby establishes a 10 percent limitation on the acreage planted to feed grains in 1982. The Secretary has determined that the total supply of feed grains, in absence of such a limitation, will be excessive taking into account the need for adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. This option was selected because it provides a balance between the multiple objectives of providing adequate feed grain supplies for domestic and foreign utilization while maintaining adequate carryover stock, supporting farm income, combating inflation, holding down Treasury costs and conserving natural resources.

4. *Exemption of Malting Barley.* In accordance with section 105B(e)(2) of the 1949 Act, the Secretary hereby determines that malting barley shall not be exempt from the feed grain acreage reduction program.

5. *Land Diversion Payments.* In accordance with section 105B(e)(5) of the 1949 Act, the Secretary hereby determines that land diversion payments are not necessary to assist in adjusting the total national acreage of feed grains to desirable goals and, therefore, such payments will not be made for the 1982 crop of feed grains.

6. *Producer Reserve Program.* In accordance with section 110 of the 1949 Act, the Secretary hereby determines that the provisions of the 1982 producer reserve program will include the following: (a) Producers will be permitted immediate entry into the reserve, if prices are below the trigger release level, by obtaining an extended price support loan at the rate of $2.90, $2.75 ($4.91 per cwt.) $2.37 and $1.49 per bushel for corn, grain sorghum, barley and oats, respectively; (b) the trigger release level will be $3.25, $3.10, ($5.54 per cwt.) $2.65, and $1.65 per bushel for corn, grain sorghum, barley, and oats, respectively; (c) producers will be charged interest at the rate charged the Commodity Credit Corporation by the United States Treasury but such interest will be waived after the first year, and (d) a storage payment of $.265 per bushel per year for corn, grain sorghum and barley, and $.20 per bushel per year for oats. The Secretary has determined that there will be no upper limit on the quantity of 1982 crop feed grains placed in the producer reserve program.

7. *Set-Aside Program.* In accordance with sections 105B(e) (1) and (3) of the 1949 Act, it is hereby determined that there will be no set-aside program for the 1982 crop of feed grains.

8. *Grazing and Haying of Designated Acreage Reduction Program Acreage.* In accordance with section 105B(e)(4) of the 1949 Act, it is hereby determined that winter wheat, barley and oats producers who have planted such crops before January 29, 1982, and who designate such as conservation use acreage under the acreage reduction program, shall be permitted to graze and hay such acreage. This is being permitted to allow such producers the opportunity to offset additional costs incurred in planting these crops as a result of the late acreage reduction program announcement. All other acreage designated as conservation use acreage can be grazed except during the six principal growing months. This 6-month period will be determined by local Agricultural Stabilization Conservation committees during the period February 28 through October 31. Mechanical harvesting on these acres will be prohibited.

(Secs. 105B, 110, 1001; 95 Stat. 1227, 1257, 91 Stat. 950, as amended, (7 U.S.C. 1444d, 1445e, and 1309))

Signed in Washington, D.C., July 21, 1982.

John R. Block,

Secretary.

[FR Doc. 82-20123 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-05-M

Proposed Determinations With Regard to the 1983 Feed Grain Program

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Proposed determinations.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1983 feed grain crops: (a) The loan and purchase levels; (b) the established (target) prices; (c) the national program acreages (NPA's); (d) whether a voluntary acreage reduction percentage should be proclaimed and, if so, the amount of such percentage reduction; (e) whether an Acreage Reduction Program (ARP) should be established and, if so, the percentage of such reduction and the method to be used in establishing the acreage bases; (f) whether a setaside program should be established and, if so, the percentage of such set-aside; (g) whether barley should be determined to be eligible for payment purposes; (h) whether malting barley should be exempt from an acreage reduction program if there is an acreage reduction program; (i) whether to permit haying and grazing of conservation use acrage if an acreage reduction or set-aside program is established; (j) whether a land diversion program should be established and, if so, the extent of such diversion and the level of payment; (k) provisions of the farmer-owned reserve (FOR); (l) whether to require offsetting compliance if an Acreage Reduction Program is established; and (m) other provisions. These determinations are required to be made in accordance with the provisions of the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: Comments must be received on or before August 26, 1982, in order to be assured of consideration.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Analysis Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4417. The Draft Impact Analysis describing the options considered in developing the proposed determination and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program that this notice applies to are: TITLE—Feed Grain Production Stabilization: Number 10.055 as found in the Catalog of Federal Domestic Assistance.

These actions will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this Notice since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Certain determinations set forth in this notice are required to be made by the Secretary for 1983-crop program purposes by November 15, 1982. In addition, it is necessary that the determinations for the 1983 crop be made in sufficient time to permit feed grain producers to make adequate plans for the production of their crops. Therefore, I have determined that the public comment period is being limited to 30 days, which will allow the Secretary sufficient time to consider properly the comments received before the final program determinations are made.

The following proposed program determinations with respect to the 1983-crop of feed grains are to be made by the Secretary:

Proposed Determinations

a. *The loan and purchase level for the 1983 crop of feed grains.* Section 105B(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for 1983 crop corn at such a level, not less than $2.55 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. Section 105B(a)(2) provides that the Secretary shall make available to producers loans and purchases for the 1983 crops of grain sorghum, barley, oats, and rye at such levels as the Secretary determines are fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and certain other factors specified in Section 401(b) of the 1949 Act. If the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 percent of the level of loans and purchases for corn for the marketing year, the Secretary may reduce the levels of loans and purchases for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 percent in any year nor below $2.00 per bushel. Loan and purchase levels per bushel being considered for the 1983 feed grain crops range from $2.55 to $2.75 for corn, $2.42 to $2.61 for grain sorghum, $2.08 to $2.24 for barley, $1.31 to $1.41 for oats, and $2.17 to $2.34 for rye.

Comments on the level of loan and purchase rates for the 1983 crop of feed grains, along with supporting data, are requested from interested persons.

b. *The established (target) price level for the 1983 crop of feed grains.* Section 105B(b)(1)(C) of the 1949 Act provides that the established price for 1983 corn shall not be less than $2.86 per bushel for the 1983 crop. Any such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop. Section 105B(b)(1)(E) of the 1949 Act provides that the payment rate for grain sorghum, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

Comments are requested from interested persons as to the amount of the established (target) price for the 1983 crops of feed grains along with supporting data.

c. *The national program acreages (NPA's).* Section 105B(c)(1) of the 1949 Act requires the Secretary to proclaim NPA's for the 1983 crop of feed grains not later than November 15, 1982. The NPA for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the 1983 crops) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for exports during the 1983/84 marketing year. If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the NPA by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks. The Secretary may later revise the NPA's first proclaimed if the Secretary determines it is necessary based upon the latest information. If an acreage reduction program is implemented for the 1983 crop of feed grains, the NPA's shall not be applicable to such crops.

The U.S. feed grain stock objective, an amount judged to be our "fair" share of world coarse grain stocks, has been determined to be equal to 6.25 percent of the world consumption of coarse grains (this represents the approximate 18-year average of the ratio of U.S. stocks to world consumption) or approximately 48 million metric tons for the 1982/83 marketing year.

If required, the likely NPA's for the 1983 crops of corn, sorghum, barley, and oats would be:

	Corn	Sorghum	Barley	Oats
	Million bushels			
a. Estimated domestic use, 1983/84	5,425	453	395	490
b. Plus estimated silage use, 1983/84	635	50		

	Corn	Sorghum	Barley	Oats
c. Plus estimated exports, 1983/84	2,415	285	75	10
d. Minus estimated imports, 1983/84	1	.....	10	1
e. Plus or minus stock adjustment [1]	−787	−117	+12	+68
f. Divided by national weighted average farm program payment yield (bushels per acre)	100.5	56.8	49.2	53.9
	Million acres			
g. Equals 1983-crop NPA's	76.5	11.8	9.6	10.5

[1] See the following table.

	Million bushels			
a. Estimated 1983/84 beginning stocks	2,197	297	168	167
b. Minus about 6.25 percent of 1982/83 world consumption of coarse grains	1.410	180	180	235
c. Equals desired stock adjustment	−787	−117	+12	+68

No NPA's were announced for the 1982 crop of feed grains because the NPA provisions do not apply when an acreage reduction program is in effect. Comments on the NPA's and the appropriate stocks level for the 1983 crop of feed grains from interested persons, along with appropriate supporting data, are requested.

d. *Whether a voluntary reduction percentage should be proclaimed and, if so, the level of such voluntary reduction percentage.* Under Section 105B(c)(3) of the 1949 Act, the 1983 individual farm program acreage of feed grains eligible for payments shall not be reduced by application of an allocation factor (not less than 80 percent nor more than 100 percent) if the producer reduces the acreage of feed grains planted for harvest on the farm from the 1983-crop established feed grain acreage base by at least the percentage recommended by the Secretary in his proclamation of the NPA's for the 1983 crop. If an acreage reduction program is implemented for the 1983 crop of feed grains, the voluntary reduction percentage shall not be applicable to such crop. If required, the likely national recommended reduction percentages for the 1983-crop of feed grains would be:

	Corn	Sorghum	Barley	Oats
	Million acres			
a. 1983 estimated acreage base [1]	81.5	17.7	10.4	10.4
b. Minus 1983 preliminary NPA	76.5	11.8	9.6	10.5
c. Equals acreage reduction needed from acreage base	5.0	5.9	0.8	−0.1
d. Divided by 1983 acreage base	81.5	17.7	10.4	10.4
e. Equals 1983-crop recommended reduction percentage	6.1	33.3	7.7	0

[1] Equals the 1982 base acreage.

Comments from interested persons with respect to the reduction percentage, if any, are requested.

e. *Whether an acreage reduction program (ARP) should be established and, if so, the percentage of such reduction and method of establishing acreage bases.* Under sections 105B(e)(1) and (2) of the 1949 Act, the Secretary may establish an acreage reduction program for the 1983 crop of feed grains if the Secretary determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary is required to announce whether an acreage reduction program is to be in effect for the 1983 crops of corn, sorghum, oats and, if designated, barley, by not later than November 15 prior to the calendar year in which the crop is harvested. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each feed grain-producing farm. Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation shall be the acreage planted on the farm to feed grains for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to feed grains for harvest in the two crop years immediately preceding the year for which the determination is made.

The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as he determines should be considered in determining a fair and equitable base. In addition, a number of acres on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to such commodity, by (2) the number of acres authorized to be planted to feed grains under a limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

The need for an acreage reduction program for feed grains in 1983 will depend on the outcome of the 1982 feed grain crop. Total feed grain acreage in 1982 is estimated at 122.4 million acres, approximately 1 percent below the 1981 acreage. It is estimated that the 1982-crop plantings of corn are 82.5 million acres. Total feed grain production is projected to be down approximately 7 percent from the record 1981 feed grain crop.

Domestic feed grain use is forecast at 157.7 million metric tons, only 1.5 percent higher than in 1981, as a sharp reduction in pork production will limit gains in feed use. With export availabilities expected to be down somewhat among non-U.S. suppliers and with import demand expected to increase slightly, U.S. feed grain exports are likely to recover partially from the sharp decline experienced during 1981/82. Projected exports of 67.2 million tons, up 3 percent from 1981/82, would still be 4 million tons below record feed grain exports during 1979/80. U.S. exports for 1982/83 may vary considerably depending on world wheat and feed grain production.

Total feed grain use will be approximately 225 million tons, 6.5 million tons less than the 1982 crop. As a result, carryover stocks could increase to nearly 70 million tons. Ending stocks of this magnitude are clearly excessive. The farmer-owned reserve will continue to absorb most of the increase in stocks, while the amount of grain in government inventory will also expand. The stock-to-use ratio of 31 percent compares with the 22 percent average of the previous 3 years, and 17 percent average during the last 10 years.

Unless economic conditions and demand factors improve materially and/or crop conditions deteriorate significantly during the 1982/83 season, the 1983/84 outlook is one of increasing supplies and continued pressure on prices. Based on current expectations,

carryin stocks may be the highest since 1964.

Without an acreage reduction program in 1983, feed grain acreage could be expected to total 127.4 million acres, 5 million acres more than is projected in 1982. Assuming trend yields, feed grain production would total 244 million metric tons, 5.4 percent more than is expected in 1982. Feed grain acreage is expected to increase despite the relatively low prices in relation to production costs because of the attractive target prices and loan rates. With only a modest increase in total use, carryover stocks will increase to 78.2 million tons, 13 percent more than is projected for 1982/83. This level of ending stocks exceeds the desired level of 48 million metric tons by more than 60 percent. Farm prices would not show much improvement from 1982 as feed grain markets would be burdened by the excessively large quantity of stocks.

The above outlook suggests that an acreage reduction program will be needed for the 1983 feed grain crop. However, later crop developments throughout the world could materially change this outlook. Options under consideration at this time include: (1) No ARP; (2) a 10 percent ARP; (3) a 15 percent ARP; and (4) various paid diversion programs.

Interested persons are encouraged to comment on the need for an acreage reduction program for the 1983-crop of feed grains, and the appropriate percentage. Also under consideration is the method for establishing the feed grain acreage bases for those producers participating in the 1983 program. At the present time, it is comtemplated that there will be two 1983 feed grain acreage bases: one for corn-sorghum and one for barley-oats. Such bases will equal the corresponding 1982 acreage base established for the farm if the producer participated in the 1982 ARP. In addition, the 1983 acreage base established for a farm will not be reduced below the 1982 base because a producer did not plant any of the 1982 acreage base established for the farm to the relevant feed grain if the proper acreage reports are filed with ASCS. It is further contemplated that the 1983 feed grain acreage bases will be established for the farm of a producer who did not participate in the 1982 ARP based upon the average of the 1981 and 1982 crops of feed grains planted to harvest on the farm. This will assure that, in determining feed grain acreage bases, a producer who did not participate in the 1982 feed grain program will not gain an unfair advantage over the producers who did participate.

Interested persons are requested to comment on the method for establishing acreage bases for the 1983 crop of feed grains.

f. *Whether a set-aside program should be established and, if so, what percentage of such set-aside.* Under sections 105B(e)(1) and (3) of the 1949 Act, the Secretary may establish a Set-Aside Program for the 1983 crop of feed grains if the Secretary determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary is required to announce whether a set-aside program is to be in effect for the 1983 crops of corn, sorghum, oats, and, if designated, barley, by not later than November 15 prior to the calendar year in which the crop is harvested. If a set-aside program is announced, then as a condition of eligibility for loans, purchases, and payments, the producers on a farm must set-aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest of the crop for which the set-aside is in effect. The set-aside acreage shall be devoted to conservation uses in accordance with regulations issued by the Secretary. If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms. The Secretary may make such adjustments in individual set-aside acreages as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

Interested persons are encouraged to comment on the need for a 1983 feed grain set-aside program and, if so, the appropriate percentage of acreage to be set-aside.

g. *Whether barley should be determined to be an eligible commodity for payment purposes under the feed grain program.* Section 105B(b)(1)(E) of the 1949 Act gives the Secretary discretionary authority concerning the inclusion of barley as a commodity which is eligible for payments under the feed grain program. In the past, barley has been included as a commodity for which payments can be made under the feed grain program with the exception of 1967, 1968 and 1971 programs. If barley were not included in the 1983 program, barley producers would not be eligible to receive payments under the feed grain program for their crops but would be eligible for the price support and farmer-owned grain reserve programs.

While barley acreage has been reduced slightly over the past few years, yield trend increases have maintained barley supplies around 600 million bushels with normal weather conditions. The 1981 crop was a record 478 million bushels with a record yield of 52.3 bushels per acre. Barley demand, however, has remained fairly stable. Carryover stocks for barley during the 1982/83 crop year is projected to total 168 million bushels which is considered a desirable carryover level.

Interested persons are encouraged to comment on barley being included as a commodity for which payments can be made under the 1983 Feed Grain Program, considering the supply and demand situation indicated above.

h. *Whether malting barley should be exempt from an acreage reduction program if there is such a program.* Under section 105B(e)(2) of the 1949 Act, the Secretary may provide that no producer of malting barley shall be required as a condition of eligibilty for feed grain loans, purchases, and payments to comply with any acreage limitation if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, and meets other conditions as the Secretary may prescribe.

Comments from interested persons with respect to the malting barley exemption, if any, are requested.

i. *Whether to allow haying and grazing of conservation use acreage if an acreage reduction program or set-aside program is established.* Section 105B(e)(4) of the 1949 Act provides that the regulations issued by the Secretary with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

With respect to the 1982-crop Feed Grain Acreage Reduction Program, producers who had planted acreage to barley and oats before the announcement of the provisions of the 1982 feed grain program on January 29, 1982, were permitted to cut such barley and oats acreage for hay or to graze off such acreage. While producers who did not plant barley and oats before January 29, 1982, were permitted to graze the conservation use acreage except during

the six principal growing months, such producers were not permitted to harvest their barley and oats acreage for hay. In addition, specific cover crops and practices were developed at the local county ASC committee level and approved by the State ASC Committee and the State Conservationist for the 1982 conservation use acreage.

If an acreage reduction or set-aside program is announced for the 1983 crop, proposals to coordinate conservation concerns with a production adjustment program include the following: (1) Expanding the definition of land which is eligible to satisfy ARP conservation use or set-aside requirements; (2) allowing 1982 conservation use acreage to be included in the acreage base for subsequent programs; (3) giving priority for cost-sharing under conservation programs for practices which are installed on conservation use or set-aside acreage; and (4) permitting haying and grazing within approved guidelines on conservation use or set-aside acreage.

Interested persons are invited to comment on the grazing and haying of conservation use acreage and the conservation measures applied to land removed from production under the 1983 Acreage Reduction Programs. Also, comments are requested on what changes may be necessary to provide a greater degree of compatibility and coordination between the conservation and Acreage Reduction Programs or Set-Aside Programs.

j. *Whether a land diversion program should be established and, if so, the extent of such diversion and the level of payments.* Section 105B(e)(5) of the 1949 Act provides that the Secretary may make land diversion payments to producers of feed grains, whether or not an acreage reduction or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. The amount payable to producers under land diversions contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary deems appropriate. In the past, land diversion payments have been made based upon an offer rate system (i.e. specific rate per bushel times a farm program payment yield).

If land diversion payments are determined to be necessary for the 1983 crop of feed grains, such payments will likely be based upon an offer rate system.

Diversion payment options under consideration for corn and grain sorghum include: (1) A 10 percent voluntary diversion with a 5 percent ARP and a payment rate of $100 or $175 per diverted acre; (2) a 5 percent voluntary diversion with a 10 percent ARP and a payment rate of $100 or $165 per diverted acre; and (3) a 10 percent voluntary diversion with a 10 percent ARP and a payment rate of $125 or $225 per diverted acre. Accordingly, the range of options under consideration for the diversion payment rates are $100 to $225 per diverted acre, depending on the diversion percentage and the desired participation.

Interested persons are encouraged to address the need for a land diversion program, either in lieu of, or in conjunction with, an acreage reduction or set-aside program, and the appropriate terms and conditions of a land diversion program.

k. *Provisions of the farmer-owned reserve (FOR).* Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program under which producers of feed grains will be able to store feed grains when in abundant supply and extend the time for its orderly marketing. The Secretary shall provide for original or extended price support loans at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided for under the feed grain program established in accordance with Section 105B of the 1949 Act. The program may provide for (1) repayment of such loans in not less than three years nor more than five years; (2) payments to producers for storage in such amounts and under such conditions as are determined to be appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers before the market price for feed grains has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level (trigger release level), as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcement, the Secretary shall specify the quantity of feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of feed grains. The Secretary may place an upper limit on the amount of feed grains placed in the reserve but such upper limit may not be less than 1 billion bushels of feed grains.

The following options are under consideration for the FOR for the 1983-crop of feed grains: (a) Extended loan rate for reserve entry—maintaining the loan rate at the same level as that established for 1982-crop feed grains entering the reserve ($2.90 per bushel for corn); (b) increasing the regular loan rate 5 cents per bushel for corn under the ARP and 10 cents per bushel with the land diversion programs, and maintaining the corn reserve level at the 1982 level ($2.90 per bushel); and (c) increasing the regular corn loan rate 20 cents per bushel over the 1982 rate and maintaining the 35 cents spread between the regular and reserve loan rate that existed for the 1982 crop of corn. The minor feed grain reserve loan rates will be established in relation to the grain reserve loan rate established for corn as described in section a. of the proposed determinations.

Interested persons are encouraged to comment on these or other options dealing with the provisions of the farmer-owned feed grain reserve program for the 1983 crop of feed grains.

l. *Whether to require offsetting compliance if an acreage reduction program or set-aside program is established.* Under section 105B of the 1949 Act, the Secretary may implement offsetting compliance requirements as a condition of eligibility for program benefits. If offsetting compliance is required, operators and owners of farms would have to ensure that all of their farms were either complying with the program requirements or planting within the established feed grain acreage bases or the normal crop acreage established for these farms in order to be eligible for program benefits. Offsetting compliance was not in effect for the 1982 crop.

Interested persons are encouraged to comment on the need for offsetting compliance for the 1983-crop of feed grains if an acreage reduction program is established.

m. *Other Related Provisions.* A number of other determinations must be made in carrying out the feed grain loan and purchase programs such as: (a) Commodity eligibility; (b) premiums and

discounts for grades, classes, and other qualities; (c) establishment of county loan and purchase rates; and (d) such other provisions as may be necessary to carry out the programs.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

Signed at Washington, D.C., on July 21, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-20233 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

Rate of Interest on Delinquent Debts

ACTION: Notice of rate of interest on delinquent debts.

SUMMARY: This notice sets forth the rate of interest which the Commodity Credit Corporation (CCC) is charging on delinquent debts. Publication of this interest rate in the **Federal Register** by CCC is in accordance with the regulations found at 7 CFR Part 1403, Interest on Delinquent Debts. In the absence of a different rule prescribed by statute, contract or regulation, it has been determined that the applicable rate which is to be charged by CCC on delinquent debts is 17.00 percent per annum.

EFFECTIVE DATE: July 26, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis Brown, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6614.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformance with Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that the provisions of this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a major impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. § 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The Attorney General and Comptroller General have jointly promulgated the Federal Claims Collection Standards (FCCS) in 4 CFR Parts 101-105 as mandated by the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 951-953). CCC is generally exempt from the provisions of the FCCS, since CCC has the authority under Section 4(k) of the CCC Charter Act (15 U.S.C. 714b(k) to make final and conclusive settlement and adjustment of all its claims. However, the Board of Directors, CCC, has administratively determined that the FCCS shall be applicable to all claims by CCC regardless of the amount (CCC Claims Policy Docket CZ 161a, Revision 4).

The FCCS requires that interest be charged on delinquent debts. In accordance witht he FCCS, CCC issued the regulations at 7 CFR Part 1403, Interest on Delinquent Debts (see 46 FR 71442), to provide that CCC will charge interest on delinquent debts. These regulations provide at 7 CFR 1403.5 that CCC will publish a rate of interest to be charged on delinquent debts as a notice in the **Federal Register.**

Notice

Accordingly, the rate of interest which will be charged by Commodity Credit Corporation by July 26, 1982 with respect to delinquent debts shall be 17.00 percent per annum.

Signed at Washington, D.C., on July 20, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-20234 filed 7-26-82; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Medicine Bow National Forest Grazing Advisory Board Meeting

Seven members of the Medicine Bow National Forest Grazing Advisory Board attended the summer tour on the Laramie Peak District July 8, 1982. A formal meeting was held in conjunction with the tour to discuss and make recommendations concerning development of Allotment Management Plans and utilization of Range Betterment Funds.

The following items were discussed during the meeting.

1. Due to lack of enough Advisory Board members to hold the annual February meeting, discussion was held to determine if there is a need to change this meeting to another date.

It was agreed to continue with the date specified in the by-laws.

2. Gerald Ferguson, a Board member, has moved to Oklahoma and will need to be replaced. This will be accomplished at the annual election.

3. The expenditure of Range Betterment Funds was discussed. Also, the possibility of using them to construct/reconstruct National Forest Boundary fences.

The Board recommended that Range Betterment Funds subscribe to the following parameters:

1. Arresting range deterioration.
2. Improve forage condition.
3. To benefit livestock and wildlife habitat and to improve watershed yield.

Range improvements should include any function to accomplish the above.

The Board requested the privilege to make recommendations to the Forest Supervisor on a case by case basis when requests are made for construction/reconstruction of boundary fences.

The 1983 summer tour location will be decided at the 1982 annual meeting.

The meeting was adjourned.

Dated: July 15, 1982.

Donald L. Rollens,

Forest Supervisor.

[FR Doc. 82-20245 Filed 7-26-82; 8:45 am]

BILLING CODE 3410-11-M

Food and Nutrition Service,

Cash in Lieu of Commodities; Value of Donated Commodities for School Year 1982

AGENCY: Food and Nutrition Service. USDA.

ACTION: Notice.

SUMMARY: This notice announces that, since the value of agricultural commodities and other foods meets the level of assistance authorized under the National School Lunch Act, there will be no shortfall cash payments to States for the National School Lunch Progam for the 1982 school year. The Secretary of Agriculture has determined that the annually programmed level of assistance was met in food donations by June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development

Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302; (703) 756–3660.

SUPPLEMENTARY INFORMATION:

Classification: This action, which implements a mandatory provision of section 6(b) of the National School Lunch Act (the Act), has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "nonmajor." It meets none of the three criteria in the Executive Order; the action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act of 1980. Samuel J. Cornelius, Administrator, Food and Nutrition Service has determined that it will not have a significant economic impact on a substantial number of small entities. The primary purpose of the action is to notify States that the amount of foods donated will meet the programmed level for the school year 1982; therefore, no payment of cash in lieu of donated foods will be necessary.

Section 6(b) of the National School Lunch Act (the Act), as amended (7 U.S.C. 1755) and the regulations governing cash in lieu of donated foods (7 CFR Part 240) require the Secretary of Agriculture by May 15 of each school year to estimate the value of agricultural commodities and other foods that will be delivered to States during that school year. Under the food distribution regulations (7 CFR Part 250), these foods are used by schools participating in the National School Lunch Program. If the estimated value is less than the total level of commodity assistance authorized under section 6(e) of the Act, the Secretary is required by June 15, 1982, to pay to each State administering agency, funds equal to the difference between the value of programmed deliveries and the total level of authorized assistance for each State.

Section 802 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) amended section 6(e) of the Act to establish 11 cents as the minimum national average value per lunch in donated foods or payment of cash in lieu thereof for the school year ending June 30, 1982. In accordance with this requirement, a national entitlement of $412,262,614 in commodities was established for school year 1982. The Secretary has determined that at least that amount was delivered nationally by June 30, 1982 to meet the mandated level of assistance. Notice is hereby given, therefore, that no shortfall cash payments will be made for the school year ending June 30, 1982.

This notice contains no reporting or recordkeeping provision necessitating clearance by the Office of Management an Budget.

(Catalog of Federal Domestic Assistance No. 10.555)

Dated: July 20, 1982.

Robert E. Leard,

Associate Administrator, Food and Nutrition Service.

[FR Doc. 82–20081 Filed 7–26–82; 8:45 am]

BILLING CODE 3410–30–M

CIVIL AERONAUTICS BOARD

[82–7–79]

Application of United Air Carriers, Inc. d.b.a. Overseas National Airways for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82–7–79).

SUMMARY: The Board is proposing to award certificates of public convenience and necessity to United Air Carriers, Inc. d/b/a Overseas National Airways authorizing it to engage in the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except that it should not have to conduct all-cargo operations within Alaska or Hawaii and foreign air transportation of persons, property and mail between the United States and points in Belgium, the Netherlands, Luxembourg and the Federal Republic of Germany. The Board is also tentatively deciding that Overseas National Airways is fit, willing, and able to provide service.

DATES: Objections: All interested persons having objections to the Board's issuing the proposed certificates or to its tentative finding of fitness shall file, and serve upon all persons listed below no latter than August 11, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Dockets 40634 and 40635, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Overseas National Airways; and the major and airport manager of each city to which the pleading refers.

FOR FURTHER INFORMATION CONTACT: Gerard N. Boller, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5352.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–7–79 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–7–79 to that address.

By the Civil Aeronautics Board: July 22, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20279 Filed 7–26–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Float Glass From Belgium; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

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

SUMMARY: On February 11, 1982 (47 FR 6310), the Department of Commerce published in the Federal Register a notice of the revised preliminary results of its administrative review of the countervailing duty order on float glass from Belgium. The review covered the period of July 1, 1980 through March 31, 1981.

Interested parties were invited to comment on the preliminary results. Upon review of all comments received, the Department has determined the net subsidy to be 0.29 percent *ad valorem.* Because this rate is *de minimis,* the Department will instruct the Customs Service not to collect countervailing duties for entries during the period July 18, 1980 through February 19, 1981. Further, the Department is establishing a zero countervailing duty deposit rate for future entries.

EFFECTIVE DATE: July 27, 1982.

FOR FURTHER INFORMATION CONTACT: Claire Rickard or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1487/2786).

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 30160) the preliminary results of its administrative review of the countervailing duty order on float glass from Belgium (46 FR 10905). On February 11, 1982, the Department published revised preliminary results of the review (47 FR 6310). The Department has now completed that review.

Scope of the Review

The merchandise covered by the review is Belgian flat glass manufactured by the float process. This merchandise is currently classifiable under items 543.2100 through 543.6900 of the Tariff Schedules of the United States Annotated. Entries of float glass which has been substantially further manufactured (e.g., into tempered glass or laminated glass) are not subject to this countervailing duty order.

The review covers Glaverbel, S.A. and Glaceries de Saint-Roch, S.A. ("GSR"), the two known exporters of this merchandise to the United States. The revised time period covered by the review is July 1, 1980 through March 31, 1981. The Department reviewed four subsidy programs: interest rebates, capital grants, exemptions from certain property taxes, and exemptions from local taxes.

Analysis of Comments Received

Interested parties were invited to comment on our revised preliminary results. At the request of the petitioner, PPG Industries, Inc., we held a public hearing on April 16, 1982. The major outstanding issues raised at the public hearing and in the comments submitted are as follows:

(1) *Comment:* The petitioner objected to the Department's preliminary determination that the net subsidy rate for the period is *de minimis.*

Position: The Court of International Trade has upheld the application of the *de minimis* principle to countervailing duty investigations in *Carlisle Tire and Rubber Co.* v. *United States*, 517 F. Supp. 704 (C.I.T. 1981). Since the Department assumed responsibility for administration of the countervailing duty law on January 2, 1980, it has consistently applied the *de minimis* principle and has not found to be countervailable any entries made on or after January 1, 1980, which are subject to aggregate net subsidy rates of less than 0.5 percent *ad valorem.* This consistent administrative practice recognizes that at some point a benefit becomes so small that it is of no significance.

(2) *Comment:* The petitioner objected to the Department's preliminary determination that the net subsidy rate for Belgian float glass is 0.29 percent *ad valorem,* on the grounds that use of a country-wide rate is arbitrary.

Position: It is not necessary to respond to petitioner's objection to use of a country-wide rate since in this case all the rates, the country-wide rate and the two company-specific rates, are *de minimis.*

(3) *Comment:* The petitioner objected to the Department's use of ten years as the average useful life of capital assets over which to allocate the capital grants received by GSR and Glaverbel.

Position: During the verification both GSR and Glaverbel independently gave ten years as the average accounting useful life of their float glass production lines. These figures were supported by depreciation figures in GSR's company books and by the amortization rates in Glaverbel's 1980 annual report, which stated that the superstructure of glass melting ovens was amortized over six years and the infrastructure over fifteen years. It is Department policy to follow the accounting practice of the country under investigation unless we have reason to question that practice. We have used the average accounting useful lives because they reflect the assets' economic lifespan. Such a measurement more accurately incorporates considerations such as technological obsolescence than estimates of physical useful lives.

Petitioner submitted an affidavit supporting its argument that the ten year amortization period was far shorter than the useful life for float glass production lines, based on U.S. industry experience. Petitioner argued that the period should be twenty to thirty years. However, petitioner's affidavit seems to refer to physical useful life. Moreover, U.S. Internal Revenue Service tables indicate that depreciation periods for assets used in production of float glass can range from eleven to seventeen years (Rev. Proc. 77–10, 1977–1 Cum. Bull. 548). These tables, used as a check against the accuracy of our choice of ten years as the allocation period, do not support petitioner's argument that the ten year period bears no relationship to the useful life of float glass production assets. The IRS tables, combined with the support found for the ten year period in GSR's books and the Glaverbel annual report, cause us to conclude that petitioner's affidavit is insufficient reason for us to reject the ten year figure.

(4) *Comment:* Petitioner objects to our preliminary determination to allocate the capital grants over one-half the useful life of the assets purchased with the grants and without taking into account the time value of money.

Position: It was the consistent administrative practice of the Department of the Treasury ("Treasury"), in its administration of the countervailing duty law prior to January 2, 1980, not to take into account the time value of money in valuing a grant. The Department of Commerce adopted the administrative practice of allocating capital grants over one-half the useful life of the assets purchased with the grants and without taking into account the time value of money. The Department adopted the administrative practice of allocating grants over one-half the useful life of the assets purchased in order to comply with the congressional intent for front loading such subsidies. The Department has determined that allocating the capital grants over half the useful life of the acquired assets is a reasonable approach to meeting that directive.

At the same time, the Department recognizes that there may be other reasonable methods of measuring competitive benefit for our use in future reviews in this and other cases. Specifically, in the preliminary affirmative countervailing duty determinations on certain steel products from Belgium, Brazil, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, South Africa, and the United Kingdom (47 FR 26300, June 17, 1982), we proposed allocating the benefits of capital grants over the full life of capital assets and valuing such grants so that the present value (in the year of the grant receipt) of the amounts, allocated over time, equals the face value of the grants. The Department has asked for comments on this proposed methodology.

The preliminary results in this review of the order on Belgian float glass were published, and a hearing held and comments received, prior to the Department's publication of the preliminary determinations on certain steel products. We believe it is inappropriate to apply the new methodology in all our section 751 reviews until the methodology is adopted, possibly in final determinations in the pending steel cases. Further, possible future acceptance of the new methodology does not indicate that the existing methodology is not also a reasonable way to allocate grants.

(5) *Comment:* Petitioner argues that the subsidy value of a grant should be calculated as the book value each year of the asset acquired for the entire useful life of the asset.

Position: Petitioner's argument, if accepted, would grossly overstate the value of the subsidy and would produce a hypothetical figure unrelated to any accepted financial or accounting practice for valuing receipt of a grant.

(6) *Comment:* Petitioners objects to our preliminary results on the grounds that subsidies applicable to merchandise entered during the pendency of the court challenge to Treasury's negative finding but prior to the date of suspension of liquidation should be applied prospectively.

Position: The Department's methodology attributes subsidies to the entries which benefit economically from those subsidies. It would disregard economic reality to attribute to subsequent entries economic benefits which were actually received by products which have already been liquidated.

Liquidation of Belgian float glass was suspended on July 18, 1980, when the Customs Court (now the Court of International Trade) granted petitioner/plaintiff's motion for summary judgment and remanded the case to the Department. Since this case was litigated under the law in effect prior to passage of the Trade Agreements Act of 1979 ("the TAA"), there was no provision for suspending liquidation during litigation. 19 U.S.C. 1516 (e) and (g), as in effect prior to January 1, 1980, provided that, while litigation was pending, entries had to be liquidated in accordance with the administrative decision in effect at that time and that there could be no suspension of liquidation until publication of an adverse court decision in the litigation. The TAA specifically provided for injunctions against liquidation during litigation. This specific provision would not have been necessary had the right already existed prior to January 1, 1980. Consequently, the result which petitioner objects to is the specific result intended by Congress under the law in effect while petitioner's case was being litigated.

Final Results of the Review

Upon review of all comments received, we determine that the aggregate net subsidy conferred by the four programs cited above during the period of review is 0.29 percent *ad valorem* country-wide (0.46 percent *ad valorem* for GSR and 0.10 percent *ad valorem* for Glaverbel). These rates are less than 0.5 percent and therefore *de minimis*. Accordingly, the Department will instruct the Customs Service not to assess countervailing duties on any shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after July 18, 1980 and entered before February 20, 1981. On February 20, 1981, the International Trade Commission ("the ITC") notified the Department that the Belgian government had requested an injury determination for this order under section 104(b) of the TAA. If the ITC should find that there is injury or likelihood of injury to an industry in the United States, as provided in section 104(b)(2) of the TAA, the Department shall instruct the Customs Service to assess countervailing duties of 2 percent of the f.o.b. value (the cash deposit required at time of entry) on unliquidated entries of float glass from Belgium entered, or withdrawn from warehouse, for consumption on or after February 20, 1981, and exported on or before March 31, 1981.

Further, as provided by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Customs Service will not collect a cash deposit of estimated countervailing duties on any shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review.

The Department is now commencing the next administrative review of the order. The amount of countervailing duties to be imposed on the merchandise exported during the period April 1, 1981 through March 31, 1982, will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after April 1, 1981.

The Department encourages interested parties to review the public record and submit applications 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 § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 22, 1982.

[FR Doc. 82-20283 Filed 7-26-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to discuss the Tilefish Fishery Management Plan as well as discuss the role of the Scientific and Statistical Committee in relation to the Council.

DATES: The public meeting will convene on Wednesday, September 1, 1982, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m. The meeting may be lengthened or shortened or agenda items rearranged depending upon progress of same, and will take place at the Best Western Airport Motel, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901; Phone (302) 674-2331.

Dated: July 22, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-20250 Filed 7-26-82; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam and Ocean Quahog Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Surf Clam and Ocean Quahog Subpanel

which will hold two separate public meetings. On August 27, 1982, the Subpanel will meet to discuss results of a survey in the surf clam closed area, as well as limited entry and on September 24, 1982, the Subpanel will meet to discuss the 1983 quota and, again, limited entry.

DATES: The August 27 and September 24, 1982, public meetings will convene at approximately 10 a.m., and will adjourn at approximately 4 p.m., both days. The meetings may be lengthened or shortened or agenda items rearranged depending upon progress of same. Both meetings will take place at the Sheraton, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901; Telephone (302) 674–2331.

Dated: July 22, 1982.

Jack I Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82–20249 Filed 7–26–82; 8:45 am]

BILLING CODE 3510–22–M

COPYRIGHT ROYALTY TRIBUNAL

[CRT 80–4]

Order Requesting Declaratory Ruling and Conditioning of Distribution of 1979 Cable Royalty Fund

On June 29, 1982 Golden West filed with the Copyright Royalty Tribunal a Request for Declaratory Ruling and Conditioning of Distribution of Funds. The Motion Picture Association of America filed an opposition to the request on June 30, 1982. Golden West filed its reply to the opposition on July 1, 1982.

The Tribunal heard oral argument on the matter on July 14, 1982.

In a public meeting on July 21, 1982 the Tribunal denied the Golden West request by a vote of 1 yes (Commissioner Brennan), 3 nays (Commissioners Coulter, Burg, and Garcia) and 1 absentation (Commissioner Ray).

Minority views of Commissioner Brennan follows:

Frances Garcia,

Chairman.

Minority Views of Commissioner Brennan

The Tribunal has jurisdiction to consider the motion of Golden West, and the motion should have been granted.

The Tribunal retains residual jurisdiction to provide for the distribution of the royalty fund in accordance with its proceedings and orders. The Tribunal has declined to distribute to Golden West the royalty fees required by a voluntary agreement with MPAA announced during the proceedings of the Tribunal. MPAA later discovered that it had made a mistake adverse to its interest, and it declined to observe the agreement. Not for the first time in the 1979 cable distribution proceedings, the majority has placed the interests of MPAA above the rights of other claimants.

The Tribunal's denial of the motion of Golden West is arbitrary and cannot be defended either as a matter of law or equity.

[FR Doc. 82–20216 Filed 7–26–82; 8:45 am]

BILLING CODE 1410–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Wool Apparel Products From the Socialist Republic of Romania

July 21, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 7,037 to 8,037 dozen the designated consultation level for women's, girls', and infants' wool coats and suits in Category 435/444, produced or manufactured in the Socialist Republic of Romania and exported during the agreement year which began on April 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

SUMMARY: Pursuant to agreement between the Governments of the United States and the Socialist Republic of Romania, the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, and November 3, 1980, as amended, between the two Governments is being further amended to increase the designated consultation level established for wool apparel products in Category 435/444 to 8,037 dozen for the agreement year which began on April 1, 1982 and extends through March 31, 1983.

EFFECTIVE DATE: July 21, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On April 1, 1982, there was published in the **Federal Register** (47 FR 13856) a letter dated March 25, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Category 435/444, produced or manufactured in the Socialist Republic of Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In the letter published below, in accordance with the terms of the bilateral agreement, as further amended, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level previously established for Category 435/444 to 8,037 dozen.

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

July 21, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 25, 1982 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in Romania.

Effective on July 21, 1982, paragraph 1 of the directive of March 25, 1982 is amended to increase the level of restraint for wool textile products in Category 435/444 to 8,037 dozen [1] for the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983.

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

[1] The level of restraint has not been adjusted to reflect any imports after March 31, 1982.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-20282 Filed 7-26-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of The Air Force

Acceptance of Group Application; Guam Combat Patrol

Under the provisions of Section 401 of Public Law 95-202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of the Guam Combat Patrol. Persons with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, DC 20330. For further information contact Mrs. Simard, Telephone No. 694-5074.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-20224 Filed 7-26-82; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Department of the Air Force; Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Air Force Reserve Officer Training Corps (AFROTC) Cadet Personnel System (formerly AFROTC Accession and Membership Forms)

This report is needed for AFROTC program management of cadets/applications. It is used for (1) keeping account of applicants/cadets on board, (2) aiding in the scholarship selection process, (3) determining trends, and (4) aiding in the performance of enrollment analyses, etc. It is the basis for personnel recordkeeping.

Candidates for Air Force officer commissioning through ROTC: 33,120 responses, 4,703 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Mr. Williamson or Capt. LaCour, AFROTC/XRS, Maxwell AFB, AL 36112, telephone (205) 293-7107.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 22, 1982.

[FR Doc. 82-20278 Filed 7-26-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-004]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Furnace Test Procedures to Lennox Industries, Inc.

AGENCY: Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (case no. F-004) granting Lennox Industries Inc. a waiver for its model G14 furnace from the existing DOE test procedures for furnaces.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-113.1, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy Office of General Counsel Mail Station GC-33, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Lennox Industries Inc. has been granted a waiver for its model G14 pulse-combustion/condensing warm air furnace, permitting the company to use an alternate test method and in-house test facilities.

Issued in Washington, D.C., July 7, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order of the Department of Energy—Assistant Secretary for Conservation and Renewable Energy

In the matter of Lennox Industries Inc., Case No. F-004.

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3266, which require the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedure is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy amended the prescribed test procedure regulations, by adding § 430.27, to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of it true energy consumption characteristics as to provide materially inaccurate comparative data. 45 FR 64108, Sept. 26, 1980.

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

Lennox Industries Inc. (Lennox), filed a "Petition for Waiver" in accordance with section 430.27 of 10 CFR Part 430. DOE published in the **Federal Register** the Lennox petition and solicited comments, data, and information respecting the petition. 47 FR 8812, March 2, 1982. Notice of petition for waiver was sent to known manufacturers of domestically marketed condensing furnaces, i.e., Arkla Industries and Hydro Therm, Inc. Comments were received from Arkla Industries, Carrier Corp., Hydro Therm Inc., and The Singer Company, all manufacturers of furnaces. Comments were also received from the Oklahoma Natural Gas Company and the Lone Star Gas Company, both public utilities. The comments were sent to the petitioner on April 7, 1982. DOE consulted with the Federal Trade Commission on April 29, 1982, concerning the petition from Lennox.

Assertions and Determinations

The Lennox petition contends that even though the DOE test procedures for furnaces were amended to allow testing of pulse/condensing furnaces, 45 FR 53714, Aug. 12, 1980, its model G14 pulse combustion furnace line, when tested according to those procedures, will yield materially inaccurate comparative data.

The Lennox petition seeks a waiver from the present DOE test method basing condensation calculations on the average flue gas temperature. Lennox contends that its G14 furnace line condenses more of the water vapor than is calculated by the DOE test method. In lieu of the current test method, Lennox requests the option to use the condensate measuring test method set forth in Appendix C of the National Bureau of Standards (NBS) Interagency Report 80–2110, "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers" (hereafter referred to as the alternate test method), to determine the energy efficiency of its model G14 furnace line.

Lennox, further, seeks permission to conduct testing using the alternate test method at its in-house test facilities. Such allowance for in-house testing was rejected in a previous Decision and Order on the grounds that the reliability of the alternate test method was suspect. 46 FR 34621, July 2, 1981. Lennox contends that the alternate test method is of sufficient reliability to permit in-house testing by manufacturers.

All commenters supported Lennox's allegation that the existing test procedures for condensing furnaces understate the seasonal efficiency of a pulse-combustion/condensing furnace, such as the Lennox G14 furnace. In addition, NBS investigated Lennox's claims and reported that efficiency improvement attributable to the condensing mode of operation could be understated as a result of the existing DOE test procedures. Based on this information, DOE has determined that Lennox should be granted a waiver to use the alternate method when testing its G14 furnaces.

Hydro Therm and Singer supported Lennox's request for in-house testing. Hydro Therm's comments stated that the results of tests conducted at an independent laboratory using the alternate test method were substantially identical to the results it obtained through in-house testing. Thus, according to Hydro Therm the alternate test method has been shown to be of sufficient reliability to permit "in-house" testing. No opposition to Lennox's request for in-house testing was presented in the comments.

Based principally on the statement of Hydro Therm concerning the reliability of the alternate test method, as well as the materials presented by Lennox and the other commenters, and in order to save the manufacturer time and money, DOE has determined to grant Lennox's request for in-house testing.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Lennox Industries Incorporated is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR, Part 430, Subpart B, Lennox Industries Incorporated shall be permitted to test its model G14 pulse-combustion/condensing warm air furnace on the basis of the test procedures specified in 10 CFR, Part 430, with the modifications set forth below:

(a) *Test Conditions*—

(1) The test unit shall be installed according to the requirements given in section 2.

(2) Control devices shall be installed to allow cyclical operation of the unit and return water as described in section 3.3.

(3) The test unit shall be leveled prior to test.

(4) Operation times and the beginning and end of condensate collection shall be determined by a clock or timer with a minimum resolution to one second.

(5) Control of on or off operation actions shall be within ±6 seconds of the scheduled time.

(6) Condensate drain lines shall be attached to the unit as specified in the manufacturer's installation instructions.

(7) The flue pipe installation must not allow condensate formed in the flue pipe to flow back into the unit. An initial downward slope from the unit's exit, an offset with a drip leg, annular collection rings, or drain holes must be included in the flue pipe installation without disturbing normal flue gas flow (as given in section 2.2), and temperature measurement instrumentation (as given in section 2.6). Flue gases shall not flow out of the drain with the condensate.

(8) Collection-containers must be glass or polished stainless steel, so removal of interior deposits can be easily made.

(9) The collection-container shall have a vent opening to the atmosphere.

(10) The scale for measuring the containers and condensate sample mass shall be calibrated with an error no larger than ±0.5 percent over the range of interest.

(b) *Test Method*—

(1) The condensing furnace or boiler is to have steady-state, cool-down, and heat-up tests conducted in accordance with the procedures for non-condensing units given in section 3, using the flue gas, air or water flow, and room ambient conditions given.

(2) The condensate collection containers shall be dried prior to each use and be at room ambient temperature prior to a sample collection.

(3) Tare weight of the collection-container must be measured and recorded prior to each sample collection.

(4) Operating times for on and off periods at 22.5 percent on time schedule shall be: 9 minutes 41 seconds on and 33 minutes 16 seconds off for boilers and 3 minutes 52 seconds on and 13 minutes 20 seconds off for warm air furnaces.

(5) The unit should be operated in a cyclical manner until flue gas temperatures at the end of each on period are within 5°F (2.8°C) of each other for two consecutive cycles.

(6) Begin the three test cycles.

(7) Return water temperature for boilers or return air temperature for furnaces shall be equal to those required for steady-state test periods, and shall remain within the limits given in the existing test procedure.

(8) Begin condensate collection at one minute before start up of the first test on-period.

(9) Three cycles later, the container shall be removed at the end of the cool down cycle one minute prior to the beginning of what would be the fourth cycle period.

(10) Condensate mass shall be measured immediately at the end of the collection period to prevent evaporation loss from the sample.

(11) Fuel input shall be recorded during the entire test period starting at the beginning of the on-time of the first cycle to the beginning of the on-time of the second cycle, etc., for each of the three test cycles. Fuel Higher Heating Value (HHV), temperature and pressures necessary for determining fuel energy input, Q_c, will be observed and recorded. The fuel quantity and HHV shall be measured with errors no greater than one percent.

(c) *Calculating the condensing Annual Fuel Utilization Efficiency (AFUE)*—

(1) Determine the mass of condensate for three cycles, m_c, by subtracting the tare container weight from the total container and condensate weight at end of the three cycles of operations.

(2) Calculate the fuel energy input during the three cycles, Q_c, in Btu/(3 cycles).

(3) Calculate the heat gain due to condensation, L_G, in percent by the following equation:

$$L_G = \frac{m_c(1\text{bm}/(3\text{ cycle})) \times 1053.3(\text{Btu}/1\text{bm}) \times 100}{Q_c(\text{Btu}/(3\text{ cycles}))}$$

(4) Calculate the loss, L_c, due to hot condensate going down the drain, correcting the fact that this condensate did not go up the flue as heated vapor.

$$L_c = \frac{L_G[1.0(T_{f,ss} - 70) - .45\ (T_{f,ss} - 42)]}{1053.3}$$

(5) Calculate the condensating AFUE by adding the percent heat gain due to condensing, L_G, to the previously calculated non-condensing AFUE and by subtraction L_c.

$$AFUE_c = AFUE_{NC} + L_G - L_c$$

(d) With the exception of the modifications set forth in subparagraphs (a), (b) and (c) above, Lennox Industries Inc. shall comply in all respects with the test procedures specified in Appendix N of 10 CFR, Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this order until the Department of Energy prescribes final test procedures appropriate to the type of condensing warm air furnace manufactured by Lennox Industries Inc.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., July 7, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82-20167 Filed 7-26-82; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Finding of No Significant Impact; Fuel Materials Facility, Savannah River Plant, Aiken, S.C.

AGENCY: Department of Energy.

ACTION: Finding of no significant impact for the construction and operation of the Naval Reactor Fuel Materials Facility.

SUMMARY: The Department of Energy has prepared an environmental assessment for the construction and operation of the Naval Reactor Fuel Materials Facility at the Department's Savannah River Plant near Aiken, South Carolina. Based upon the analyses in the environmental assessment, and after consideration of comments received during a 30-day review period on a proposed Finding of No Significant Impact, the Department has determined that preparation of an environmental impact statement is not required.

Background

Notice of availability of the environmental assessment and a proposed Finding of No Significant Impact were published in the **Federal Register** on May 19, 1982. The proposed Finding and copies of the environmental assessment were distributed to interested individuals and organizations. The 30-day public comment period expired June 18, 1982. Only one comment letter was received. This letter was from the U.S. Department of Labor, Occupational Safety and Health Administration. The Department of Energy has prepared an appendix to the environmental assessment which contains the comment letter and the responses to the few issues raised by the Department of Labor letter.

Since no issues bearing on the significance of the environmental impacts of the Naval Reactor Fuel Materials Facility were raised during the comment period, the Department has made a final determination that preparation of an environmental impact statement, pursuant to the requirements of the National Environmental Policy Act, is not required. The final Finding of No Significant Impact is presented below.

ADDRESS: Copies of the environmental assessment and the new appendix can be obtained from: Roger P. Whitfield, Director, Fuel Materials Facility Project Office, Department of Energy, P.O. Box A, Aiken, South Carolina 29801

Finding of No Significant Impact

The action involves the construction and operation of the Naval Reactor Fuel Materials Facility at the Department of Energy's Savannah River Plant (SRP) near Aiken, South Carolina. The facility will convert enriched uranium into a form suitable for use in the fabrication of reactor cores for propulsion of the ships of the Naval Nuclear Fleet. The Fuel Materials Facility will augment the production of fuel material, currently limited to an existing commercial supplier, as a contingency against unforeseen events.

There are no known significant environmental impacts associated with the action. The Fuel Materials Facility will be located on a previously cleared 6-acre site in an existing SRP operating area. Minor construction impacts will be experienced, including minimal increases in particulate emissions and noise levels at the SRP boundary. The peak construction work force demand for 580 employees will primarily be met by the local labor force. Inmigration of an estimated 180 construction employees should have a minor effect on land use, housing and social services. No impcats are expected on historic or archeological sites or ecological resources.

The routine operation of the Fuel Materials Facility will result in atmospheric and liquid radiological releases that will be substantially below naturally occurring (background) levels. Similarly, even the most serious accident (tornado) would result in a maximum individual dose (at the SRP boundary 6 miles away) of 1.9 millirem, which is 2 percent of naturally occurring levels and 0.4 percent of the Department's standard for radiation protection (DOE Order 5480.1).

Nonradiological releases will not significantly affect the environment. Atmospheric emissions will result in maximum offsite concentrations that are substantially below background levels and will have a negligible effect on air quality. The liquid effluents will result in increased concentrations of pollutants in onsite streams; however, levels will be well below drinking water standards (40 CFR Part 140 and Part 143) and any changes in offsite concentrations in the Savannah River will be undetectable.

The alternatives to the action considered were: no action, commercial production, alternative processes and alternative DOE sites. The no-action alternative is considered unacceptable because of project need. Commercial production of fuel materials was eliminated as a viable alternative due to requirements by commercial firms for Government funding and assumption of financial risks. Alternative processes were precluded from consideration since only one process is technically qualified for producing fuel materials. A siting study identified an alternate site at Oak Ridge, Tennessee, which was assessed; no significant differences between it and the SRP site were found.

Dated: July 19, 1982.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness

[FR Doc. 82-20166 Filed 7-26-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2174-8]

Municipal Wastewater Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

The Office of Water has completed a guidance document entitled "Construction Grants 1982 (CG-82)." CG-82 restates regulatory requirements and consolidates technical procedures, policy directives and guidance applicable to the planning, design and construction phases of the Environmental Protection Agency (EPA) construction grants program. CG-82 is consistent with the interim final construction grants regulations (Subpart I issued on May 12, 1982) and the 1981 amendments to the Clean Water Act.

CG-82 contains necessary information to be used by grantees and their architect/engineers as a supplement to the revised construction grants regulations. CG-82 is a guidance for the planning, design, and construction of a wastewater treatment plant based on good practice. CG-82 may also be used by the State agencies and EPA regional offices as guidance in reviewing construction grants applications.

EPA's ultimate goal is to rely on regulations and guidance, and to reduce policy memoranda to a minimum. CG-82 supersedes approximately 50 program requirements and program operations memoranda.

The information and guidance contained in CG-82 can and should be used immediately. EPA will update the document (as "CG-83") to account for

any changes in the construction grant regulations when they are promulgated in final form. For this reason, comments on CG–82 are encouraged, especially with respect to its applicability and usefulness. Specific comments are also requested on any missing subjects or areas in need of clarification or elaboration. We will use these comments to make revisions to the document. Comments should be sent to Mr. Lam Lim.

Copies of CG–82 have been sent to the EPA regional offices and to State water pollution control agencies which have received construction grants program delegation. CG–82 is available at those locations. Copies of CG–82 are also available from the EPA address below.

ADDRESS: Mr. Lam Lim, Municipal Technology Branch, Municipal Construction Division (WH–547), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Lam Lim, (202) 426–8976.

Dated: July 13, 1982.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water (WH–556).

[FR Doc. 82–20213 Filed 7–26–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1367]

Petitions for Reconsideration and Applications for Review of Actions in Rule Making Proceedings

July 21, 1982.

The following listings of petitions for reconsideration and applications for review filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration and applications for review must be filed by August 11, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Parts 2 and 22 of the Commission's Rules to Allocates Spectrum in the 928–941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service. (Gen Docket No. 80–183, RM's 2365, 2750, 3047 and 3068)

Filed by: Robert A. Woods and Steven C. Schaffer, Attorneys for Page America Communications, Inc., on 7–7–82; Russell D. Lukas, Morgan E. O'Brien and Williams J. Franklin, Attorneys for Mobile Communications Corporation of America on 7–8–82; Kenneth E. Hardman, Attorney for Telocator Network of America on 7–8–82; Eliot J. Greenwald, Attorney for Beep-Beep Page, Inc., on 7–8–82.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Helena, Montana) (BC Docket No. 80–523, RM's 3543 and 3780)

Filed by: Richard Hildreth and David N. Sternlicht, Attorneys for Capital Investments on 7–6–82. (Application for Review)

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–20186 Filed 7–26–82; 8:45 am]

BILLING CODE 6712–01–M

Radio Technical Commission for Marine Services; Meetings

In accordance with Public Law 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 81

"Review of FCC Rules Applicable to VHF–FM Maritime Frequencies," Notice of 7th Meeting, Wednesday, August 18, 1982—9:30 a.m., room 7327, 2025 M Street NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Evaluation of questionnaire concerning VHF–FM maritime frequencies.
3. Assignment of tasks.

Carl Gray, Chairman SC–81, Consultant, American Waterways Operators, Inc., 1055 Dalebrook Drive, Alexandria, VA 22308, phone: (703) 360–4625.

Special Committee No. 79

"Universal Marine Radiotelephone Compatibility", Notice of 9th Meeting, Wednesday, August 18, 1982—11:00 a.m., Conference Room 7327, 2025 M Street NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Working Papers.

T. B. Miller, Chairman SC–79; WJG Telephone Company, P.O. Box 9363, Memphis, TN 38109, phone: (901) 789–3800.

Executive Committee Meeting

Notice of August Meeting, Thursday, August 19, 1982—9:00 a.m., Conference Room 9230, Nassif Building, 400 Seventh Street SW., Washington, DC.

Agenda

1. Administrative Matters.
2. Special Committee Reports.

Special Committee No. 80

"FCC Rules Review as Required by Regulatory Flexibility Act of 1980", Notice of 6th Meeting, Thursday, August 19, 1982—3:00 p.m., Conference Room 2169, Comsat Building, 950 L'Enfant Plaza SW., Washington, DC.

Agenda

1. Administrative Matters.
2. Discussion concerning FCC Rules to be reviewed.
3. Assignment of tasks.

Charles S. Carnev, Chairman SC–80, Nav–Com, Inc., 711 Grand Blvd., Deer Park, NY 11729, phone: (516) 667–7710.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–20187 Filed 7–26–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–177]

First Federal Savings and Loan Association of Paragould, Paragould, Arkansas; Final Action; Approval of Post-Approval Amendments to Mutual-To-Stock Conversion Application

Dated: July 22, 1982.

Notice is hereby given that on July 19, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of First Federal Savings and Loan Association of Paragould, Paragould, Arkansas ("Association"). The application had been approved by the Board by Resolution No. 81–604, dated October 7, 1981. Copies of the application and all amendments thereto

are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-20273 Filed 7-26-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-178]

Fortune Federal Savings and Loan Association, Clearwater, Florida; Final Action; Approval of Post-Approval Amendments To Mutual-To-Stock Conversion Application

Dated: July 22, 1982.

Notice is hereby given that on July 21, 1982, the Office of General Counsel of the Home Loan Bank Board ("Board"), acting pursuant to delegated authority approved amendments to the mutual-to-stock conversion application of Fortune Federal Savings and Loan Association, Clearwater, Florida ("Association"), and amendments to Board Resolution No. 82-336, dated May 13, 1982, pursuant to which the Board approved the mutual-to-stock conversion application of the Association. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR DOC. 82-20276 Filed 7-26-82; 8:45 am]

BILLING CODE 6720-01-M

Guaranty Federal Savings and Loan Association, Casper, Wyoming; Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: July 22, 1982.

Notice is hereby given that on July 19, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of Guaranty Federal Savings and Loan Association, Casper, Wyoming ("Association"). The application had been approved by the Board by Resolution No. 81-317, dated June 4, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR DOC. 82-20274 Filed 7-26-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-176]

Home Owners Federal Savings and Loan Association, Boston, Massachusetts; Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: July 22, 1982.

Notice is hereby given that on July 19, 1982, the General Counsel of the Federal Home Loan Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of First Federal Savings and Loan Association, Boston Massachusetts ("Association"). The application had been approved by the Board by Resolution No. 81-338, dated July 16, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Boston, One Federal Street, 30th Floor, Boston, Massachusetts 02110.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-20275 Filed 7-26-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreements including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 6, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. 7590-32.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 7590-32 supersedes Agreement No. 7590-30, which was withdrawn from further Commission consideration on July 13, 1982. Agreement No. 7590-32 would amend the scope of the East Coast Columbia Conference Agreement by adding, thereto, ports and points on the West Coast of Colombia. The scope of the amended agreement, which would also be renamed the United States Atlantic & Gulf/Colombia Freight Conference, would read in pertinent part as follows:

* * * Between Atlantic and Gulf ports of the United States and ports and points on the East Coast of Colombia, S.A., and from United States Atlantic and Gulf ports to ports and points on the West Coast of Colombia * * *.

Agreement No. 7590-32 is being processed in conjunction with pending Agreement No. 2744-47, which would remove ports on the West Coast of Colombia from the geographic scope of the Atlantic & Gulf/West Coast of South America Conference Agreement.

By order of the Federal Maritime Commission.

Dated: July 22, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-20204 Filed 7-26-82; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Cancellations

Agreement No. 9763 (Agency Agreement)

Filing party: Mr. George H. Walls, United Brands Company, 1271 Avenue of the Americas, New York, New York 10020.

Summary: On July 9, 1982, the Commission received notice from United Brands Company to cancel its Agreement No. 9763 with Empresa Hondurena de Vapores, S.A. Accordingly, Agreement No. 9763 is canceled effective July 9, 1982, the date the notice of cancellation was received by the Commission.

Agreements Nos. 10211 and 10309 (Container Leasing Agreements)

Filing party: Mr. H. P. Breed, Jr., United States Lines, Inc., 27 Commerce Drive, Cranford, New Jersey 07016.

Summary: On July 12, 1982, the Commission received notice from United States Lines to cancel its Agreement No. 10211 with Palau Shipping Co. Inc. and Agreement No. 10309 with Oceania Line, Ltd. Accordingly, Agreements Nos. 10211 and 10309 (Container Leasing Agreements) are canceled effective July 12, 1982, the date the notice of cancellation was received by the Commission.

By Order of the Federal Maritime Commission.

Dated: July 22, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-20205 Filed 7-26-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an applicatio 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 Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Florida Banks, Inc.* and *7L Corporation,* both of Tampa, Florida; to acquire 90 percent of the voting shares or assets of Clearwater Beach Bank, Clearwater, Florida. Comments on this application must be received not later than August 19, 1982.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Southwest Bancshares, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares of The First National Bank of Brenham, Brenham, Texas. Comments on this application must be received not later than August 19, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares or assets of First City Bank-East, N.A., El Paso, Texas, a proposed new bank. this application may be inspected at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than August 19, 1982.

Board of Governors of the Federal Reserve System, July 20, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20185 Filed 7-26-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have 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 each 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 an 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.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that 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 the date indicated for each application.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation,* Atlanta, Georgia (mortgage banking and insurance activities; Florida): To engage, through its subsidiary, Citizens and Southern Mortgage Company, (FLA), in mortgage lending and mortgage banking activities, including the extension of direct loans to consumers, the purchase and discount of real estate loans and other extensions of credit, making, acquiring, servicing, or soliciting, for its own account or for the account of others, loans and other extensions of credit; and acting as agent for the sale of life, accident and health insurance directly related to its extensions of credit. These activities would be conducted from offices in Tampa, Florida, serving Tampa and St. Petersburg and the central Florida area. Comments on this application must be received not later than August 18, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Midland Bank plc, Midland California Holdings, Ltd.,* both of London, England and *Crocker National Corporation,* San Francisco, California (mortgage banking; leasing activities; United States): Propose to engage, through a subsidiary, Crocker Mortgage Company, Inc., in mortgage banking activities including originating mortgage loans on single and multi-family residential properties and commercial non-residential properties, selling the mortgage loans to permanent investors, and servicing the loans on behalf of investors who purchase them and assisting developers and builders in

obtaining construction loans and other types of development loans; acquiring from others, for its own account or for the account of others, entire or partial interests in real estate loans and extensions of credit secured by real estate, including interim, construction, development and long-term real estate loans and related security; acquiring, holding and disposing of, for its own account or the account of others, notes, bonds, debentures, pass-through certificates, or other similar instruments, which are secured or backed directly or indirectly by interests in real estate or in extensions of real estate credit; leasing real property in accordance with the provisions of § 225.4(a)(6) of Regulation Y; acting as agent, broker or advisor to any person or entity in connection with transactions of the types described above; and servicing real estate loans and other extensions of real estate credit owned by others. These activities would be conducted from an office in Dallas, Texas, serving the United States. Comments on this application must be received not later than August 23, 1982.

2. *Seafirst Corporation*, Seattle, Washington (insurance activities; Arizona, California, Nevada, Oregon, Washington): To expand the activities of its subsidiary, Seafirst Insurance Corporation, to include acting as agent for the sale of homeowners insurance directly related to extensions of credit by Seafirst Corporation or its subsidiaries. These activities would be conducted from the main office of Seafirst Insurance Corporation in Seattle, Washington, serving Arizona, California, Nevada, Oregon and Washington. Comments on this application must be received not later than August 20, 1982.

Board of Governors of the Federal Reserve System, July 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20181 Filed 7-26-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Huntington Bancshares, Inc.*, Huntington, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank in Huntington, Huntington, Indiana. Comments on this application must be received not later than August 20, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenid, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Nicol Bankshares Corporation*, Olathe, Kansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of The First Citibank of Olathe, Olathe, Kansas. Comments on this application must be received not later than August 20, 1982.

Board of Governors of the Federal Reserve System, July 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20182 Filed 7-26-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Financial Trans Corp.*, Carlisle, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Trust Company, Carlisle, Pennsylvania. Comments on this application must be received not later than August 19, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Hillsboro Capital Corporation*, Hillsboro, Kansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank, Hillsboro, Kansas. Comments on this application must be received not later than August 19, 1982.

Board of Governors of the Federal Reserve System, July 20, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20184 Filed 7-26-82; 8:45 am]

BILLING CODE 6210-01-M

Panora Financial Corp.; Formation of Bank Holding Company

Panora Financial Corp., Panora, Iowa, has 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 a bank holding company by acquiring 83.53 percent or more of the voting shares of Panora State Bank, Panora, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Panora Financial Corp., Panora, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Mid-Iowa, Inc. (d.b.a. Panora Insurance Agency), Panora, Iowa.

Applicant states the proposed subsidiary would engage in the activities of acting as agent or broker for general insurance in a community of less than 5,000 people. These activities would be performed from offices of Applicant's subsidiary in Panora, Iowa, and the geographic area to be served is Panora, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in

accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 18, 1982.

Board of Governors of the Federal Reserve System, July 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20183 Filed 7-26-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Federal Market for Packaged Software; New Reporting Requirement

AGENCY: General Services Administration.

ACTION: Notice of information collection; new.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration proposes to request Office of Management and Budget review and approval of a new reporting requirement for the collection of data.

DATE: Comments on the proposed information collection must be submitted on or before August 13, 1982.

ADDRESS: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, Clearance Officer, General Services Administration (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: James Flowers, Directives, Reports, and Publications Branch (202-566-1164).

SUPPLEMENTARY INFORMATION: The purpose of this proposed information collection (questionnaire) is to provide data to determine the reasons for lack of Federal Government use of packaged and framework application software systems provided by software vendors. A copy of the information collection proposal may be obtained from the Directives, Reports, and Publication Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, Telephone 202-566-1164.

Dated: July 19, 1982.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 82-20243 Filed 7-26-82; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Vitamins and the Prevention of the Occurrence of Neural Tube Defects Work Group; Open Meeting

On August 9-10, 1982, the Centers for Disease Control (CDC) will convene an open meeting of a work group to review the scientific information related to the prevention of the occurrence of neural tube defects by vitamin supplementation. The meeting is open to the public, limited only by space available.

The meeting is scheduled to convene at 8:00 a.m. in Auditorium B, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

For further information, please contact: Dr. Godfrey P. Oakley, Chief, Birth Defects Branch, Chronic Diseases Division, Center for Environmental Health, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333; Telephones FTS: 236-4084—Commercial: 404/452-4084.

Dated: July 21, 1982.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 82-20255 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 82M-0211]

Ciba Vision Care; Premarket Approval of BISOFT™ (Tefilcon) Hydrophilic Contact Bifocal Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the supplemental applications for premarket approval under the Medical Device Amendments of 1976 of the BISOFT™ (tefilcon) Hydrophilic Contact Bifocal Lenses, sponsored by Ciba Vision Care, Atlanta, GA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 26, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7445.

SUPPLEMENTARY INFORMATION: On October 13, 1981, Ciba Vision Care, Atlanta, GA submitted to FDA a supplemental application for premarket approval of elliptical and spherical configurations of the BISOFT™ (tefilcon) Hydrophilic Contact Bifocal Lenses for daily wear by nonaphakic presbyopic persons with nondiseased eyes who have no more than 1.5 diopters of astigmatism and require powers from −8.00 to +8.00 diopters and add powers of 0.25 to 4.00 diopters. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On June 15, 1982, FDA approved the application by letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure

continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HKF–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of approved contact lenses states that the lenses are to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 26, 1982, file with the Dockets Management Branch four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m. Monday through Friday.

Dated: July 19, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–20054 Filed 7–26–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82F–0192]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of poly(diallyldimethylammonium chloride) as a pigment dispersant and/or retention aid in the manufacture of paper and paperboard which may contact food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3616) has been filed by the Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230, proposing that the food additive regulations be amended to provide for the safe use of poly(diallyldimethylammonium chloride) as a pigment dispersant and/or retention aid in the manufacture of paper and paperboard intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 15, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–20168 Filed 7–26–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82F–0213]

Morton Chemical; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administraion (FDA) is announcing that Morton Chemical has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in coating compositions for fool-packaging films.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3641) has been filed by Morton Chemical Division of Morton-Norwich Products, Inc., 2 N. Riverside Plaza, Chicago, IL 60606, proposing that the food additive regulations be amended to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in coating compositions for food-packaging films.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742.

Dated: July 15, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-20169 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0205]

Morton Chemical; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Morton Chemical has filed a petition proposing that the food additive regulations be amended to provide for the safe use of an aliphatic polyurethane laminating adhesive for fabricating retortable pouches and related high temperature laminates for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. NW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 0B3525) has been filed by Morton Chemical Division of Morton-Norwich Products, Inc., 2 North Riverside Plaza, Chicago, IL 60606, proposing that the food additive regulations be amended to provide for the safe use of a polyurethane adhesive containing polyester-epoxy resins, and 3-isocyanatomethyl-3,5,5-trimethyl-cyclohexyl isocyanate as a cross-linking agent for fabricating high temperature laminates identified in § 177.1390 (21 CFR 177.1390).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of avilability of the ageny's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 15, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-20170 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0014]

Status of Gentian Violet Used as a Mold Inhibitor in Poultry Feed

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that no regulatory action will be taken at this time against the use of up to 8 parts per million (ppm) gentian violet as a mold inhibitor in poultry feed.

FOR FURTHER INFORMATION CONTACT: Edward J. Ballitch, Bureau of Veterinary Medicine (HFV-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-336.

SUPPLEMENTARY INFORMATION: FDA believes that gentian violet is not generally recognized as safe for any use in food-producing animals. However, in a recent case involving a gentian violet poultry premix manufactured by Marshall Minerals, Inc., a jury found that gentian violet is generally recognized as safe when used as a mold inhibitor in poultry feed at not more than 8 parts per million and therefore not a food additive within the meaning of the Federal Food, Drug, and Cosmetic Act. The agency decided not to appeal the court order entered after the jury's verdict. Thus, in spite of the fact that the agency remains of the opinion that gentian violet is not generally recognized as safe for any use in foodproducing animals, Marshall Minerals may legally market its gentian violet poultry premix pending receipt by FDA of new evidence that in FDA's view requires a reevaluation of the agency's position.

As evidence of its concern regarding use of gentian violet in food-producing animals, FDA has commissioned studies to test the safety of gentian violet. The National Center for Toxicological Research (NCTR) is currently performing a study of the metabolism of gentian violet in poultry as well as a long-term study on the safety of gentian violet when fed to laboratory animals. In an effort to treat all manufacturers fairly, the agency has decided not to take legal action on the grounds of lack of general recognition of safety against any gentian violet premix labeled for use as a mold inhibitor in poultry feed at levels up to 8 ppm. The agency will reevaluate this position when the results of each NCTR study are received or when new evidence becomes available that in the agency's view calls for reevaluation. All other uses of gentian violet in food-producing animals are still considered not generally recognized as safe. Accordingly, this decision in no manner authorizes any other use of gentian violet in food-producing animals other than its use as a mold inhibitor in poultry feed at levels up to 8 ppm.

Dated: July 20, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-20171 Filed 7-26-82; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of California State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on September 14, 1982 in San Francisco, California to reconsider our decision to disapprove California State Plan Amendment 82-03.

CLOSING DATE: Request to participate in the hearing as a party must be received by August 11, 1982.

FOR FURTHER INFORMATION, CONTACT: Docket Clerk, Bureau of Program Policy, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to deny a California State plan amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional

requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to California's proposal to establish a special income deduction for aged, blind and disabled medically needy Medicaid applicants. The effect of the income deduction would be to establish Medicaid eligibility for medically needy individuals with income in excess of the income standard for which Federal financial participation is available. The Health Care Financing Administration holds that this provision would violate statutory and regulatory requirements under the Medicaid program.

In addition, the amendment would limit the deduction of incurred medical expenses in determining eligibility of medically needy applicants to amounts incurred in the corresponding spend-down period. The Health Care Financing Administration contends that, under current regulations and policy, the amount of incurred expenses allowed to reduce the amount of an applicant's income may not be limited by a time factor.

The notice to California announcing an administrative hearing to reconsider our denial of its State plan amendment reads as follows:

July 22, 1982.

Ms. Beverlee A. Myers,
Director, Department of Health Services, 714 P Street, Sacramento, California 95814.

Dear Ms. Myers: This is to advise you that your request for reconsideration of my disapproval of California State Plan Amendment 82–03 was received on June 25, 1982. This amendment proposed to establish a special income deduction for aged, blind and disabled medically needy applicants and also proposed to limit the amount of incurred expenses allowed to reduce the amount of an applicant's income to expenses incurred in the corresponding spend-down period. You have requested a reconsideration of whether these provisions of your plan amendment conform to the Social Security Act and pertinent regulations.

I am scheduling a hearing on your request to be held on September 14, 1982 at 10:00 a.m. at 100 Van Ness Avenue, San Francisco, California. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Stanley Krostar as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communications which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names and addresses of the individuals who will represent the State at the hearing. The Docket Clerk may be reached on (301) 594–8261.

Sincerely yours,

Carolyne K. Davis, Ph.D.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: July 22, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 82–20272 Filed 7–26–82; 8:45 am]

BILLING CODE 4120–03–M

Office of Human Development Services

Child Abuse and Neglect Prevention and Treatment Grants Priorities—Fiscal Year 1983

AGENCY: Office of Human Development Services, Department of Health and Human Services.

ACTION: Notice of proposed fiscal year 1983 child abuse and neglect research and demonstration activities to be considered for support as a part of the consolidated discretionary program of the Office of Human Development Services (OHDS).

SUMMARY: This notice states proposed priorities for research and demonstration programs related to the prevention and treatment of child abuse and neglect. These priority areas are being considered for inclusion in the OHDS consolidated discretionary program for fiscal year 1983. Final child abuse and neglect priorities will be announced as a part of the OHDS consolidated research and demonstration program and will be carried out by the National Center on Child Abuse and Neglect, an OHDS program unit located in the Children's Bureau, Administration for Children, Youth and Families.

Federal grants and contracts to support projects which address child abuse and neglect issues are authorized by the Child Abuse Prevention and Treatment Act (Pub. L. 93–247, as amended). That Act provides for publication of priorities under consideration for research and demonstration for the purpose of soliciting comments from individuals knowledgeable in the field of the prevention and treatment of child abuse and neglect. Final priorities will incorporate and reflect the expertise and recommendations received from the field in response to this notice.

DATE: In order to be considered, comments must be received no later than September 27, 1982. OHDS invites comments on these priorities or suggestions for other priorities. No proposals, concept papers or other forms of application should be submitted at this time.

ADDRESS: Comments should be sent to: Commissioner, Administration for Children, Youth and Families, Attn: Child Abuse and Neglect, P.O. Box 1182, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: National Center on Child Abuse and Neglect, Children's Bureau, P.O. Box 1182, Washington, D.C. 20013. (202–245–2856).

SUPPLEMENTARY INFORMATION: The National Center on Child Abuse and Neglect (NCCAN) is part of the Children's Bureau in the Administration for Children, Youth and Families, OHDS. NCCAN conducts activities designed to assist and enhance national, state and community efforts to prevent, identify and treat child abuse and neglect. These activities include: Conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; providing grants to eligible States for strengthening and improving their child protective programs; and coordinating Federal activities related to child abuse and neglect through the Advisory Board on Child Abuse and Neglect. Thus, there are activities other than the research and demonstration priorities proposed in this notice which require staff and financial support by NCCAN.

In fiscal year 1983, OHDS intends through NCCAN to continue support for the following categories of research, demonstration and service improvement areas initiated in previous years: (1) Demonstration of screening and tracking of abused and neglected children taken into protective custody; (2) demonstrations of upgrading the quality of child protective services; (3) demonstrations of services to children in shelters for battered women; (4) improvement of health-based services to prevent child abuse and neglect; (5) improvement of child protective services through use of guardians *ad litem;* (6) improvement of child protective services through minority organization involvement; (7) research on specific issues in and forms of child

maltreatment; (8) demonstrations of comprehensive strategies to prevent child abuse and neglect which engage private and voluntary resources; (9) development and dissemination of approaches to protection of children in residential institutions and other out-of-home placements; (10) improvement of mental health services for diagnosis and treatment of abused and neglected children and adolescents; and (11) screening and referral of developmentally disabled abused and neglected children.

In addition, OHDS plans through NCCAN to continue support for a national information clearinghouse on child abuse and neglect; service improvement through Parents Anonymous; technical assistance to States for collecting, analyzing and using data from official reports of child abuse and neglect; and, with the Child Welfare Services and Adoption Opportunities programs, the Regional Resource Centers for Children and Youth Services. Continued support will also be provided for preparation and dissemination of relevant reports and manuals emanating from the findings of completed research and demonstration projects, depending upon the availability of funds.

This statement describes areas under consideration for initiation of new research and demonstration activities in fiscal year 1983. OHDS solicits specific comments and suggestions concerning each of the priorities described below. *No proposals, concept papers or other forms of application should be submitted at this time.* Any such submissions will be discarded. In order to maintain a procedure fair to everyone, concept papers or preapplications will be accepted only in response to the final OHDS Consolidated Research and Demonstration Program Announcement to be published in the **Federal Register** at a later date.

No acknowledgements will be made of the comments received in response to this notice, but all comments will be considered in preparing the final funding priorities for child abuse and neglect research and demonstration activities for fiscal year 1983. In addition, all persons who comment on these proposed priorities will be placed on a mailing list to receive the final OHDS program announcement. OHDS anticipates that the program announcement for the consolidated research and demonstration program will be published in the fall of 1982.

Proposed Child Abuse and Neglect Research and Demonstration Priorities for Fiscal Year 1983

OHDS is considering the following research and demonstration priorities for fiscal year 1983:

1. Research and theory development to increase understanding of the family dynamics which contribute to intrafamilial child sexual abuse. Since 1978, NCCAN has supported clinical demonstration and service improvement projects to define effective ways to intervene into and treat incest and other forms of intrafamilial child sexual abuse. From these projects as well as other child protective and mental health programs, a need for greater clarity about the family dynamics of intrafamilial child sexual abuse has become evident. Theories of family dysfunction relating to this problem have been formulated but their application to actual cases to achieve validation and their comparisons with other nascent theories have not been systematically pursued. NCCAN contends that continued progress in both prevention and treatment of intrafamilial child sexual abuse depends upon greater theoretical clarity than is currently available to family service and mental health clinicians

2. Collaboration of research and State child protective service agencies to develop and test improve procedures for decision-making related to receiving reports and making investigations of suspected child abuse and neglect cases. The rate of unsubstantiated cases of child abuse and neglect among reports received and investigated by child protective service agencies runs as high as 60 percent. In the face of increased caseloads, some agencies indicate that they have made deliberate efforts to narrow definitions of child maltreatment, to order priorities for making immediate or delayed investigations and to raise the degree of severity required to justify their interventions. It appears that such changes have been made without consistency and sometimes without sufficient consideration of their attendant risks. This proposed priority would involve support for a consortium of State child protective services agencies with a qualified research institution to study the issues involved in decision-making when third-party reports are received and investigations are made, to develop clear procedures to guide those decisions and to pilot test and evaluate those procedures under field conditions.

3. Demonstrations or field tests of procedures for inquiring into child fatalities caused by abuse or neglect involving children previously known to child protective service agencies. During fiscal year 1982 and early 1983, NCCAN is developing guidance for use by States in reponding constructively to the deaths of children caused by abuse or neglect and involving children previously known to child protective service agencies. This guidance grew out of a recognition that responses to these often highly publicized tragedies in communities across the nation have usually been *ad hoc* in nature and have usually been more reactive than proactive in their conclusions. In addition, NCCAN was aware of a committee of inquiry procedure used in Great Britain which emphasizes the necessity for swiftly defining and taking action in a manner which is publicly accountable to correct any failures in the child protective system which may have contributed to the endangerment and the resulting death of a child within that system's care. In fiscal year 1983, having adapted the British procedure for use by officially sanctioned, multidisciplinary committees of inquiry in the United States, NCCAN proposes to support a field test of this approach to be undertaken under sponsorship of appropriate State agencies.

4. Research on the impacts of alternative types of intervention in cases of child sexual abuse. Current practice in dealing with identified cases of child sexual abuse varies greatly. Criminal justice solutions for dealing with perpetrators, child protective and social work casework solutions for dealing with the child victim, various individual and family psychotherapeutic interventions—all these and other types of intervention are espoused and practiced. The fields of law enforcement and child protection have not reached consensus on what types are appropriate or effective. NCCAN contends that no such consensus can even be approached until more is known about the impacts of these interventions. By *impacts*, NCCAN intends to include immediate as well as long term effects on the members of the involved families and the families as units. It does not refer solely or primarily to individual psychological results of this form of abuse. Research on child sexual abuse faces extremely challenging difficulties, particularly in terms of access to data, family privacy and due process issues. Once before, in fiscal year 1980, NCCAN announced plans to support research on this subject, only to recommend against support of any of the proposals which were received on the grounds of their methodological weaknesses. With an

additional three years of experience in the field, the need for this research is generally agreed to be even more pressing, but support again will be contingent upon sound methodology, if this priority is accepted as part of the final research and demonstration program for fiscal year 1983. OHDS specifically solicits comments on methodological approaches to conducting this research priority.

5. Demonstration of innovative alternatives to juvenile court proceedings in child abuse and neglect cases. Approximately 15 percent of all child abuse and neglect cases handled by child protective services result in petitions to juvenile or family courts for judicial determinations and protective dispositions. Because these same courts deal with many other legal matters involving persons under the age of 18 and civil family matters, these cases often face lengthy delays while awaiting court attention. This proposed priority would support the testing of several alternatives as adjunct to the judiciary, such as court appointment of specifically trained masters to hear only child protective cases and use of a Scottish hearing system sanctioned by the courts and involving lay hearing panels.

6. Demonstration of therapeutic services for abused and neglected children using family day care homes. Between 1978 and 1981, NCCAN supported one demonstration project, as part of a cluster of projects addressing therapeutic services to abused and neglected children, which used family day care homes as a vehicle for delivery of therapeutic services. This project was limited both in size and in the focus of evaluative study it received. NCCAN proposes now to specifically focus on this approach to delivery of therapeutic services for children. The hypothesis underlying such an approach is that the need for some children who have been chronically maltreated to have individual therapeutic attention and the possibility of providing such attention in a home-like setting which provides maximum contact between the children and their own homes suggest that the use of family day care homes with specially trained caregivers and access to professional mental health resources may be a valid treatment alternative to out-of-home and residential placement.

7. Demonstration of interstate institutes on management issues in delivery of child protective services. Through extensive and ongoing consultation with State agency officials responsible for planning, managing and accounting for the delivery of child protective srvices, NCCAN has developed this priority to support a series of management level institutes, located in various parts of the country and providing seminar-type forums for senior and mid-level managers to engage in brief, intensive study and information exchanges. Such institutes could draw upon the expertise being exhibited in the States themselves, as well as the consultation of national leaders in the child protective service field. NCCAN envisions an initiative which would involve financial participation of Federal, State and perhaps private sources to support and evaluate the usefulness of such a continuing education approach premised on the importance of interstate exchanges and group learning experiences for managers.

8. Demonstration of use of audiotape cassettes as a medium for disseminating innovative program information to practitioners in the field of prevention and treatment of child abuse and neglect. In fiscal year 1982, NCCAN produced a training package containing audiotape cassettes to transfer important material on child protective services for use by unit supervisors in public child protective service agencies. Based on the positive reception given to this medium of transmitting information to a large audience at relatively small expense and on a growing recognition that media other than printed materials must be used in order to reach many practitioners whose time is limited, NCCAN proposes in fiscal year 1983 to support a project to develop a series of audiotapes for dissemination to the field. These tapes will synopsize findings from OHDS-supported research and demonstration projects, provide an opportunity to share interviews with the researchers and professional practitioners who have carried out these projects and generally convey to listeners information which they can use in making decisions about subjects to pursue further or program models to consider for replication within their own communities.

In addition to the priorities outlined above, which are roposed for inclusion in the OHDS Consolidated Research and Demonstration Program Announcement or for possible competitive procurements, NCCAN is proposing that discretionary funds also be used for two other purposes: (1) To collaborate with the Head Start Bureau, Administration for Children, Youth and Families for purposes of transferring parent aide program models which have been successfully demonstrated by NCCAN in the past for use by Head Start programs in supporting families at risk of abuse or neglect because of difficulties in coping with handicapped children; and (2) a small investment in planning and carrying out a Sixth National Conference on Child Abuse and Neglect during fiscal year 1983. Comments are also solicited on these proposed uses of discretionary funds.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: June 25, 1982.

Clarence E. Hodges,

Commissioner for Children, Youth and Families.

Dated: July 22, 1982.

Dorcas R. Hardy,

Assistant Seretary for Human Development Services.

[FR Doc. 82-20248 Filed 7-26-82; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

National Advisory Council on Aging; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on September 13, 1982, in Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on September 13 from 8:30 a.m. until 9:00 a.m. for administrative details. Attendance by the public will be limited to space available.

This special meeting has been scheduled for the purpose of reviewing only those applications that have been received in response to program announcements.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on September 13, 1982, from 9:00 a.m. until adjourment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, National Institute on Aging, Building 31, Room 2C-05, National Institutes of Health, Bethesda,

Maryland 20205 (Area Code 301, 496–5898), will furnish substantive program information.

Dated: July 19, 1982.

Betty J. Beveridge,

National Institutes of Health, Committee Management Officer.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82–20176 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Advisory Board Subcommitte on Environmental Carcinogenesis; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, National Cancer Institute, August 10–11, 1982, at the Environmental Sciences Laboratory, Annenberg Building (Dining Room B on the 10th and Dining Room A on the 11th), Mt. Sinai School of Medicine, 10 East 102nd Street, New York, New York 10029. The meeting will be open to the public on August 10, 1982, from 9:00 a.m. through adjournment and on August 11, 1982, from 9:00 a.m. through adjournment to discuss quantitative risk assessment of environmental carcinogens. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708), will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Richard H. Adamson, Executive Secretary, National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, National Cancer Institute, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6618), will furnish substantive program information

Dated: July 14, 1982

Betty J. Beveridge,

Committee Management Officer, National Institute Health.

[FR Doc. 82–20174 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Advisory Council and Its Manpower Subcommittee and Research Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, September 23–25, 1982, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be September 22, 1982 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on September 23 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public from approximately 3:00 p.m. on September 23 to adjournment on September 25 for the review, discussion and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on September 22, 1982 for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A–17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7416, will furnish substantive program information.

Dated: July 19, 1982.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

[FR Doc. 82–20175 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on October 1, 1982 from 9:00 a.m. to 5:00 p.m., Building 31, C Wing, Conference Room 10 at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Progam. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants and meeting summary contact: Dr. Edward J. Roccella, Acting Chief, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, MD 20205, (301) 496–1051.

Dated July 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institututes of Health.

[FR Doc. 82–20178 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, October 28–29, 1982, National Institutes of Health, 9000

Rockville Pike, Building 31, Conference Room 7, Bethesda, Maryland 20205.

The entire meeting, from 8:30 a.m. on October 28 to adjournment on October 29, will be open to the public. The Committee will discuss the current status of the Division of Lung Diseases programs and Committee plans for fiscal year 1983. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Suzanne S. Hurd, Acting Exective Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7208, will furnish substantive program information.

Dated: July 14, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Progam No. 13.838, Lung Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

[FR Doc. 82–20173 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Neurological and Communicative Disorders and Stroke; Scientific Programs Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Scientific Programs Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, September 17, 1982, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the Public from 9:00 a.m. to 5:00 p.m. to discuss research progress plans related to the Institute's scientific programs. Attendance by the public will be limited to space available.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A06, NINCDS, NIH, Bethesda, Maryland 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

Note—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: July 22, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–20177 Filed 7–26–82; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 82–17002 appearing at page 269/3 in the issue of Tuesday, June 22, 1982, make the following changes:

(1) On page 26914, first column, seventh paragraph, last line, "an" should read "and".

(2) On page 26914, middle column, fourth paragraph, second line, "durg" should read "drug".

(3) On page 26914, third column, ninth paragraph, last line, "druts" should read "drugs".

(4) On page 26915, middle column, fourth paragraph, third line, "IND–NDA" should read "IND/NDA".

(5) On page 26916, middle column, second complete paragraph, third line, "basis" should read "basic".

(6) On page 26916, third column, sixth complete paragraph, "Initiaties" should read "initiates".

(7) On page 26917, first column, first line, "commerical" should read "commercial".

(8) On page 26917, middle column, eighth complete paragraph, first line, "date" should read "data".

(9) On page 26917, third column, next to last paragraph, ninth line, "application" should read "applications".

(10) On page 26918, middle column, second paragraph, third line, "identify" should read "identity".

(11) On page 26919, middle column, eighth complete paragraph, first line, "edcuational" should read "educational".

(12) On page 26920, first column, first full paragraph, first line, "biolchemical" should read "biochemical".

BILLING CODE 1505–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–82–1139]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of a new system of records.

SUMMARY: The Department is giving notice of a system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective August 26, 1982, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, (202) 755–5320. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The system is the Multifamily Tenant Certification System (HUD/H–11). It will contain information about individuals receiving housing assistance from the Department of Housing and Urban Development (HUD) under one of the following HUD programs: Section 8, Public/Indian Housing, Section 236 (including Section 236 RAP), Rent Supplement, Section 221(d)3 BMIR, and Section 202/8. The system will be used to improve the Department's capabilities to adequately manage HUD's Housing Assistance Programs, to protect the Government's financial interests and to assist in the verification of the accuracy of the tenant certification/recertification data furnished by the tenant. The prefatory statement containing General Routine Uses applicable to most of the Department's system of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was published at 46 FR 54914 (November 4, 1981). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director

of the Office of Management and Budget on June 15, 1982.

HUD/H-11

SYSTEM NAME:

Multifamily Tenant Certification System.

SYSTEM LOCATION:

Headquarters and Field Offices. For a listing of Field Offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals receiving housing assistance from HUD under one of the following programs: Section 8, Public/Indian Housing, Section 236 (including Section 236 RAP), Rent Supplement, Section 221(d)3 BMIR, and Section 202/8.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will include identification data such as name, Social Security Number (if available), alien registration number, or other identification number, address, and tenant unit number; financial data such as income and contract rent; tenant characteristics such as number in family, sex of family member and minority code; unit characteristics such as number of bedrooms; geographic data such as county code and census tract; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

United States Housing Act of 1937, as amended, 42 U.S.C. 1437 *et seq.*, and the Housing and Community Amendments of 1981, Pub. L. 97-35, 95 Stat. 408.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See routine uses paragraph in prefatory statement. Other routine uses: To Federal, State, and local agencies—to verify the accuracy of the data provided; to HUD contractor—for processing certifications/recertifications; to the Social Security Administration and the Immigration and Naturalization Service—to verify alien status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, magnetic tape/disk/drum.

RETRIEVABILITY:

Name of tenant, address, Social Security or other identification number.

SAFEGUARDS:

File folders, automated records kept in a secured area. Access restricted to authorized individuals.

RETENTION AND DISPOSAL:

Obsolete records are destroyed or sent to storage facility in accordance with HUD Handbook 2225.6, Records Disposition Management: HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management Information Systems Division, Office of Management, Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W, Washington, D.C 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals, other individuals, PHA staff/private owners/management agents.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., July 20, 1982.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 82-20196 Filed 7-26-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1140]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Robert G. Masarsky, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Robert G. Masarsky, Reports Management Officer for the Department. His address and

telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Civil Rights Tenant Characteristics/Occupancy Report
Office: Fair Housing and Equal Opportunity
Form number: HUD-949
Frequency of submission: Annually
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 3.028
Status: New
Contact: Mary T. George, HUD, (202) 755-5288; Robert Neal, OMB, (202) 395-6880

(Sec. 3507, Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: July 1, 1982.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Certification and Recertification of Tenant Eligibility
Office: Housing
Form number: HUD-50059, HUD-50059A
Frequency of submission: Annually
Affected public: Business Or Other Institutions (except farms)
Estimated burden hours: 3,439,256
Status: Revision
Contact: Judith Lemeshewsky, HUD, (202) 426-7624; Robert Neal, OMB, (202) 395-6880

(Sec. 3507, Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: July 1, 1982.

Judith L. Tardy

Assistant Secretary for Administration.

[FR Doc. 82-20172 Filed 7-26-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202-395-7340.

Titles: 25 CFR 31, 32, 35, 36, 112 and 45 CFR 121
Bureau Form Numbers: BIA 6237, BIA 6238, BIA 6221, BIA 6243, BIA 6242, BIA 6239, BIA 6240, BIA 6241, BIA 6247, BIA 6245, BIA 6244, BIA 6246, BIA 6248, BIA 6258, BIA 6259
Frequency: On occasion
Description of Respondents: Indian children, parents, tribal council members, parent committees, education committees, and Indian students
Annual Responses: 149,595
Annual Burden Hours: 56,667
Bureau clearance officer: Ms Diana Loper, 703-235-2517

Dated: July 14, 1982.

John W. Fritz,

Acting Assistant Secretary-Indian Affairs.

[FR Doc. 82-20244 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[I-3758]

Idaho; Order Providing for Opening of Public Land

July 19, 1982.

1. In an exchange of land made under the provisions of Section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following land has been reconveyed to the United States:

Boise Meridian, Idaho

T. 3 N., R. 3 E.,
Sec. 3, lots 1, 2, 3, 5, 6, 7, SW¼NE¼, W½SW¼, SE¼SW¼;
Sec. 4, lots, 3, 6, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 4 N., R. 3 E.,
Sec. 33, SW¼SW¼, SE¼SE¼, and a square acre in SW corner of the SE¼SW¼, more particularly described as beginning at the southwest corner of the SE¼SW¼, Section 33, thence north along the ⅛ line 208.71 feet; then east parallel to the south section line of Section 33, 208.71 feet; thence south parallel to the above-mentioned ⅛th line, 208.71 feet to the south section line of Section 33; thence west along the south section line of Section 33, 208.71 feet to the point of beginning;
Sec. 34, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼, S½NW¼, N½SW¼, SW¼SW¼.

The area described contains 1201.63 acres in Ada County, Idaho.

2. The subject land is located approximately 7½ miles east from old Fort Boise. The elevation ranges from 4,040 feet to 5,017 feet above sea level. The vegetation is primarily sagebrush-grassland with sparse pines and firs at higher elevations. Dense willows and alders are found in the willow creek bottoms. In the past the land has been used for livestock grazing purposes, and it will be managed, together with adjoining public lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, land described in paragraph 1 hereof, is hereby open to operation of the public land laws. All valid applications received at or prior to 9:00 a.m. on August 5, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Mineral rights in the lands were either not exchanged or the minerals have remained opened to entry by virtue of the lands being originally patented under the Act of December 29, 1916, (39 Stat. 862). Accordingly, the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Chief, Lands Section, Bureau of Land Management, 550 West Fort Street, Box 042, Boise, Idaho 83724.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 82-20230 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

[Group 793]

California; Filing of Plat of Survey; Correction

July 19, 1982.

In **Federal Register** 82-18594, appearing on page 29884 in the issue of Friday, July 9, 1982, make the following correction.

On page 29884, third column (Group 793), item number 1, second line should read: "described land accepted June 16, 1982".

Herman J. Lyttge,

Chief, Section of Records and Data Management.

[FR Doc. 82-20219 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

[Group 738]

California; Filing of Plat of Survey; Correction

July 19, 1982.

In **Federal Register** 82-18593 appearing on page 29884 in the issue of

Friday, July 9, 1982, make the following correction.

On page 29884, third column (Group 738), item number 1, second line should read: "described land accepted June 11, 1982".

Herman J. Lyttge,

Chief, Section of Records and Data Management.

[FR Doc. 82-20246 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

[Group 153]

California; Filing of Plat of Survey

July 19, 1982.

1. A plat of survey of the following described land accepted July 7, 1982, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on September 3, 1982.

Humboldt Meridian, California

T. 12 N., R. 3 E.,
Sec. 37;
Sec. 38;
Sec. 39;
Sec. 40;
Sec. 41;
Sec. 42.

2. This plat representing the dependent resurvey of the east boundary of Township 12 North, Range 2 East, and the former west boundary of Township 12 North, Range 3 East, and the survey of a portion of the north boundary and sections 37, 38, 39, 40, 41, and 42, Township 12 North, Range 3 East, Humboldt Meridian.

3. The plat will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Until this date and time, the plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain needs of this Bureau.

5. All inquiries relating to this land should be sent to the California state Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Section of Records and Data Management.

[FR Doc. 82-20247 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 1565]

Oregon; Partial Termination of Classification for Multiple Use Management

1. By orders of the Oregon State Director, Bureau of Land Management, which were published in the Federal Register on May 11, 1967 (32 FR 7136) and November 23, 1967 (32 FR 16108), approximately 4,500,000 acres of public lands under the jurisdiction of the Bureau of Land Management were classified or proposed for classification for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR 2460. The lands are located in Grant and Malheur Counties, Oregon.

2. Pursuant to 43 CFR 2461.3(c)(2), the classification is partially terminated as to the lands located in the Northern Malheur Resource Area (aggregating approximately 1,800,000 acres) upon publication of this notice in the Federal Register.

3. At 9:30 a.m., on August 30, 1982, the lands referred to in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on August 30, 1982, will be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 9:30 a.m., on August 30, 1982, the following described land will be open to location under the United States mining laws:

Willamette Meridian

T. 19 S., R. 45 E.,
Sec. 14, N½SW¼, SE¼SW¼.

The area described contains 120 acres in Malheur County, Oregon.

5. The lands referred to in paragraph 2, except as provided in paragraph 4, have been and continue to be open to location under United States mining laws and to applications and offers under mineral leasing laws.

William G. Leavell,

State Director.

[FR Doc. 82-20256 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; White River Dam Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final decision.

SUMMARY: This notice announces the BLM's decision authorizing issuance of rights-of-way and other federal land uses associated with construction and operation of the White Dam Project to the Utah Division of Water Resources. The project is located 40 miles southeast of Vernal, in Unitah County, Utah.

SUPPLEMENTARY INFORMATION: The BLM authorizations, included approval of the following: Amendments to the Bonanza and Rainbow Planning Unit Management Framework Plans to conform with the Project; issuance of rights-of-way to facilitate construction of an earthen dam across the White River and creation of a 13.5 mile water storage reservoir and supporting recreational facilities. The decision to issue rights-of-way for the access roads and in support of a 15-megawatt hydroelectric power plant has been deferred pending submission of additional engineering design data.

The BLM decision follows review of the final environmental impact statement (FEIS) issued June 6, 1982, by the Richfield (Utah) District, BLM. The FEIS was a result of two years of studies by several agencies and consultants. The decision was also based upon the Biological Opinion-White River Dam Project, Utah, issued February 24, 1982, by the Fish and Wildlife Service.

ADDRESSES: The BLM Decision Option Document and Record of Decision are available to the public from the following offices:

BLM Utah State Office, 136 East South Temple, Salt Lake City, Utah, 84111; Phone (801) 524-5645

Vernal District Office, 170 South 500 East, Vernal, Utah 84078; Phone (801) 789-1362

FOR FURTHER INFORMATION CONTACT: David W. Moore, Vernal District Office (801) 789-1362.

Dated: July 14, 1982.

Ronald S. Trogstad,

Acting Vernal District Manager.

[FR Doc. 82-20223 Filed 7-26-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Issuance of Permit for Marine Mammals; VTN Oregon, Inc.

On May 26, 1982, a notice was published in the Federal Register (47 FR 23025), that an application had been filed with the Fish and Wildlife Service by VTN Oregon, Inc. for a permit to capture, mark and release up to 50 sea otters *(Enhydra lutris)* to determine foraging behavior and diet in Alaska.

Notce is hereby given that on July 14, 1982, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 USC 1361–1407), the Fish and Wildlife Service issued a permit PRT 2–9155, to VTN Oregon, Inc. subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 601, 1000 N. Glebe Road, Arlington, Virgina.

Dated: July 20, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82–20259 Filed 7–26–82, 8:45 am]

BILLING CODE 4310–55–M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202–395–7340.

Title: Project Agreement and Project Agreement Amendment, 50 CFR Parts 80, 81, 82, 401 and Part 83 (Proposed), obligates the Federal share of estimated costs of project activities under the Service's grants-in-aid program to States, implementing the Pittman-Robertson and Dingell-Johnson Acts.

Bureau Form Number(s): 3–1552 and 3–1591.

Frequency: On occasion.

Description of Respondents: State fish and wildlife agencies.

Annual Responses: 1,456.

Annual Burden Hours: 1,456.

Service Clearance Officer: Arthur J. Ferguson, 202–653–8770.

Dated: July 1, 1982.

Richard M. Parsons,

Acting Associate Director—Federal Assistance.

[FR Doc. 82–20235 Filed 7–26–82; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Outer Continental Shelf Oil and Gas Production Operations; quality Assurance Program Requirements

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of MMS approval of the latest edition of quality assurance standards.

SUMMARY: This Notice informs the public that the latest edition of both ANSI/ASME SPPE–1 and ANSI/ASME SPPE–2 is the 1982 edition.

SUPPLEMENTARY INFORMATION: The 1982 editions of ANSI/ASME SPPE–1, "Quality Assurance and Certifications of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations;" and ANSI/ASME SPPE–2, "Accreditation of Testing Laboratories for Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations" were published on April 1, 1982. These documents, cited in paragraph 2 of OCS Order No. 5 for all area Orders, become effective on October 1, 1982. The Director Minerals Management Servcie has approved the 1982 edition of these documents for use. Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017.

Dated: July 15, 1982.

Harold E. Doley, Jr.,

Director.

[FR Doc. 82–20225 Filed 7–26–82; 8:45 am]

BILLING CODE 4310–MR–M

Office of the Secretary

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of Performance Review Board Membership.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the Department of Interior Performance Review Boards. The publication of these appointments are required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95–454, 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective July 27, 1982.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, 1800 C Street NW., Washington, D.C. 20240, Telephone Number: 343–6761.

Department of the Interior, Performance Review Boards (PRB's), July 1982

Departmental PRB

Donald Paul Hodel, Chairperson
J. Robinson West (NC)
Arnold Petty (Career)
Stanley Hulett (NC)
Emily DeRocco (NC)
Sidney L. Mills (Career)
F. Eugene Hester (Career)

Office of the Secretary PRB

William Horn (NC), Chairperson
Stephen Shipley (NC)
Douglas P. Baldwin (NC)
Newton Frishberg (Career)
John Fulbright (Career)
Derrell P. Thompson (Career, Field)
Diane K. Morales (NC)

Assistant Secretary-Indian Affairs PRB

Theodore Krenzke (Career), Chairperson
Roy H. Sampsel (NC)
Charles Hughes (Career)
Harry Rainbolt, Jr. (Career)

Solicitor PRB

William H. Satterfield (NC), Chairperson
Donald Tindal (NC)
Raymond Sanford (Career, Field)
W. Pierce Elliott (Career)

Assistant Secretary-Policy, Budget and Administration PRB

Richard R. Hite (Career), Chairperson
Morris Simms (Career)
Kristine Marcy (Career)
Joseph Doddridge (Career)

Assistant Secretary for Fish and Wildlife and Parks PRB

Cleo F. Layton (Career), Chairperson
J. Craig Potter (NC)
Howard Larsen (Career, Field)
Robert Baker (Career, Field)
David Wright (Career)
Ronald Lambertson (Career)

Assistant Secretary-Energy and Minerals PRB

William P. Pendley (NC), Chairperson
Doyle Frederick (Career)
Edmund Grant (Career)
Frank Block (Career, Field)
J. Stephen Griles (NC)
Dean K. Hunt (NC)
Betty Miller (Career)

Assistant Secretary-Land and Water Resources PRB

David Houston (NC), Chairperson
Frank DuBois (NC)
James Parker (NC)
Delmar Vail (Career)
James Flannery (Career)
William Klostermeyer (Career)
Jed Christensen (NC)

Dated: July 15, 1982.

Richard R. Hite,

Deputy Assistant Secretary-Policy, Budget and Administration.

[FR Doc. 82–20229 Filed 7–26–82; 8:45 am]

BILLING CODE 4310–10–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202–395–7340.

Title: Small Operator Assistance Program Laboratory Qualification Application.

Bureau Form Number: FS–16.

Frequency: Annually.

Description of Respondents: Laboratories (analytical) and Consulting Firm (hydrology, geology).

Annual Responses: 200.

Annual Burden Hours: 4,800.

Bureau Clearance Officer: Darlene Gross, (202) 343–5447.

Dated: July 19, 1982.

Carson W. Culp,

Assistant Director, Management and Budget.

[FR Doc. 82–20228 Filed 7–26–82; 8:45 am]

BILLING CODE 4310–05–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 16, 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, D.C. 20243. Written comments should be submitted by August 11, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

CONNECTICUT

Fairfield County

Ridgefield, *Branchville Railroad Tenement,* Old Main Highway

ILLINOIS

Adams County

Quincy, *Wood, Ernest M., Office and Studio,* 126 N. 8th St.

Coles County

Charleston, *Pemberton Hall and Gymnasium,* Lincoln Ave. and 4th St.

Cook County

Blue Island, *Young, Joshua P., House,* 2445 High St.

Wilmette, *Bailey—Michelet House,* 1028 Sheridan Rd.

Douglas County

Filson vicinity, *McCarty, John, Round Barn (Round Barns in Illinois TR*), NW of Filson

Fayette County

Vandalia vicinity, *Forehand, Clarence, Round Barn (Round Barns in Illinois TR),* W of Vandalia off IL 185

Greene County

Whitehall vicinity, *Tillery, Virginia, Round Barn (Round Barns in Illinois TR*), W of Whitehall on CR 728

Jersey County

Grafton vicinity, *Duncan Farm (Jy7)*

Kane County

Elgin, *Pelton, Ora House,* 214 S. State St.

Livingston County

Pontiac vicinity, *Schultz Raymond, Round Barn (Round Barns in Illinois TR),* S of Pontiac off US 66

McDonough County

Colchester vicinity *Kleinkopf, Clarence, Round Barn (Round Barns in Illinois TR),* N of Colchester

Peoria County

Peoria, *Pere Marquette Hotel,* 501 Main St.

Tazewell County

Pekin, *Pekin Theatre,* 21–29 S. Capitol St.

Will County

Joliet, *Christ Episcopal Church* , 75 W. Van Buren St.

Joliet, *Joliet Township High School,* 201 E. Jefferson St.

Romeoville vicinity, *George, Ron, Round Barn (Round Barns in Illinois TR)* NE of Romeoville off US 66

INDIANA

Franklin County,

Brookville vicinity, *Shafer, Joseph, Farm,* NE of Brookville on Flinn Road

KENTUCKY

Jefferson County

Louisville, *Belknap, William R., School,* 1800 Sils Ave.

Louisville, *Bradford Mills (Textile Mills of Louisville TR),* 1034 E. Oak St.

Louisville, *Eclipse Woolen Mill (Textile Mills of Louisville TR),* 1044 E. Chestnut St.

Louisville, *Falls City Jeans and Woolen Mills (Textile Mills of Louisville TR),* 1010 S. Preston St.

Louisville, *Louisville Cotton Mills (Textile Mills of Louisville TR),* 1008 Goss Ave.

Louisville, *Rauchfuss Houses,* 837–847 S. Brook St.

Louisville, *Republic Building,* 429 W. Muhammad Ali Blvd.

Louisville, *Stewart's Dry Goods Company Building,* 501 S. 4th Ave.

Louisville, *Theater Building,* 625–633 S. 4th Ave.

Johnson County

Volga vicinity, *McKenzie, David, Log Cabin,* McKenzie Branch

Pulaski County

Somerset, *Somerset Downtown Commercial District,* 108–236 and 201–223 E. Mt. Vernon St.

LOUISIANA

Caldwell Parish

Columbia, *First United Methodist Church,* LA 165 and Church St.

MISSISSIPPI

Clay County

West Point, *Court Street Historic District,* Court St. between Travis and E. Broad Sts.

NEW JERSEY

Ocean County

Jackson Township, *Cassville Crossroads Historic District (Cassville MRA),* Jct. of CR 571 and 528

Jackson Township, *Rova Farms Historic District (Cassville MRA),* CR 571

Union County

Union, *Caldwell Parsonage,* 909 Caldwell Ave.

NORTH CAROLINA

Clay County

Hayesville vicinity, *Spikebuck Town Mound and Village Site*

Randolph County

Seagrove vicinity, *Cassady, Calvin, Barn,* E of Seagrove off SR 2862

PENNSYLVANIA

Lancaster County

Lancaster, *Hess, A. B., Cigar Factory and Warehouses,* 231 N. Shippen St.

Lancaster, *Lancaster Watch Company,* 901 Columbia Ave.

Strasburg vicinity, *Electric Locomotive No. 4859,* PA 741

RHODE ISLAND

Providence County

Cumberland, *St. Joseph's Church Complex,* 1303–1317 Mendon Rd.

Cumberland, *Jillson, Luke, House,* 2510 Mendon Rd.

Cumberland, *Tower, Lewis, House,* 2199 Mendon Rd.

Pawtucket, *Church Hill Industrial District,* Roughly bounded by S. Union, Pine, Baley, Commerce, Main, and Hill Sts.

Washington County

Narragansett, *Central Street Historic District (Narragansett Pier MRA)*, Both sides of Central Street from 5th Ave. to Boon St.
Narragansett, *Earlscourt Historic District (Narragansett Pier MRA)*, Roughly bounded by Westmoreland, Noble, Woodwards Sts., and Gibson Ave. (both sides)
Narragansett, *Gardencourt (Narragansett Pier MRA)*, 10 Gibson Ave.
Narragansett, *Ocean Road Historic District (Narragansett Pier MRA)*, Ocean and Wildfield Farm Rds., and Newton and Hazards Aves.
Narragansett, *Towers Historic District (Narragansett Pier MRA)*, Bounded by the Atlantic Ocean, Exchange Pl., Mathewson and Taylor Sts
South Kingstown, *Perry, Commodore Oliver, Farm*, 184 Post Rd.

TEXAS

Anderson County

Palestine vicinity, *Pace McDonald Site (41AN51)*

Travis County

Austin, *Smoot, Richmond Kelley, House*, 1316 W. 6th St.

UTAH

Salt Lake County

Salt Lake City, *Belvedere Apartments (Salt Lake City Business District MRA)*, 29 S. State St.
Salt Lake City, *Broadway Hotel (Salt Lake City Business District MRA)*, 222 W. 3dS.
Salt Lake City, *Brooks Arcade (Salt Lake City Business District MRA)*, 260 S. State St.
Salt Lake City, *Building at 561 W. 200 South (Salt Lake City Business District MRA)*, 561 W. 200 S.
Salt Lake City, *Building at 592–98 W. 200 South (Salt Lake City Business District MRA)*, 592–98 W. 200 S.
Salt Lake City, *Building at Rear, 537 W. 200 South (Salt Lake City Business District MRA)*, Rear, 537 W. 200 S.
Salt Lake City, *Central Warehouse (Salt Lake City Business District MRA)*, 520 W. 200 S.
Salt Lake City, *Clayton Building (Salt Lake City Business District MRA)*, 214 S. State St.
Salt Lake City, *Clift Building (Salt Lake City Business District MRA)*, 272 S. Main St.
Salt Lake City, *Continental Bank Building (Salt Lake City Business District MRA)*, 200 S. Main St.
Salt Lake City, *Cramer House (Salt Lake City Business District MRA)*, 241 Floral St.
Salt Lake City, *Felt Electric (Salt Lake City Business District MRA)*, 165 S. Regent St.
Salt Lake City, *General Engineering Company Building (Salt Lake City Business District MRA)*, 159 W. Pierpoint Ave.
Salt Lake City, *Greenwald Furniture Company Building (Salt Lake City Business District MRA)*, 35 W. 300
Salt Lake City, *Hotel Albert (Salt Lake City Business District MRA)*, 121 S. W. Temple
Salt Lake City, *Hotel Victor (Salt Lake City Business District MRA)*, 155 W. 200
Salt Lake City, *Japanese Church of Christ (Salt Lake City Business District MRA)*, 268 W. 100
Salt Lake City, *Judge Building (Salt Lake City Business District MRA)*, Salt Lake City, 300 S. Main St.
Salt Lake City, *Kearns Building (Salt Lake City Business District MRA)*, 132 S. Main St.
Salt Lake City, *Mountain States Telephone Building (Salt Lake City Business District MRA)*, 98 S. State St.
Salt Lake City, *Old Clock at Zion's First National Bank (Salt Lake City Business District MRA)*, SW Corner of 1st S. and Main St.
Salt Lake City, *Salt Lake Stamp Company Building (Salt Lake City Business District MRA)*, 43 W. 300
Salt Lake City, *Smith-Bailey Drug Company Building (Salt Lake City Business District MRA)*, 171 W. 200
Salt Lake City, *Stratford Hotel (Salt Lake City Business District MRA)*, 175 E. 200
Salt Lake City, *Tampico Restaurant (Salt Lake City Business District MRA)*, 167 S. Regent St.
Salt Lake City, *Utah Slaughter Company Warehouse (Salt Lake City Business District MRA)*, 370 W. 100
Salt Lake City, *Warehouse District (Salt Lake City Business District MRA)*, 200 S. and Pierpont Ave. between 300 W. and 400 W.

VERMONT

Windsor County

Woodstock vicinity, *South Woodstock Village Historic District*, Both sides of VT 106, TH 61, and Church Hill Rd.

WISCONSIN

Jefferson County

Lake Mills, *Bean Lake Islands Archeological District (Rock Lake Marsh)*.

The following nomination was incorrectly listed on the Pending List printed on April 27, 1982. It was not nominated under applicable procedures.

MARYLAND

Baltimore (independent city), Baltimore Manufacturing Company, 1205 Bank St.

[FR Doc. 82-19941 Filed 2-26-82; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 10]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T–10036, filed June 22, 1982. Applicant: TIRED IRON TRANSPORT LTD., 9821 Lockport Road, Niagara Falls, NY 14304. Representative: William J. Hirsch, Esq., 64 Niagara Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Heavy merchandise and contractors equipment:* Between Niagara County on the one hand, and, on the other, all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–4484, filed June 22, 1982. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, Esq., 700 Midtown Tower, Rochester, NY 14613. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities:* Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

California Docket No. A82–07–09, filed July 2, 1982. Applicant: AUSMUS TRUCKING, INC., 909 No. Market Blvd., Sacramento, CA 95834. Representative: Marvin Handler, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except the following: (a)

Used household goods and personal effects not packed in accordance with the crated property requirements; (b) Livestock; (c) Liquids, compressed gasses, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (d) Commodities when transported in bulk in dump trucks or in hopper type trucks; (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) Logs; (g) Articles of extraordinary value; (h) Automobiles, trucks, busses, trailer coaches and campers; (i) Loaded containers or trailers loaded with containers which are to be interchanged with any rail, water or motor carrier. Between all points and places in California. In performing the service, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of such service. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, CA 94104, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20190 Filed 7-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 281]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 20, 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 531 (Sub-466)X, filed June 25, 1982. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006. Subs 160, 163, 228, 258, 263, 275, 281, 312, 317, 321, 340, 351, 353, 364, 369, 375, 380, 405, 412, 414, 433, 435, 445, 453, and 457. Broaden: To "chemicals and related products" from acrylic resins, liquid chemicals, synthetic latexes, ammonium nitrate, melamine, synthetic resins, resin plasticizer, phosphates, acids and chemicals, colloidal silica, liquid cleaning compounds, liquid washing compound, anhydrous hydrazine, potassium permanganate, liquid synthetic plastics, drilling mud additives (Sub 160); liquid animal feed and liquid animal supplements (Subs 258, 353); fatty acids, fractionated methyl esters (Sub 375); and chemicals (Sub 457); to "food and related products" from molasses, wine, brandy, champagne, vermouth, and wine vinegar, chocolate coating, ice cream coating, cocoa, cocoa butter, and non-chocolate ingredients of candy and confectionery products, liquid chololate, cocoa products, chocolate products, liquid coating and chocolate chips, inedible fats and tallow, meat scraps, tallows and greases, edible or inedible, meat and bone products and dried blood, vegetable oils, vegetable oil foots, animal fats, fish oils, vegetable oils, and blends of any thereof and vegetable oil products (except such commodities as may also be classified as liquid chemicals), animal oils, wine, fruit juice and fruit juice concentrates, gin and neutral spirits (Sub 160); alcoholic liquors (Subs 163, 228, 275, 317, 321, 351); liquid animal feeds and liquid animal feed supplements (Sub 258); grape juice (Sub 263); fruit juice concentrates (Sub 281); vegetable oils and blends of vegetable oils (Sub 312); liquid animal feeds (Sub 340); liquid animal feed supplements, (except corn syrup and liquid sugar) (Sub 353); wine, (except wine vinegar), grape concentrate and distilled spirits (Sub 364); fish oils and fish solubles (Sub 369); vegetable oils, and fatty acids, fractionated methyl esters, fractionated coconut and castor oils (Sub 375); sugar, corn syrups, and blends of sugar and syrups (Sub 380); vegetable oils (Sub 405, 412); tallow (Sub 414); wine, brandy, distilled spirits, neutral spirits, and high proof alcohol, and grape products, wine products, and fruit juice concentrates (Sub 433); vegetable oils and vegetable oil products (Sub 435, 457); alcohol and alcoholic liquors (Sub 445); and alcohol (Sub 453); to "ores annd minerals" from ores (Sub 457); to "pulp, paper and related products" from vanillin (Sub 160); to "petroleum, natural gas and their products" from petroleum oil, petrolatum, refined, and drilling mud additives (Sub 160); to "rubber and plastic products" from liquid synthetic plastics and drilling mud additives, (Sub 160); to radial authority (all but Subs 412, 435, 445 and 457); remove restrictions: in bulk/tank vehicles (all but Sub 453); hopper vehicles and in tanks equipped with mechanical refrigeration/heater units (Sub 160); broaden to Knox, Anderson, Blount and Sevier Counties, TN for Knoxville, TN, Denver, Douglas, Jefferson, Boulder, Arapahoe, and Adams Counties, CO for Denver, CO; Orleans, Jefferson, St. Bernard, Plaquemines, Lafourche, St. Charles, St. Tammany, and St. John the Baptist Parishes, LA, and Hancock County, MS for New Orleans, LA; St. Louis, MO, St. Louis, St. Charles and Jefferson Counties, MO, and Monroe, St. Clair, and Madison Counties, IL for St. Louis, MO; Los Angeles, Orange, and Ventura Counties, CA for Los Angeles, CA; Floyd and Clark Counties, IN and Jefferson County, KY for Jeffersonville, IN: San Francisco, Alameda, and Contra Costa Counties, CA for Berkeley, CA; Cass, Morgan, Brown, and Pike Counties, IL for Meredosia, IL; Maricopa

and Pinal Counties, AZ for Phoenix, AZ; San Francisco, San Mateo, and Marin Counties, CA for San Francisco, CA; Los Angeles, Orange, San Bernardino, Kern, Ventura, Riverside and Santa Barbara Counties, CA for Los Angeles, CA and points within 50 miles of Los Angeles, CA; New Castle County, DE for Atlas Point, DE; Fulton, DeKalb, Gwinnett, Fayette, Clayton, Henry, Rockdale, Douglas, and Cobb Counties, GA for Atlanta, GA, Milwaukee, Racine, Waukesha, Washington and Ozaukee Counties, WI for Milwaukee, WI; Montrose County, CO for Montrose, CO, Suffolk, Norfolk, Essex, and Middlesex Counties, MA for Cambridge, MA; Cook, Will and DuPage Counties, IL for Lemont, IL, Caldwell, Gonzales and Guadaloupe Counties, TX for Luling, TX; Riverside County, CA for Indio, CA; Imperial County, CA for Brawley, CA; Middlesex, Suffolk, Essex and Norfolk Counties, MA for Everett, MA; Alameda, Santa Clara, and San Mateo Counties, CA for Santa Clara, CA; King, Kitsap, and Snohomish Counties, WA for Seattle, WA; Hampden and Hampshire Counties, MA and Hartford and Tolland Counties, CT for Springfield, MA; Los Angeles and Orange Counties, CA for Long Beach, CA; St. Louis, MO–E. St. Louis, IL commercial zone for Monsanto, IL facilities; Cook and Will Counties, IL and Lake County, IN for Chicago Heights, IL; Wayne, Summit, Medina, Portage and Stark Counties, OH for Akron, OH; Hamilton, Clermont, Warren and Butler Counties, OH, Boone, Kenton and Campbell Counties, KY, for Cincinnati, OH; Plymouth, Suffolk, Norfolk, Middlesex and Essex Counties, MA for Boston, MA; Lake County, IN for Grasselli, IN; Los Angeles County, CA for Hawthorne, CA; Harvey, Reno, and McPherson Counties, KS for Hutchinson, KS, Wayne and Monroe Counties, MI for Trenton, MI, San Diego County, CA for San Diego, CA; Calcasieu Parish, LA for Lake Charles, LA; Tazewell, Russell, Smyth, and Washington Counties, VA for Saltville, VA; Los Angeles and Ventura Counties,

CA for Santa Susana, CA; Denver, Douglas, Jefferson, Boulder, Arapahoe, and Adams Counties, CO for the site of the Rocky Mountain Arsenal of Denver, CO; Roosevelt County, MT for Culbertson, MT; Fresno and Madera Counties, CA for Fresno, CA; Tulare County, CA for Lindsay, CA; Los Angeles County, CA for Wilmington, CA; Orange, Los Angeles, Riverside, and San Bernardino Counties, CA for Fullerton, CA; Sutter, Yuba, Yolo, and Sacramento Counties, CA for Sacramento, CA; Leavenworth, Wyandotte and Johnson Counties, KS and Cass, Jackson, Clay, and Platte Counties, MO for Kansas City, KS; Cook, Lake, DuPage, Will and Kane Counties, IL and Lake and Porter Counties, MI for Chicago, IL; Yakima and Benton Counties, WA for Grandview, WA; Benton, Franklin, and Walla Walla Counties, WA for Kennewick, WA; Washington and Benton Counties, AR for Springdale, AR; Van Buren County, MI for Lawton, MI; Van Buren and Kalamazoo Counties, MI for Mattawan, MI, Erie County, PA and Chautauqua County, NY for North East, PA; Chautauqua County, NY for Westfield, NY; Chautauqua County, NY for Brockton, NY; Erie and Niagara Counties, NY for Buffalo, NY, Schuyler County, NY for Watkins Glen, NY; Benton and Yakima Counties, WA for Prosser, WA; Chautauqua County, NY for Dunkirk, NY; Rock Wall, Kaufman, Dallas, and Collin Counties, TX for Garland, TX; Tulare, Fresno, and Madera Counties, CA for points within 15 miles of Fresno, CA, not including Fresno, CA; Bureau, Putnam, and La Salle Counties, IL for La Salle, IL; Allegheny, Washington, and Westmoreland Counties, PA for Pittsburgh, PA; Escambia and Santa Rosa Counties, FL for Pensacola, FL; Rensselaer, Saratoga, and Albany Counties, NY for Troy, NY, McHenry County, IL for Ringwood, IL; Ozaukee County, WI for Saukville, WI; Orange, Los Angeles, San Bernardino, and Riverside Counties, CA for Anaheim, CA; Oklahoma, Pottawatomie, Canadian, and Logan Counties, OK for Oklahoma City, OK; Clark, Lincoln and Nye Counties, NV for the U.S. Atomic Energy Commission Nevada Proving Grounds in Clark, Lincoln, and Nye Counties, NV; Beadle County, SD for Huron, SD; Hood River and Wasco Counties, OR and Skamania and Klickitat Counties, WA for Hood River, OR (Sub 160); Mohave County, AZ and Clark County, NV for Henderson, NV and points within 15 miles thereof (Sub 163); Peoria, Woodford and Tazewell Counties, IL for Peoria, IL, Anderson, Franklin and Woodford Counties, KY for Lawrenceburg, KY, Pike County, MS for McComb, MS, Clackamas, Multnomah, Washington, Columbia and Yamhill Counties, OR and Clark County, WA for Portland, OR (Sub 275); Jefferson, Bullitt, and Oldham Counties, KY and Harrison, Floyd, and Clark Counties, IN for Louisville, KY; El Paso and Teller Counties, CO for Colorado Springs, CO (Sub 312); Platte County, MO and Leavenworth County, KS for Weston, MO; Nelson County, KY for Bardstown, KY (Sub 321); Jefferson and Orleans Parishes, LA for Westwago, LA and McLennan County, TX for Waco, TX (Sub 340); Webb County, TX for the port of entry between the United States and the Republic of Mexico at Laredo, TX (Sub 351); Kern County, CA for Edison, CA (Sub 364) Orange and Los Angeles Counties, CA for Santa Fe Springs, CA (Sub 375); St. John the Baptist Parish, LA for Reserve, LA; Assumption Parish, LA for Supreme, LA, and Morgan, Lawrence and Limestone Counties, AL for Decatur, AL (Sub 380); Cass County, ND and Clay County, MN for Fargo, ND (Sub 405); St. Landry Parish, LA for Opelousas, LA (Sub 412); Potter and Randall Counties, TX for Amarillo, TX facilities; Dakota County, NE and Woodbury County, IA for Dakota City, NE facilities; Cuming County, NE for West Point, NE facilities; Crawford County, IA for Denison, IA facilities; Webster County, IA for Fort Dodge, IA facilities; Rock County, MN for Luverne, MN facilities; Lyon County, KS for Emporia, KS facilities (Sub 414); Jefferson and Orleans Parishes, LA for Harvey, LA facilities; Jefferson, Orleans, Plaquemines, and St. Bernard Parishes, LA for Gretna, LA facilities (Sub 435); Sebastian and Crawford Counties, AR and Sequoyah and Le Flore Counties, OK for Ft. Smith, AR; Will and Kendall Counties, IL for Plainfield, IL, Monroe, Wayne, Washtenaw, Livington, Oakland, Macomb and St. Clair Counties, MI for Detroit, MI; Monmouth County, NJ for Scobeyville, NJ; San Mateo County, CA for Burlingame, CA; Hamilton County, OH for Silverton, OH; Crawford, GA for Roberta, GA; Polk County, FL for Auburndale, FL; Polk County, FL for Lake Alfred, FL (Sub 445); and Muscatine County, IA and Rock Island County, IL for Muscatine, IA (Sub 453);

remove restrictions: against transportation of whiskey from ports of entry located in MD, NY, and PA to Peoria, IA and ports of entry located in MI (Sub 228); to foreign commerce only (Sub 351); except Waco, TX (Sub 353); except Altus, AR, Atlanta, GA, Omaha, NE, Memphis, TN, and Lakeland, FL (Sub 433); to transportation of traffic originating/destined to named facilities (Sub 435); to traffic originating at/destined to named facilities and to foreign commerce only (Sub 445).

MC 40915 (Sub-56)X, filed March 23, 1981, noticed in the **Federal Register** of April 2, 1981, certificate served June 10, 1981, republished as supplemented in this issue. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, CA 92663. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202–3357. Lead certificate: broaden "boats and boat parts, supplies, and

equipment" to "transportation equipment."

MC 156821 (Sub-5)X, filed June 21, 1982, previously noticed in the Federal Register of July 6, 1982, republished. Applicant: PHOENIX TRUCKING COMPANY, 6751 Tallmadge Rd., Rootstown, OH 44272. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 1 certificate as previously noticed, and, in addition, to broaden Steubenville, OH to Jefferson County, OH, Hancock and Brooke Counties, WV, and Washington, PA. The purpose of this republication is to correct the spelling of *Steubenville*, OH from *Steuben*, OH.

[FR Doc. 82-20189 Filed 7-26-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP2-162]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grant of operating right authority is republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this Federal Register notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 151813 (Sub-4) (Republication) filed October 26, 1981, published in the Federal Register of November 13, 1981, and republished this issue: Applicant: CONERTY-HENIFF TRANSPORT, INC., 4220 West 122nd Street, Alsip, IL 60658. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. A decision of the Commission, *Review Board 2*, decided February 11, 1982, and served March 1, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *petroleum, natural gas, and their products*, and (2) *chemicals and related products*, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Erie County, NY, Beaver County, PA, and Middlesex County, NJ, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 82-20188 Filed 7-26-82; 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 of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-158

Decided: July 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating).

MC 4483 (Sub-33) filed July 12, 1982. Applicant: MONSON TRUCKING, INC., R.R. #1, Red Wing, MN 55066. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612-227-7731. Transporting *forest products, lumber and wood products, and pulp, paper and related products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in ID, MT, OK, TX, and WY.

MC 16513 (Sub-40), filed July 7, 1982. Applicant: REISCH TRUCKING AND TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750-1112. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Camp Corporation, of Wayne, NJ.

MC 72423 (Sub-14), filed July 9, 1982. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut Street, Sterling, CO 80751. Representative: Jack B. Wolfe, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861-8046. Transporting *such commodities* as are dealt in by distillers

and distributors of alcoholic beverages, between points in the U.S. (except AK and HI), under continuing contract(s) with Medley Distilling Co., of Louisville, KY.

MC 139763 (Sub-6), filed July 13, 1982. Applicant: OAK HARBOR FREIGHT LINES, INC., 6350 S. 143rd, Seattle, WA 98168. Representative: David A. Vander Pol (same address as applicant), 206–246–2600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA, OR, CA, NV, ID, and MT.

MC 151422 (Sub-9), filed July 12, 1982. Applicant: MINN-DAK TRANSPORT, INC., 40-1st Ave. N.W., P.O. Box N, Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102, (701) 235–4487. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI).

MC 155763 (Sub-1), filed July 9, 1982. Applicant: CAPSTAN TRANSPORTATION CO., 109 North Broad Street, Lancaster, OH 43130. Representative: Thomas A. Rogers(same address as applicant), (614) 687–2800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156482 (Sub-1), filed July 13, 1982. Applicant: PACIFIC MOLASSES COMPANY, One California St., Suite #1500, San Francisco, CA 94111. Representative: B. L. Anderson (same address as applicant), 415–445–1475. Transporting *fertilizer and fertilizer materials,* between points in NY, PA, NJ, CT, MA, VT, and RI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 156723 (Sub-1), filed July 7, 1982. Applicant: LA MARK TRANSPORT, INC., 436 Santa Barbara Ave., Daly City, CA 94014. Representative: Marion La Mark (same as applicant), (415) 755–7207. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, OR and WA.

MC 161132, filed July 12, 1982. Applicant: RICHARD G. BOLIO, JR., R.D. 1, Box 113, East Hardwick, VT 05836. Representative: Richard G. Bolio, Jr. (same address as applicant). Transporting (1) *petroleum products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sweet & Burt, Inc., of Morrisville, VT; and (2) *wooden fencing,* between points in the U.S. (except AK and HI), under continuing contract(s) with Green Mountain Fence Co., Inc., of Glover, VT.

MC 161492, filed July 12, 1982. Applicant: DALE H. EDWARDS, d.b.a. CHAPARRAL SERVICES; Route 8, Box 32A, Silver City, NM 88061. Representative: Dale H. Edwards (same address as applicant), (505) 538–3528. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Grant, Hadalgo, Catron, Socorro, Sierra, Dona Ana, Ontero, and Luna Counties, NM and points in El Paso County, TX.

MC 162882, filed July 9, 1982. Applicant: CRAFTSMAN BUILDING SUPPLY, INC., d.b.a. C. B. S. TRANSPORTATION, 950 S. Main St., Heber City, UT 84032. Representative: Irene Warr, 311 S. Sate St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *lumber and wood products, building materials, and metal products* between points in WA, OR, ID, MT, WY, UT, NV, CO and CA.

MC 162892, filed July 12, 1982. Applicant: KENNETH A. BORGSTAHL, d.b.a. WANDERING WHEELS, P.O. Box 51, Slayton, MN 56172. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *mobile homes* between points in SD, IA, MN, MT, NE, ND, WI, WY, CO, TX, OK and NM.

MC 162922, filed July 12, 1982. Applicant: JAMES G. DIEM, d.b.a. JAMES G. DIEM TRANSPORT; Route 1, Butternut, WI 54514. Representative: Scott B. Post (same address as applicant), 715–762–4883. Transporting (1) *pulp, paper and related products,* between points in Price County, WI, on the one hand, and, on the other, points in IA, MO, KS, OK, AR, TX, LA, MS, GA, FL, AL, KY, AZ, CA, OR, WA, CO, NE, and TN; and (2) *such commodities* as are dealt in or used by manufacturers and distributors of fiberglass, between points in Price County, WI, on the one hand, and, on the other, points in OK, CO, and CA.

MC 162903, filed July 12, 1982. Applicant: GUILLORY TRANSPORTATION, 130 West 19th Pl., Delano, CA 93215. Representative: Herbert Guillory (same address as applicant), 805–725–6666. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Kern and Tulare Counties, CA, and extending to Las Vegas and Reno, NV, and points in Clark, Washoe, Lake Tahoe, and Douglas Counties, NV.

Volume No. OP2–160

Decided: July 19, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 15643 (Sub-14), filed June 1, 1982, published in the **Federal Register** issue of June 30, 1982, and republished, as corrected, this issue. Applicant: FOUR WINDS VAN LINES, INC., 7035 Convoy Court, San Diego, CA 92138. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *general commodities* (except classes A an B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Xerox Corp., of Rochester, NY. The purpose of this republication is to correct the commodity description.

MC 114323 (Sub-28), filed July 6, 1982. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris St., Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; 212–466–0220. Transporting *food and related products,* between New York, NY, on the one hand, and, on the other, points in NJ, CT, RI, MA, NY, and PA.

MC 119543 (Sub-13), filed July 13, 1982. Applicant: RICHARD J. MULLANEY, 66 Helena St., Leominster, MA 01453. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571.Transporting *coke and scrap metals,* between points in CT, ME, MA, NH, NY, RI and VT.

MC 125973 (Sub-10), filed July 12, 1982. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Avenue, P.O. Box M799A, Gary, IN 46401. Representative: Leonard R. Kofkin, Suite 1515, 140 South Dearborn St., Chicago, IL 60603, (312) 580–2210. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with FSC Corporation, of Alsop, IL, Valley Liquors, Incorporated, of Aurora, IL, Romano Brothers, dba Morano Bros. Beverage Co., of Chicago, IL, Rand McNally & Company, of Skokie, IL, Hendrickson Mobile Equipment, of

Lyons, IL, and J. G. Clark Co., of Edison, OH.

MC 141652 (Sub-53), filed July 12, 1982. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Mark S. Gray, 235 Peachtree St., NE., Suite 1200, Atlanta, GA 30303, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Madison County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143553 (Sub-14), filed July 6, 1982. Applicant: CONTINENTAL TRANSPORT SYSTEM, INC., 35 Main St., Versailles, CT 06383. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212–239–4610. Transporting *printed matter* and *paper and paper products,* between points in the U.S. (except AK and HI).

Note.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority.

MC 147243 (Sub-4), filed July 6, 1982. Applicant: SEYMOUR & SOUTHERN, INC., Rte. 2, Box 267, Seymour, WI 54165. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Delft Blue-Provimi, Inc., of Watertown, WI, and Jones Dairy Farm, Inc., of Fort Atkinson, WI.

MC 152523 (Sub-4), filed July 2, 1982. Applicant: ARLO G. LOTT, P.O. Box 174 Arco, ID 83213. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *metal and metal products, building materials, and lumber and wood products,* between points in AZ, CA, CO, ID, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 153872 (Sub-1), filed July 7, 1982. Applicant: MENDELSON EGG AND HENSLEY, INC., Rte. 1, Osakis, MN 55360. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products,* between points in Van Buren County, MI, on the one hand, and, on the other, points in IA, NE, SD, and WI.

MC 154942 (Sub-1), filed July 6, 1982. Applicant: MUSIC CITY TRANSPORT, INC., 33 Cleveland Ave., P.O. Box 100022, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, 615–255–9911. Transporting *general commodities* (except explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Morning Surf East, Inc. of Franklin, TN.

MC 158813, filed July 6, 1982. Applicant: KEN DUNKER, d.b.a. KEN DUNKER TRUCKING, 2208 Braemer Drive, Sioux Falls, SD 57105. Representative: Thomas J. Simmons, P.O. Box 480 Sioux Falls, SD 57101, 605–339–3629. Transporting *beer and malt beverages,* between points in the U.S., under continuing contract(s) with Brewster Distributing Company, of Watertown, SD.

MC 162822, filed July 6, 1982. Applicant: VEGAS ROCK & SAND, INC., 5547 S. Cameron, Las Vegas, NV 89118. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, 702–882–5649. Transporting *commodities in bulk* and *construction materials,* between points in CA, NV, AZ, and UT.

MC 162862, filed July 8, 1982. Applicant: UTOPIA TOURING CLUB, INC., Rte. 1, Garfield, MN 56332. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Douglas, Grant, and Todd Counties, MN, and extending to points in the U.S. (including AK, but excluding HI).

Volume No. OP3–115

Decided: July 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

W–64 (Sub-1), filed July 13, 1982. Applicant: WARNER & TAMBLE COMPANY, INC., 2661 Channel Ave., Memphis, TN 38113. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. To operate as a *contract carrier,* by water, transporting *general commodities* in the performance of general towage service between ports and points along the Mississippi River, between and including Minneapolis, MN and Cairo, IL, the Illinois River, below and including Chicago, IL, the Ohio River, between and including Pittsburgh, PA and Paducah, KY, the Missouri River, below and including Kansas City, MO/KS, the Gulf Intracoastal Waterway, between and including Carabelle, FL and Brownsville, TX, and all tributary and connecting waterways, the Alabama, Warrior, Black Warrior, and Tombigbee Rivers, and the Chattahoochee and Flint Rivers.

MC 56155 (Sub-7), filed July 12, 1982. Applicant: JOHN S. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Damon Dairy Processing Corporation, of Baltimore, MD.

MC 123254 (Sub-12), filed July 13, 1982. Applicant: PITZER BROTHERS, INC., P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street NW., Washington, DC 20005, (202) 783–3525. Transporting *clay, concrete, glass or stone products,* between points in Westmoreland County, PA, on the one hand, and, on the other, points in FL, GA, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, SC, TN, VA, WV, WI, and DC.

MC 138635 (Sub-2), filed July 14, 1982. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuinng contract(s) with E. I. du Pont de Nemours & Company, Inc., and its subsidiaries, of Wilmington, DE.

MC 140054 (Sub-4), filed July 12, 1982. Applicant: Z & S CONSTRUCTION CO., INC., P.O. Box 310, Kimball, NE 69145. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting (1) *petroleum, natural gas, and their products,* and (2) *Mercer commodities,* between points in CO, UT, NM, SD, ND, NE, WY, MT, KS, OK and ID.

MC 147804 (Sub-3), filed July 13, 1982. Applicant: R. E. HUSMAN EXPRESS, INC., 3926 Hemphill Way, Cincinnati, OH 45236. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, Middlesex and Union Counties, NJ, Pontotoc County, MS, Bexar County, TX, Laurel County, KY, and Des Moines, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151534 (Sub-7), filed July 15, 1982. Applicant: R & D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309, (515) 283–2411.

Transporting *machinery*, between points in the U.S. (except AK and HI).

MC 151544 (Sub-2), filed July 12, 1982. Applicant: HILL TRANSPORT, INC., P.O. Box 9813, Rudder Rd., Knoxville, TN 37920 0813. Representative: Howard Hill (same address as applicant), (615) 573–4814. Transporting (1) *textile mill products*, (2) *metal products*, and (3) *sporting goods*, between points in Knox and Campbell Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161464, filed July 12, 1982. Applicant: D & G LEASING CO. OF ALBION, 13424 28½ Mile Road, Albion, MI 49224. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48033, (517) 482–2400. Transporting *metal products*, between points in MI, on the one hand, and, on the other, points in IN, IL and OH.

MC 162214, filed July 13, 1982. Applicant: ANN BAILEY, d.b.a. A. BAILEY TRUCKING, Route 2, Box 553, Shepherdsville, KY 40165. Representative: Ann Bailey (same address as applicant), (502) 957–4695. Transporting *metallurgical coke* and *lightweight aggregate*, between points in the U.S., under continuing contract(s) with Airco Carbide, of Louisville, KY, and Kentucky Solite Corp., of Brooks, KY.

MC 162904, filed July 12, 1982. Applicant: C. E. SWADENER, d.b.a. PIONEER STAGE LINES, 1819 Smyth Ave., No. 9, San Ysidro, CA 92073. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *passengers and their baggage*, in charter operations, between points in AZ, CA, CO, NM, NV, OR, TX, UT, WA, and WY, on the one hand, and, on the other, ports of entry on the International Boundary line between the U.S. and Mexico.

MC 162924, filed July 12, 1982. Applicant: LESHER LEASING, INC., 27th and Cumberland Sts., Lebanon, PA 17042. Representative: Calvin D. Spitler, 773 Cumber St., Lebanon, PA 17042, (717) 273–7621. Transporting (1) *such commodities* as are dealt in or used by manufacturers of air pollution control equipment, and (2) *materials, equipment, and supplies* used in the installation and erection of the commodities in (1) above, between points in Lebanon County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162925, filed July 13, 1982. Applicant: ARTHUR O'NEAL AND JOE HALL, d.b.a. O & H TRUCKING, 1002 54th St., Oakland, CA 94608. Representative: Chas. G. Weiss, 24035 Edloe Dr., Hayward, CA 94541, (415) 785–1797. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 162944, filed July 14, 1982. Applicant: KANSAS CITY TRAVEL CLUB TOURS, 6946 North Oak Traffficway, Kansas City, MO 64118. Representative: Robert M. Hill, 103 West Main, P.O. Box 29, Richmond, MO 64085–0029, (816) 776–5411. As a *broker*, at Kansas City, MO, in arranging for the transportation of *passengers*, between points in the U.S.

MC 162954, filed July 13, 1982. Applicant: MILLIGAN EXPRESS, INC., 3412 Westminister Ave., Santa Ana, CA 92703. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, and (2) *cosmetics, perfumes and other toilet preparations, soap*, and *tote bags*, between points in AZ, CA, and NV.

MC 162955, filed July 12, 1982. Applicant: LE BARON TRUCKING, INC., Center Bldg., P.O. Box 28, Mendon, MA 01756. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Newly Weds Foods, of Watertown, MA.

MC 162965, filed July 12, 1982. Applicant: GEORGE & J. CROSS TRUCKING INC., d.b.a. JANCO SALES, P.O. Box 1188, Sutherlin, OR 97479. Representative: George T. Cross (same address as applicant), (503) 459–2217. Transporting (1) *lumber and wood products* and (2) *building and construction materials*, between points in CA, ID, OR, NV, and WA.

Volume No. OP4–267

Decided: July 20, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143406 (Sub-7), filed July 13, 1982. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 4304 East-West Hwy., Bethesda, MD 20814, (301) 657–2636. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Paper Company, of New York, NY, and its subsidiaries.

MC 143776 (Sub-55), filed July 12, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities), between points in the U.S. (except AK and HI).

MC 156996 (Sub-1), filed July 13, 1982. Applicant: EUGENE F. BURRILL LUMBER CO., P.O. Box 220, Medford, OR 97501. Representative: David C. White, 2400 S.W. 4th Ave., Portland, OR 97201, (503) 226–6491. Transporting (1) *lumber and wood products, and building materials*, between points in CA, ID, NV, OR, and WA; (2) *metal products*, between points in CA, ID, OR, and WA; and (3) *machinery*, between points in OR, on the one hand, and, on the other, points in CA, ID, OR, and WA.

MC 162946, filed July 12, 1982. Applicant: ARROWHEAD BUS & LIMOUSINE EQUIPMENT, INC., d.b.a ABLE, INC., 2390 Mill Rd., Alexandria, VA 22314. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–7900. Transporting *passengers and their baggage*, in charter and special operations, between Alexandria and Falls Church, VA and points in Loudoun, Fairfax, Prince William and Arlington Counties, VA, Prince George's, Howard, Anne Arundel, Montgomery, Calvert, Charles and St. Mary's Counties, MD and DC, on the one hand, and, on the other, points in the U.S. including AK and HI.

Volume No. OP4–269

Decided: July 20, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 2796 (Sub-10), filed July 14, 1982. Applicant: FULLINGTON AUTO BUS COMPANY, INC., 316 Cherry St., Clearfield, PA 16830. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting (1) *passengers and their baggage*, in special and charter operations, between points in the U.S., and (2) as a *broker* at points in the U.S., arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 162216, filed July 6, 1982. Applicant: KING B. ROWLAND TRUCKING, INC., 55 E. Washburn St., New London, OH 44851. Representative:

Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *building materials,* between points in Huron, Richland, and Ashland Counties, OH, on the one hand, and, on the other, points in MI, IN, OH, KY, WV, and PA.

MC 162726 (Sub-1), filed July 12, 1982. Applicant: ROSS HOWE, d.b.a. HOWE TRUCKING COMPANY, Route 2, Box 57, Canadian, TX 79014. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472–1101. Transporting *Mercer commodities,* between points in TX, WY, SD, OK, NM, LA, ND, AR, MT, KS, SD, CO, and CA.

Volume No. OP4–271

Decided: July 20, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 75406 (Sub-56), filed July 12, 1982. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 S. Fourth St., St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), serving all points in AR, LA, MS, TN, and TX, as off-route points in connection with applicant's existing authorized regular routes operations. Note: Applicant states it intends to tack this authority with existing authority and to interline with connecting carriers.

MC 162876, filed July 9, 1982. Applicant: J.W. THOMAS, Route 1, Box 124A, Queen City, TX 95572. Representative: J.W. Thomas (same address as applicant) (214) 796–4071. Transporting *lumber, paper and oil drilling equipment,* between points in TX, AR, OK, LA, AZ, NM, MS and MO.

MC 162886, filed July 9, 1982. Applicant: AIRPORT LIMO, INC., 1200 N. Hudson St., Arlington, VA 22201. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733, Washington, D.C. 20005 (202) 783–3525.

Transporting *passengers and their baggage,* charter and special operations, beginning and ending at points in DC, points in Arlington, Fairfax and Loudoun Counties, VA, Alexandria, Falls Church and Fairfax, VA, and points in Montgomery and Prince Georges Counties, MD, and extending to points in the U.S. (except HI)

Volume No. OP4–272

Decided: July 15, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 39507 (Sub-5), filed July 7, 1982. Applicant: PAWTUXET VALLEY MOTOR EXPRESS, INC., 303 Jefferson Blvd., Warwick, RI 28888. Representative: Ronald N. Cobert, Suite 501, 1730 M St., NW., Washington, D.C. 20036, (202) 296–2900. Transporting *general commodities* except classes A and B explosives, household goods, and commodities in bulk), between points in RI. Conditions: (1) Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request, of Certificate of Registration No. MC–39507, and (2) the person or persons who appear to be engaged in common control of applicant and another regulatd carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filling the application(s) for common control to team 4, Room 2410.

MC 72997 (Sub-29), filed July 12, 1982. Applicant: LIBERTY TRUCKING CO., 5000 W. 39th St., Chicago, IL 60650. Representative: Carl L. Steiner, 29 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods,and commodities in bulk), between points in WI and IL.

MC 108247 (Sub-11), filed July 12, 1982. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Rd., New Haven, CT 06512. Representative: Ronald G. Esposito (same address as applicant), (203) 469–2374. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Hew Haven, CT and Baltimore, MD: From New Haven over Interstate Hwy 95 to New York, NY and then over the NJ Turnpike and Interstate Hwy 295 to the Delaware Memorial Bridge, then over the Delaware Memorial Bridge to Interstate Hwy 95, the over Interstate Hwy 95 to Baltimore, and return over the same route, serving all intermediate points, and serving Philadelphia, PA as an off-route point.

Note.—Applicant states it intends to tack the authority herein with its presently authorized operations.

MC 149497 (Sub-29), filed July 12, 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with St. Regis Paper Co., of New York, NY.

MC 152597 (Sub-2), filed July 13, 1982. Applicant: ARROW-LIFSCHULTZ FREIGHT FORWARDERS, INC., 312 W 60th St., New York, NY 10023. Representative: Carl L. Haderer (same address as applicant), (202) 397–8840. Transportation *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TX, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV and DC.

MC 153197 (Sub-2), filed July 13, 1982. Applicant: ILLINOIS AUTO DRIVEAWAY, INC., d.b.a. AUTO DELIVERY COMPANY, 706 Center St., Des Plaines, IL 60016. Representative: Keith G. O'Brien, 1729 H St., NW., Washington, DC 20006, (202) 337–6500. Transporting *transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Travenol Laboratories, Inc., of Deerfield, IL.

MC 162837, filed July 12, 1982. Applicant: LAWRENCE A. PENN JR., d.b.a. LAWRENCE A. PENN, JR., TRUCKING, Route 3, Box 365–A, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *furniture and fixtures,* between Martinsville, VA, and points in Henry County, VA, on the one hand, and, on the other, points in AZ, CA, NV, OR and WA.

Volume No. OP4–273

Decided: July 19, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 41657 (Sub-2), filed July 6, 1982. Applicant: ROSENDO DIAZ, d.b.a. JENSEN MOVERS & STORAGE, 2520 Orthodox St., Philadelphia, PA 19137. Representative: Frank W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting *household goods, furnitures and fixtures,* between Philadelphia, PA, on the one hand, and, on the other, points in NY, CT, MA, VA, NC, SC, GA, FL, and DC.

MC 119237 (Sub-2), filed July 12, 1982. Applicant: CHAUFFEUR SERVICE, INC., 77 Oak St., Spotswood, NJ 08884. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *automotive parts and products, printed matter, textiles and textile products, apparel, food and kindred products, toys, office and school supplies and*

furniture, between New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157177, filed July 1, 1982. Applicant: WESTERN STATES SHIPPERS, INC., 7801 N. Federal Blvd., Suite 15, Westminister, CO 80030–4920. Representative: Winston A. Hollard, 5672 Wadsworth Blvd., P.O. Box 1169, Arvada, CO 80001–1169, (303) 425–0884. Transporting (1) *malt beverages,* between Denver and Jefferson Counties, CO, on the one hand, and, on the other, points in CA, and (2) *wine and liquors,* between points in CA, on the one hand, and, on the other, points in Denver, Jefferson, Adams, Arapahoe, Boulder, EL Paso, and Gilpin Counties, CO.

MC 161157, filed July 12, 1982. Applicant: TOP LINE EXPRESS, INC., 1977 N. Dixie Hwy., Lima, OH 45801. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Cleveland, Cincinnati, Columbus, Dayton, and Toledo, OH, St. Louis, MO, Chicago, IL, Detroit, MI, Louisville, KY, Indianapolis, IN, and points Allen and Huron Counties, OH, on the one hand, and, on the other, points in OH, IN, and MI.

MC 162947, filed July 1, 1982. Applicant: ACTION TRAVEL TOURS, DIVISION OF KELTON, LIMITED, Charles Professional Bldg., Waldorf, MD 20601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, (301) 986–9030. To engage in operations, in interstate or foreign commerce, as a *broker,* at Waldorf, MD, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at Washington, DC, and points in Anne Arundel, Calvert, Charles, Prince Georges, and St. Marys Counties, MD, and extending to points in the U.S.

MC 162957, filed July 12, 1982. Applicant: JIM OSTEEN, d.b.a. AREA DELIVERY SERVICE, P.O. Box 427, Hutchins, TX 75141. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, (214) 339–4108. Transporting *construction materials and equipment,* between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20194 Filed 7–26–82; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. P–41]

Railroads; Chicago and North Western Transportation Co.; Passenger Train Operator

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Railroad (BN). A portion of the BN tracks between Ottumwa, Iowa and Creston, Iowa, are temporarily out of service because of a washout. An alternate route is available via Chicago and North Western Transportation Company between Omaha, Nebraska, and Chicago, Illinois.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad (BN) at Omaha, Nebraska, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passsenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 9:00 a.m., July 16, 1982.

(e) *Expiration date.* The provisions of this order shall expire at 11:50 p.m., July 19, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 16, 1982.

Interstate Commerce Commission.

W. F. Sibbald, Jr.,

Agent.

[FR Doc. 82–20191 Filed 7–26–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte 387 (Sub-178)]

Winifrede Railroad Co.; Exemption for Contract Tariff ICC–WNFR–C–0001

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filled 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: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The Winifrede Railroad Company (Winifrede) filed a petition on July 2, 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–WNFR–C–0001 to become effective on one day's notice. The contract was filed to become effective on July 24, 1982 and involves the movement of coal.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Winifrede is a seven-mile railroad whose primary function is to transport coal from coal fields in and around Winifrede, West Virginia to a point on

the Hananna River for transfer to barges. It anticipated commencement of operations under its contract provision by June 1, 1982, but was unable to meet the deadline. Advancement of the contract's effective date will help alleviate further disadvantages to the contracting parties. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Winifrede's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

Although 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 insititute 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. 10101(a) 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 are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: July 20, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20192 Filed 7-26-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General Consent Decree Lodging Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on July 1, 1982 a proposed consent decree in *United States* v. *Republic Steel Corporation,* Civil Action No. C82-1688-A was lodged with the United States District Court for the Northern District of Ohio, Eastern District, and on July 2, 1982 an unopposed Motion for Modification of Compliance Schedule was filed by Republic. The proposed decree provides for the installation of certain air pollution control equipment at Republic's Canton and Massillon facilities.

The Department of Justice will receive until August 26, 1982, comments relating to the proposed consent decree. Comments should be addresed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Republic Steel Corporation,* D.J. Ref. 90-5-1-1-1056.

The proposed decree and unopposed motion may be examined at the office of the United States Attorney, Northern District of Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio, and at the Region 5 Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois. Copies of both the consent decree and the unopposed motion may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree and the unopposed motion may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-20226 Filed 7-26-82; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated February 4, 1982, and published in the **Federal Register** on February 12, 1982, (47 FR 6499), Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
2,5-Dimethoxyamphetamine (7396)	I.
Methamphetamine (1105)	II.

No comments or objections having been received and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 20, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-20201 Filed 7-26-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated January 27, 1982, and published in the **Federal Register** on February 4, 1982; (47 FR 5370), Hoffman La Roche Inc., Kingland Road and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alphaprodine (9010)	II.
Levorphanol (9220)	II.

No comments or objections having been received and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 19, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-20202 Filed 7-26-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 5, 1982, Merck and Company Inc., Merck Chemical Manufacturing Division, Building 19, Lincoln Avenue, P.O. Box 2000, Rahway, New Jersey 07065, made application to the Drug Enforcement

Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Anileridine (9020)	II.
Cocaine (9041)	II.
Codeine (9050)	II.
Ethylmorphine (9190)	II.
Hydrocodone (9193)	II.
Morphine (9300)	II.
Thebaine (9333)	II.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 26, 1982.

Dated: July 20, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-20203 Filed 7-26-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science and Technological Innovation

Date and time: August 9, 1982; 8:30 am—5:00 pm

Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550 Room 540

Type of meeting: Open

Contact person: Mrs. Carolyn J. Smith, Administrative Assistant Division of Industrial Science and Technological Innovation, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357-9666

Summaries of minutes: May be obtained from Mrs. C.J. Smith, Division of Industrial Science and Technological Innovation, National Science Foundation, Washington, D.C. 20550

Purpose of committee: To provide advice and recommendations concerning support for research in NSF programs administered by Industrial Science and Technology Innovation.

Agenda

August 9, 1982, 8:30 am—12:00 pm

Overview of Industrial Science and Technological Innovation research programs, including presentations on program element initiatives. The committee will be organized into interest subcommittees and a description of the role of the committee will be discussed. Introductory discussions on long range planning and effect of the proposed Small Business Innovation Act of 1982 on Industrial Science and Technological Innovation operations.

August 9, 1982; 1:30 pm—5:00 pm

Dissemination of ISTI research results. Subcommittee meetings organized around programs and presentations of research priorities and research accomplishments. A plenary session devoted to general discussion and future meetings will terminate the meeting.

Reason for late notice: Administrative error.

Dated: July 22, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-20207 Filed 7-26-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket NO. 50-358]

Cincinnati Gas & Electric Co., et al. (Wm. H. Zimmer Nuclear Power Station, Unit 1); Notice

July 21, 1982.

Please take notice that a Prehearing Conference in the above captioned proceeding will take place on August 3 and 4, commencing at 9:00 am each day at Room 308, Hamilton County Courthouse, 1000 Main Street, Cincinnati, Ohio 45202.

Oral Limited Appearance Statements will not be heard in this Prehearing Conference, rather limited appearances will be scheduled for the forthcoming Evidentiary Hearings. Written Limited Appearance Statements may be submitted at any time.

Bethesda, Maryland.

For The Atomic Safety and Licensing Board.

John H Frye, III,

Chairman, Administrative Judge.

[FR Doc. 82-20270 Filed 7-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co.; Notice of Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-11, issued to Commonwealth Edison Company, which revised the license 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 an addition to the license in that prior to January 15, 1983, the licensee shall check the torque on all non-pressure boundary bolts on each safety-related valve outside containment.

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 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 July 14, 1982, (2) Amendment No. 3 to License No. NPF-11 dated July 15, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., 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 15th day of July 1982.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82-20267 Filed 7-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-373 and 50-374]

Commonwealth Edison Co., La Salle County Station, Unit 1 and 2; Issuance of Directors's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied the petitions and amendment under 10 CFR 2.206 filed by the Attorney General of Illinois and Illinois Friends of the Earth for La Salle County Station, Unit 1. With respect to La Salle County Station, Unit 2, the Director has indicated further investigations. A supplemental decision must be made with respect to those allegations pertaining only to Unit 2.

The two petitions addressed numerous allegations of poor construction, falsification of records, inadequate quality control, etc. These allegations were categorized into three categories; whereby the NRC staff concluded that only Category 1 allegations required resolution to proceed with the La Salle Unit 1 licensing process. For La Salle Unit 2, the Category 2 allegations were deferred and the NRC will continue to investigate these matters for a decision in the reasonably near future. Category 3 allegations are those not under NRC jurisdiction or are too general to pursue and no further action is required by the NRC staff.

The reasons for the above conclusions are fully described in a "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois. A copy of the decision will be filed with the secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 19th day of July 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-20268 Filed 7-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322]

Long Island Lighting Co., Shoreham Nuclear Power Station; Order Extending Construction Completion Date

Long Island Lighting Comapny is the holder of Construction Permit No. CPPR-95, issued by the Atomic Energy Commission[1] on April 14, 1973, for construction of the Shoreham Nuclear Power Station. This facility is presently under construction at the applicant's site on the north shore of Long Island in the town of Brookhaven, Suffolk County, New York.

On November 26, 1980, the applicant requested an extension of the latest completion date because construction has been delayed by the following events beyond its control:

1. New Regulatory Requirements.
2. Evolving Interpretation of Existing Regulatory Requirements.
3. Late Delivery of Equipment.
4. Unexpected Difficulties in Completion of Required Plant Modifications.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Shoreham-Wading River Public Library, Route 25A Shoreham, New York 11786.

It Is Hereby Ordered That the latest completion date for Construction Permit No. CPPR-95 is extended from December 31, 1980 to March 31, 1983.

Date of Issuance: July 15, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-20271 Filed 7-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 56 and 50 to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The Amendments are effective as of the date of issuance.

The Amendments revise the Appendix A Technical Specifications concerned with the peak burnup limits shown in Figure TS.3.10-7. The peak burnup limit is increased from 41,850 to 47,000 MWD/MTU.

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 rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and 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) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 14, 1982, (2) Amendment Nos. 56 and 50 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) 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 16th day of July, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR DOC. 82-20269 Filed 7-26-82; 8:45 am]

BILLING CODE 7590-01-M

[1] Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Neclear Regulatory Commission.

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published a notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on June 25, 1982 (47 FR 27649). Individual authorities established or revoked under Schedules A, B, or C between June 1, 1982 and June 30, 1982 appear in a listing below. Future notices will be published on the fourth Tuesday of each month. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

In the Department of Health and Human Services, Office of the Secretary, up to ten positions at grades GS–9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS–9/12. Employment of any individual under this authority may not exceed 2 years. Effective June 3, 1982.

The following exceptions are revoked:

Correction: In the Department of the Air Force, Office of the Secretary, one Special Assistant (under 213.3109(a)), was erroneously revoked May 28, 1982 (47 FR 23607), due to an administrative error by the agency. The authority is still being used. Approval of the retraction is effective June 17, 1982.

In the Selective Service System, Deputy or Assistant State Directors and State Medical Officers in State Headquarters; revoked effective June 2, 1982, because the authority is no longer used.

In the Government of the District of Columbia, Board of Higher Education, positions of noneducational employees of the Federal City College; revoked effective June 10, 1982, because the District has established its own personnel system.

In the Government of the District of Columbia, Department of Housing and Community Development, one Executive Director; revoked effective June 10, 1982, because the District established its own personnel system.

In the Government of the District of Columbia, Department of Housing and Community Development, positions of teachers engaged on a part-time or intermittent basis in the instruction of trainees enrolled in training programs for maintenance of buildings and grounds; revoked effective June 10, 1982, because the District established its own personnel system.

In the Government of the District of Columbia, Department of Housing and Community Development, positions of Neighborhood Aide (Urban Renewal); revoked effective June 10, 1982, because the District established its own personnel system.

Schedule B

The following exceptions are revoked:

In the Selective Service System, positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service Program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service Program; revoked effective June 2, 1982, because the authority is no longer used.

In the Government of the District of Columbia, Chairman, Secretary and Members of the Board of Police and Fire Surgeons, D.C.; revoked effective June 10, 1982, because the District established its own personnel system.

Schedule C

The following exceptions are established:

In ACTION, one Staff Assistant to Deputy Assistant Director. Effective June 16, 1982.

In the Department of Agriculture, Office of the Secretary, one Confidential Assistant to the Executive Assistant to the Secretary. Effective June 1, 1982.

In the Department of Agriculture, Assistant Secretary for Administration. Office of Finance and Management, one Special Assistant to the Deputy Assistant Secretary for Administration. Effective June 2, 1982.

In the Department of Agriculture, Federal Crop Insurance Corporation, one Confidential Assistant to the Manager. Effective June 7, 1982.

In the Department of Agriculture, Federal Crop Insurance Corporation, one Confidential Assistant to the Manager. Effective June 16, 1982.

In the Department of Agriculture, Farmers Home Administration, one Confidential Assistant to the Administrator. Effective June 30, 1982.

In the Agency for International Development, Bureau for Program and Policy Coordination, one Deputy Director to the Director, Office of Women in Development. Effective June 4, 1982.

In the Department of Commerce, International Trade Administration, one Confidential Assistant to the DAS for Industry Projects. Effective June 3, 1982.

In the Department of Commerce, National Telecommunications and Information Administration, one Confidential Assistant to the Deputy Associate Administrator for Policy Analysis and Development. Effective June 11, 1982.

In the Department of Commerce, International Trade Administration, one Special Assistant to the Assistant Secretary. Effective June 28, 1982.

In the Department of Commerce, International Trade Administration, one Confidential Assistant to the Deputy Assistant Secretary for Export Enforcement. Effective June 30, 1982.

In the Department of Commerce, Office of Congressional and Intergovernmental Affairs, one Confidential Assistant to the Assistant Secretary. Effective June 30, 1982.

In the Department of Defense, Office of the Assistant Secretary of Defense (Legislative Affairs), one Special Assistant. Effective June 1, 1982.

In the Department of Defense, Office of the Assistant to the Secretary and Deputy Secretary of Defense, one Staff Assistant. Effective June 4, 1982.

In the Department of Defense, Office of the Secretary of Defense, one Special Counsel to the Assistant Secretary. Effective June 10, 1982.

In the Department of Defense, Office of the Secretary of Defense, one Personal and Confidential Assistant to the Assistant Secretary of Defense (International Security Policy). Effective June 18, 1982.

In the Department of Defense, Office of the Director, Program Analysis and Evaluation, one Assistant for Special Projects. Effective June 30, 1982.

In the Department of Energy, Congressional, Intergovernmental, and Public Affairs, one Administrative Assistant. Effective June 21, 1982.

In the Department of Transportation, Urban Mass Transportation Administration, Office of the Administrator, one Staff Assistant to the Administrator. Effective June 3, 1982.

In the Department of Transportation, Office of the Secretary, one staff Assistant to the Regional Representative of the Secretary. Effective June 3, 1982.

In the Department of Transportation, Office of the Secretary, Immediate Office, one Regional Representative of the Secretary. Effective June 18, 1982.

In the Department of Transportation, Office of the Secretary, one Staff Assistant to the Director, Office of Civil Rights. Effective June 30, 1982.

In the Department of Education, Office of Civil Rights, one Special Assistant to the Assistant Secretary. Effective June 4, 1982.

In the Department of Education, Office of Legislation and Public Affairs, one Director, Legislative Policy to the Deputy Assistant Secretary. Effective June 8, 1982.

In the Department of Education, Office of Civil Rights/Program Review and Assistant Service, one Director to the Assistant Secretary. Effective June 16, 1982.

In the Department of Education, Office of the Secretary, one confidential Assistant for Advisory Committees to the Executive Assistant. Effective June 30, 1982.

In the Environmental Protection Agency, Office of Intergovernmental Liaison, one Special Assistant to the Director. Effective June 23, 1982.

In the Environmental Protection Agency, Office of Intergovernmental Liaison, one Local Affairs Specialist to the Director. Effective June 28, 1982.

In the Environmental Protection Agency, Office of the Administration, one Program Coordinator to the Chief of Staff. Effective June 28, 1982.

In the Export-Import Bank of the United States, one Special Assistant to the First Vice President and Vice Chairman for Small Business Programs. Effective June 15, 1982.

In the Government Printing Office, Office of the Public Printer, one Public Affairs Specialist to the Legislative Liaison Officer. Effective June 1, 1982.

In the Government Printing Office, Office of the Public Printer, one Deputy Congressional Relations Officer. Effective June 21, 1982.

In the Department of Health and Human Services, Office of the Assistant Secretary for Public Affairs, one Confidential Staff Assistant to the Assistant Secretary. Effective June 1, 1982.

In the Department of Health and Human Services, one Confidential Assistant to the Assistant Secretary for Planning and Evaluation. Effective June 2, 1982.

In the Department of Health and Human Services, one Special Assistant to the Director, Office of Community Services, Effective June 4, 1982.

In the Department of Health and Human Services, one Confidential Assistant to the Executive Secretary to the Department. Effective June 11, 1982.

In the Department of Health and Human Services, one Special Assistant to the Director, Office of Community Services. Effective June 29, 1982.

In the Department of Housing and Urban Development, one Special Assistant for Regional Council Programs. Effective June 18, 1982.

In the Department of Housing and Urban Development, one Executive Assistant to the Regional Administrator. Effective June 18, 1982.

In the Department of Housing and Urban Development, one Special Assistant for Regional Council Programs. Effective June 18, 1982.

In the Department of Housing and Urban Development, one Executive Assistant to the Regional Administrator. Effective June 30, 1982.

In the International Communications Agency, one Secretary (Typing) to the Director, Associate Directorate for Management. Effective June 7, 1982.

In the International Communications Agency, one Special Assistant, Private Sector Liaison, to the Associate Director for Management. Effective June 7, 1982.

In the International Communications Agency, Associate Director for Broadcasting, one Special Projects Officer. Effective June 18, 1982.

In the Department of Interior, Assistant Secretary-Land and Water Resources, one Assistant Director for Policy Analysis to Director, Office of Water Policy. Effective June 1, 1982.

In the Department of Interior, U.S. Fish and Wildlife Service, one Confidential Assistant to the Director. Effective June 7, 1982.

In the Department of Interior, Office of the Secretary, one Confidential Assistant. Effective June 7, 1982.

In the Department of Interior, Office of Surface Mining, one Confidential Assistant to the Director. Effective June 28, 1982.

In the Department of Interior, Office of Secretary, one Special Assistant to the Assistant Secretary-Territorial and International Affairs. Effective June 28, 1982.

In the Department of Interior, Office of Secretary, one Special Assistant to the Deputy Assistant. Effective June 30, 1982.

In the Department of Labor, Office of the Assistant Secretary, one Confidential Staff Assistant. Effective June 2, 1982.

In the Department of Navy, Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs, one Staff Assistant to the Assistant Secretary. Effective June 1, 1982.

In the National Transportation Safety Board, one Special Assistant. Effective June 30, 1982.

In the Office of Science and Technology Policy, one Executive Assistant to the Deputy Director. Effective June 3, 1982.

In the Small Business Administration, Office of Executive Services, one Special Assistant to the Associate Administrator for Management Assistant. Effective June 30, 1982.

In the Department of Treasury, Office of the Commissioner, one Policy Advisor to the Commissioner of Customs. Effective June 1, 1982.

In the Department of Treasury, Office of the Assistant Secretary (Enforcement and Operations), one Deputy Assistant Secretary. Effective June 28, 1982.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82-20266 Filed 7-26-82; 8:45 am]

BILLING CODE 6325-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) Collection title: Application for Medicare.

(2) Form(s) submitted: AA–6, AA–7, AA–8.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Respondents: Railroad Retirement Act annuitants relatives and acquaintances, court clerks.

(6) Annual responses: 1,100.

(7) Annual reporting hours: 216.

(8) Collection description: The Board administers the Medicare program for persons covered by the railroad retirement system. The application will be used to obtain information about nonretired employees and their spouses and survivor applications needed for enrollment in the plan.

ADDITIONAL INFORMATION OR COMMENTS:

Copies of the proposed forms and

supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhaus (202–395–6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 82–20217 Filed 7–26–82; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

HRT Industries, Inc., Common Stock, $1 Par Value (File No. 7–6267)

Manville Corporation (Del.), Common Stock, $2.50 Par Value (File No. 7–6268)

Household International, Inc., Common Stock, $1 Par Value (File No. 7–6269); $2.375 Cumulative Convertible Voting Preferred Stock (File No. 7–6270)

Nabisco Brands, Inc., Common Stock, $2 Par Value (File No. 7–6271)

USF&G Corporation, Common Stock, $2.50 Par Value (File No. 7–6272)

Standard Pacific Corp. (Del.), Common Stock, $.25 Par Value (File No. 7–6273)

Hiram Walker Resources, Ltd., Common Stock, No Par Value (File No. 7–6274)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–20212 Filed 7–26–82; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

National Utilities & Industries Corp., Common Stock, $10 Par Value (File No. 7–6257)

Texas American Bancshares, Inc., Common Stock, $5 Par Value (File No. 7–6258)

Chemed Corp., Capital Stock, $1 Par Value (File No. 7–6259)

LeaRonal, Inc., Common Stock, $1 Par Value (File No. 7–6260)

General Housewares Corp., Common Stock, $33⅓ Par Value (File No. 7–6261)

TDK Electronics Co., Ltd., American Depositary Shares (File No. 7–6262)

Limited, Inc. (The), Common Stock, $.50 Par Value (File No. 7–6263)

Nicolet Instrument Corp., Common Stock, $.25 Par Value (File No. 7–6264)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley L. Bollis,

Assistant Secretary.

[FR Doc. 82–20210 Filed 7–26–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18877; File No. SR-PHILADEP–82–6]

Self-Regulatory Organizations; Proposed Rule Change; Philadelphia Depository Trust Co.

Relating to an Interface between Philadelphia Depository Trust Company and the Depository Trust Company for the Settlement of Institutional Trades. Comments requested on or before August 17, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1982, Philadelphia Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The operations of the PHILADEP ID System (PIDS) are summarized as follows:

A. Broker/dealer submission of trades may occur through T+2, using the PHILADEP ID System format, via hard copy, telecommunications transmission, keypunch card, or magnetic tape.

B. Once submitted, trades will generate a legal confirmation for the broker, institution, agent bank and money manager. Also provided for brokers is a Trade Error List, detailing trades with edit errors.

C. After trades have been input, it is the responsibility of the institution or agent bank to affirm the terms of the trade, via hard copy, telecommunication transmission, or magnetic tape.

D. Affirmed trades will generate an Eligible Trade Report for the broker and agent bank. Also, the broker will receive the Unaffirmed Report on the morning of T+3 which reflects trades which have not yet been affirmed by the institution or agent bank.

E. Trades which have been affirmed by T+3 and appear on the Eligible

Trade Report will settle automatically within the depository interface system, via the Third Party Interface, to the long (buying) participant. Trades made between two PHILADEP participants which have been affirmed by T+4 will be settled via the automatic intra-PHILADEP book entry movement of securities.

The PHILADEP IS System will also have an "Interested Party" capability which will allow a maximum of two confirms to be generated for distribution to interested parties, e.g., investment advisor, plan manager, money manager, etc.

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

PHILADEP's interface with the Depository Trust Company (DTC) is being enhanced to allow use of the institutional delivery system for trade confirmation, affirmation and settlement.

The new system will be known at PHILADEP as the PHILADEP Institutional Delivery System (PIDS).

DTC will make its ID System available to PHILADEP both (i) for trades between PHILAFEP brokers and institutions whose trades are settled by PHILADEP agent banks and (ii) for trades between PHILADEP brokers, PHILADEP institutions, or institutions whose trades are settled by PHILADEP agent banks and DTC brokers, DTC institutions, or institutions whose trades are settled by DTC agent banks. (It is agreed that neither PHILADEP nor DTC shall be deemed a guarantor of settlement of any trade in the ID System.)

The fee for PHILADEP participants of $0.15 per Trade Acknowledgement Confirmation represents a pass-through of the fee charged by DTC.

PHILADEP will participate in an interfaced ID System to promote uniformity and standardization of procedure throughout the financial community for institutional trades.

The new interface is consistent with Section 17A(b)(3)(F) of the Act in that it will facilitate the linking of the PHILADEP and DTC clearance and settlement facilities for institutional trades, thus promoting the prompt and accurate clearance and settlement of securities transactions and fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

PHILADEP does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather, it believes that it will encourage the linking of all markets in the development of a national clearance and settlement system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change

Comments have been neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 7, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary

July 8, 1982.

[FR Doc. 82-20211 Filed 7-26-82; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks: The Continental Group, Inc. (New Holding Company), Common Stock, $1 Par Value (File No. 7-6275, $2 Cumulative Convertible Preferred, Series A, $1 Par Value (File No. 7-6276). These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-20209 Filed 7-26-82; 8:45 am]

BILLING CODE 8010-01-M

Soundesign Corp. (10% Subordinated Sinking Fund Debentures (due 10/1/92)); Application To Withdraw From Listing and Registration

[File No. 1-5850]

July 20, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Soundesign Corporation ("Company") has determined that the direct and indirect costs of continued listing of its debentures on the Amex is not justified. The Company's debentures were held by 287 holders of record as of July 2, 1982, and the Amex has advised the Company that only $424,000 principal amount of the debentures was traded on the Exchange during the 12-month period commencing July 1, 1981 and ending June 30, 1982. The Amex has posed no objection in this matter.

Any interested person may, on or before August 10, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-20208 Filed 7-26-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before August 18, 1982. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

COPIES: Copies of the proposed form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., N.W., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB reviewer: J. Timothy Sprehe, Office of Information and Regulation Affairs, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

FORM SUBMITTED FOR REVIEW:

Title: Disaster Home Loan Interview and Referral Form
Form No.: SBA 700
Frequency: On Occasion
Description of Respondents: Individuals, businesses, cooperatives, religious and nonprofit groups that suffer losses in declared disasters
Annual Responses: 75,000
Annual Burden Hours: 18,750
Type of Request: New

Dated: June 21, 1982.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 82-20199 Filed 7-26-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 814]

Argentine Republic; Revocation of the Determination Under Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as Amended, and Executive Order 12166

By virtue of the authority vested in the Secretary of State by Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended, and Executive Order 12166 of October 19, 1979, the determination with respect to the Argentine Republic made by the Secretary of State (47 FR 19842, May 7, 1982) pursuant to Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended, and dated April 30, 1982, is hereby revoked.

This revocation shall be published in the Federal Register.

Walter J. Stoessel, Jr.,

Acting Secretary of State.

July 12, 1982.

[FR Doc. 82-20200 Filed 7-26-82; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82-136]

Tariff-Rate Quota for the Calendar Year 1982, on Fish Dutiable Under Item 110.50, Tariff Schedules of the United States (TSUS)

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity on certain fish for calendar year 1982

SUMMARY: The tariff-rate quota for fish pursuant to item 110.50, TSUS, for the 1982 calendar year is 48,097,576 pounds.

EFFECTIVE DATES: The 1982 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during calendar year 1982.

FOR FURTHER INFORMATION CONTACT:

William D. Slyne, Chief, Special Operations Branch, Duty Assessment Division, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, for the three preceding years, as provided for in headnote 1, part 3A schedule, 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for calendar year 1979 through 1981 was 320,650,509 pounds. Therefore, the quota quantity of fish, item 110.50, TSUS, for calendar year 1981 is 48,097,576 pounds. (QUO-2-CO:T:D:SO)

Dated: June 30, 1982.

William Von Raab,

Commissioner of Customs.

[FR Doc. 82-20206 Filed 7-26-82; 8:45 am]

BILLING CODE 4820-02-M

Office of the Secretary

Meeting Between United States and People's Republic of China To Discuss Income Tax Treaty

The Treasury Department announced that representatives of the United States and the People's Republic of China will meet in Washington during the period September 1–10, 1982 to begin negotiations of a bilateral treaty to avoid double taxation of income.

A treaty to avoid double taxation of international shipping and aircraft income was signed in Beijing on March 5, 1982 and has been submitted to the Senate for its advice and consent to ratification. The negotiations to take place in September will address a broader range of issues. These discussions will concern the respective taxing jurisdictions of the country where income arises and the country where the recipient resides, the method to be used by each country to avoid double taxation of its resident with respect to income arising in the other country, and provisions for administrative cooperation between the tax authorities of the two countries.

The discussions will be based in general on the model draft income tax convention published by the Treasury Department in June, 1981. They will also take into account provisions of recent U.S. income treaties with other countries and of the model draft income tax convention published by the United Nations in 1980.

Anyone wishing to provide information or comments on tax matters related to the forthcoming negotiations is invited to do so in writing to A. W. Granwell, International Tax Counsel, Room 3064, Main Treasury Building, Washington, D.C. 20020.

Dated: July 20, 1982.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 82-20197 Filed 7-26-82; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Veterans Administration gives notice under 38 U.S.C. 221 that a meeting of the Advisory Commitee on Former Prisoners of War will be held in Room 304 at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, September 29 and 30, 1982. The purpose of the Committee is to consult with and advise the Administrator of Veterans's Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war and on the needs of such Veterans with respect to compensation, health care, and rehabilitation.

The sessions will convene at 9 a.m. each day. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Miss Linda Gardner, Administrative Assistant to the Chief Benefits Director, Veterans Administration Central Office (phone 202/389-2455) prior to September 22, 1982.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. H. B. Mars, Deputy Director, Compensation and Pension Service, Department of Veeterans Benefits, Room 400, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the Committee members may be obtained from Miss Linda Gardner at the aforementioned address.

Dated: July 20, 1982.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 82-20215 Filed 7-26-82; 8:45 am]

BILLING CODE 8320-01-M

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists a revision and 2 extensions. The entry contains the following information: (1) The department or staff office issuing the form; (2) the title of the form; (3) the agency form number, if applicable; (4) how often the form must be filled out; (5) who will be required or asked to report; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form; and (8) an indication of whether section 3504(H) of P.L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C., 20420 (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Karen Sagett, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-6880.

DATE: Comments on forms should be directed to the OMB Desk Officer by September 27, 1982.

Dated: July 19, 1982.

Robert P. Nimmo,

Administrator.

Revision and Extension

(1) Office of Construction.
(2) Supplement to SF-129, Bidders' Mailing List Application.
(3) VA Form 08-6299.
(4) When requested by the Office of Construction.
(5) Commercial Construction Firms.
(6) 3,000.
(7) 10 mins.
(8) Section 3504(H) of Pub. L. 96-511 does not apply.

Extension

(1) Information and Regulations Staff.
(2) Certification of Inability to Pay Transportation Costs.
(3) VA Form 60-2323 or VA Form 00-2323.
(4) Annually.
(5) Nonservice-connected beneficiaries who are not in receipt of pension after VA has established that annual family income is not above the maximum annual base pension rates established in 38 U.S.C. 521.
(6) 552,500.
(7) Five minutes.
(8) Section 3504(H) of Pub. L. 96-511 does not apply.

[FR Doc. 82-20214 Filed 7-26-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 144
Tuesday, July 27, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL COMMUNICATIONS COMMISSION

Special Open Commission Meeting, Wednesday, July 28, 1982

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, July 28, 1982, at 2:00 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* FCC Budget Estimates for FY 1984. *Summary:* Managing Director's Recommended Budget Request to be presented to the Office of Management and Budget on September 1, 1982.

General—2—*Title:* Program Evaluation. *Summary:* Item contains program evaluations undertaken at the behest of the Commission. These evaluations address a variety of concerns ranging from the use of office automation to the potential for consolidation of functions.

This meeting may be continued to the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1086-82 Filed 7-23-82; 11:00 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From July 22nd Open Meeting

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the July 22, 1982, Open Meeting and previously listed in the Commission's Notice of July 15, 1982.

Agenda, Item No., and Subject

Common Carrier—2—*Title:* Revision and update of Rules Part 22 ("Public Mobile Service") CC Docket 80-57. *Summary:* Before the Commission is a *Notice of Proposed Rulemaking* which proposes to simplify these rules, place them in plain language and bring the rules up to date with current technology, reducing costs to applicants and staff, and expediting the administrative processes related to the public mobile service.

Issued: July 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1087-82 Filed 7-23-82; 11:01 am]

BILLING CODE 6712-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

July 21, 1982.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., July 28, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—754th Meeting, July 28, 1982, Regular Meeting (10 a.m.)

CAP-1. Project No. 6089-002, Rainsong Co.—Skate Creek exemption application

CAP-2. Project No. 6151-003, Rainsong Co.—Cabin Creek project

CAP-3. Project No. 2958-002, Madera Irrigation District

CAP-4. Project No. 3738-001, Mitchell Energy Co., Inc.; Project No. 4145-000, The City of Valentine, Nebraska; Project No. 3813-000, Energenics Systems, Inc.; Project No. 4225-000, Ainsworth Irrigation District

CAP-5. Project No. 5217-002, Niagara Mohawk Power Corp.

CAP-6. Project No. 6372-001, American Hydro Power Co.

CAP-7. Project No. 3705-002, American Hydro Power Co.

CAP-8. Project Nos. 943-012 and 013, Public Utility District No. 1 of Chelan County, Washington

CAP-9. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2409-001, the Cities of Anaheim and Riverside, California

CAP-10. Project Nos. 3524-001 and 002, Western Water Power, Inc.; Project No. 3950-000, Energenics Systems, Inc.; Project No. 4399-000, Yuma County Water Users Association; Project No. 4411-000, City of McFarland; Project No. 4420-000, Imperial Irrigation District

CAP-11. Project No. 5363-001, Warrensburg Board and Paper Corp., Warrensburg, New York

CAP-12. Project No. 4951-003, The Public Utility Commission of The City and County of San Francisco

CAP-13. Project No. 6092-000, Western Hydro Electric, Inc.

CAP-14. Project No. 5451-001, Ted Lance Slater

CAP-15. Project No. 5020-001, Mac Hydro-Power Co., Inc.

CAP-16. Project No. 5123-001, Mac Hydro-Power Co.

CAP-17. Project No. 5829-000, Robert H. Sherman

CAP-18. Project Nos. 5435-002 and 6105-000, Lawrence J. McMurtrey

CAP-19. Omitted

CAP-20. Project No. 3494-000, Noah Corp.; Project No. 3667-000, Borough of Central City, Pennsylvania; Project No. 3960-000, Energenics Systems, Inc.; Project No. 4017-000, City of Pittsburgh, Pennsylvania

CAP-21. Project No. 176-003, 008, 009 and 010, Escondido Mutual Water Co.

CAP-22. Project No. 3639-000, Gregory Wilcox; Project No. 3748-000, Mitchell Energy Co.; Project No. 3168-001, Plains Electric Generation and Transmission Cooperative, Inc.; Project No. 3945-000, Energenics Systems, Inc.; Project No. 5226-000, County of Los Alamos, New Mexico; Project No. 5233-000, City of Alburquerque, New Mexico

CAP-23. Project No. 5857-001, Comtu Falls Corp. and Comtu Associates

CAP-24. Docket No. HB24-63-3, Public Service Co. of Colorado

CAP-25. Project No. 2709-005, Mononogahela Power Co., Potomac Edison Co. and West Penn Power Co.

CAP-26. Project No. 2232-000, Duke Power Co.

CAP-27. Docket No. ER77-277-004, Pennsylvania Power Co.

CAP–28. Docket No. ER82–456–001, Cincinnati Gas & Electric Co.
CAP–29. Docket No. ER82–468–000, Kansas City Power & Light Co.
CAP–30. Docket No. ER82–424–000, Toledo Edison Co.
CAP–31. Docket No. ER82–577–000, Consolidated Edison Co. of New York, Inc.
CAP–32. Docket No. ER82–593–000, Pennsylvania Electric Co.
CAP–33. Docket No. ER82–483–000, Middle South Services, Inc.
CAP–34. Omitted
CAP–35. Docket No. ER82–15–000, Maine Yankee Atomic Power Co.
CAP–36. Docket No. ER82–161–000, New England Power Co.
CAP–37. Docket No. ER82–105–000 and 001, Sierra Pacific Power Co.
CAP–38. Docket No. ER82–104–000, Public Service Co. of Colorado
CAP–39. Docket Nos. ER81–645–000 and ER81–646–000, New England Power Co.
CAP–40. Omitted
CAP–41. Docket No. E–7704–000, The Electric and Water Plant Board of the City of Frankfort, Kentucky v. Kentucky Utilities Co.; Docket No. E–7669–000, Public Service Co. of Indiana; Docket No. E–7937–000, Indianapolis Power & Light Co.; Docket No. E–8053–000 and E–8331–000, Kentucky Utilities Co.
CAP–42. Docket No. ER82–414–001, Ohio Edison Co.
CAP–43. Project No. 4247–001 and 5196–000, Long Lake Energy Corp.
CAP–44. Docket No. QF82–147–000, Sunlaw Energy Corp.
CAP–45. Project No. 5463–001, Lawrence J. McMurtrey and Jay R. Bingham

Consent Miscellaneous Agenda

CAM–1. Public Service Commission of West Virginia
CAM–2. Docket No. RM79–76–113 (Kentucky—1), High-cost gas produced from tight formations
CAM–3. Docket No. RM79–76–109 (New Mexico—12), High-cost gas produced from tight formations
CAM–4. Docket No. RM79–76–110 (New Mexico—13), High-cost gas produced from tight formations
CAM–5. Docket No. RM79–76–106 (Texas—21), High-cost gas produced from tight formations
CAM–6. Docket No. RM79–76–112 (Wyoming—13), High-cost gas produced from tight formations
CAM–7. Docket No. GP82–12–000, Railroad Commission of Texas, Section 102 NGPA Determination, R. L. Burns Corp., Baker "1160" Well #2, RRC Docket No. F–7C–031892, FERC JD–81–32977
CAM–8. Omitted
CAM–9. Docket No. RO82–18–000, Standard Oil Co. of California and Western Crude Oil, Inc.
CAM–10. Docket No. RA81–67–000, Demartin Truck LInes, Inc.

Consent Gas Agenda

CAG–1. Docket No. RP82–59–002, Panhandle Eastern Pipe Line Co.; Docket No. RP82–60–000, Trunkline Gas Co.
CAG–2. Docket No. RP82–84–001, Montana-Dakota Utilities Co.
CAG–3. Docket No. RP82–85–001, Western Gas Interstate Co.
CAG–4. Docket No. RP82–87–001, National Fuel Gas Supply Corp.
CAG–5. Docket No. TA82–2–61–000, West Lake Arthur Corp.
CAG–6. Docket No. TA82–2–15–000, Mid Louisiana Gas Co.
CAG–7. Docket No. TA82–2–17–000, Texas Eastern Transmission Corp.
CAG–8. Docket No. TA82–2–16–000, National Fuel Gas Supply Corp.
CAG–9. Docket No. TA82–2–18–000, Texas Gas Transmission Corp.
CAG–10. Omitted
CAG–11. Docket No. RP82–114–000, Cities Service Gas Co.
CAG–12. Docket No. RP82–115–000, Consolidated Gas Supply Corp.
CAG–13. Docket No. RP82–116–000, Southern Natural Gas Co.
CAG–14. Docket No. RP82–117–000, Midwestern Gas Transmission Co.
CAG–15. Docket No. RP82–118–000, Mid Louisiana Gas Co.
CAG–16. Docket No. RP82–119–000, Columbia Gulf Transmission Co.; Docket No. RP82–120–000, Columbia Gas Transmission Corp.
CAG–17. Docket Nos. RP81–141–001 and RP82–33–001, El Paso Natural Gas Co.
CAG–18. Docket No. RP81–98–000, ANR Storage Co.
CAG–19. Docket No. OR78–1–015 (Phase II), Trans Alaska Pipeline System
CAG–20. Docket No. OR78–1–017, Trans Alaska Pipeline System
CAG–21. Docket Nos. RP72–122–000 (PGA78–3) (PGA79–1) and (PGA79–1), Colorado Interstate Gas Co.; Docket Nos. ST79–6–000, ST80–4–000, ST81–295–000, CP80–15–000 and CP82–357–00, The Nueces Co.
CAG–22. Docket Nos. CI82–241–001 and 002, CI78–66–007, CI78–67–004, CI78–68–003, CI78–68–004, CI77–48–004 and 003, CI77–47–005, CI77–122–004, CI77–46–003, Exxon Corp.; Docket No. CI76–688–004 and 005, Getty Oil Co.; Docket No. CI78–884–003, Mobil Producing Texas & New Mexico Inc.; Docket No. CI81–111–002, American Petrofina Co. of Texas; Docket No. CI62–243–001, Texasgulf, Inc.; Docket No. CS82–52–002, Petro-Energy Exploration, Inc.; Docket Nos. CI82–265–001 and CI82–271–001, Kerr-McGee Corp.; Docket Nos. CI79–673–003 and CI82–262–001, Arco Oil & Gas Co., Division Atlantic Richfield Co.
CAG–23. Docket Nos. RP81–18–005 and 006, High Island Offshore System; Docket Nos. CP75–104–024, et al., High Island Offshore System
CAG–24. Docket Nos. CP82–1–001 and CP82–272–000, Texas Eastern Transmission Corp.
CAG–25. Docket No. CP 78–362–004, Texas Eastern Transmission Corp.; Docket No. CP77–568–012, Texas Eastern Transmission Corp. and Natural Gas Pipeline Co. of America; Docket Nos. CP81–512–000, 001 and 003, Texas Eastern Transmission Corp., Natural Gas Pipeline Co. of America and Transcontinental Gas Pipeline Corp.
CAG–26. Docket No. CP81–150–001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–27. Docket Nos. CP81–535–000 and 001, Texas Eastern Transmission Corp.
CAG–28. Docket Nos. CP81–189–002 and 003, Delhi Gas Pipeline Corp.
CAG–29. Docket No. CP78–128–000, Inter-City Minnesota Pipelines Ltd., Inc.
CAG–30. Docket No. CP82–321–000,. Transcontinental Gas Pipe Line Corp.
CAG–31. Docket No. CP82–190–000, Lone Star Gas Co., a Division of Enserch Corp.
CAG–32. Docket No. RP81–3–005, Southwest Gas Corp.
CAG–33. Docket No. CP&9–473–000, Alabama-Tennessee Natural Gas Co.
CAG–34. Docket No. ST82–232–000, Cabot Corp.
CAG–35. Docket No. ST81–290–001, Seagull Pipeline Corp.
CAG–36. Docket No. ST80–299–001, Sugar Bowl Gas Corp.
CAG–37. Docket No. CP82–40—001, Southern Natural Gas Co.
CAG–38. Docket No. TA82–1–26–001, Natural Gas Pipeline Co. of America
CAG–39. Docket No. RP82–86–001, El Paso Natural Gas Co.
CAG–40. Docket Nos. CP81–328–002 and CP81–488–002, Colorado Interstate Gas Co.
CAG–41. Docket No. TA82–2–9–002 (PGA82–2, IPR82–2, DCA82–2 and R&D82–2), Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

I. Licensed Project Matters

P–1. (a) Project No. 5312–001, J. R. Ferguson & Associates; Project No. 5337–001, Westfir Energy Co., Inc.; (b) Project No. 5337–001, Westfir Energy Co., Inc.

II. Electric Rate Matters

ER–1. Omitted
ER–2. Docket No. ER82–427–000, Southern California Edison Co.
ER–3. Docket No. ER80–313–001, Public Service Co. of New Mexico
ER–4. Docket No. ER76–532–000, Pacific Gas & Electric Co.
ER–5. Docket No. ER81–612–000, Cleveland Electric Illuminating Co.; Docket No. ER82–424–000, Toledo Edison Co.; Docket No. ER82–79–000, Ohio Edison Co.; Docket No. ER81–779–000, Pennsylvania Power Co.
ER–6. Omitted
ER–7. Docket No. E–9563, U.S. Department of Energy, Bonneville Power Administration
ER–8. Docket No. ER82–225–003, Resources Recovery (Dade County), Inc.
ER–9. Omitted

Miscellaneous Agenda

M–1. Reserved
M–2. Docket Nos. RM78–22–010, 011, and 012, Revision of rules, practices and procedures to expedite trial-type hearings
M–3. Docket No. SA80–72–000, Humko Chemical, a Division of Witco Chemical Corp.
M–4. Docket No. SA80–40, RJB Gas Pipeline Co.

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. TA82–2–33–000, El Paso Natural Gas Co.
RP–2. Omitted

II. Producer Matters

CI–1. Omitted

CI–2. (a) Docket No. RI82–3–000, Liberty Oil & Gas Corp.; (b) Docket No. RI78–78–000, Liberty Oil & Gas Corp.

III. Pipeline Certificate Matters

CP–1. Omitted
CP–2. Docket No. RP74–50–1, RP74–50–2, RP74–50–3, RP74–50–4, Florida Gas Transmission Co. (Basic Magnesia, Inc., et al.)
CP–3. Docket No. CP81–236–002, Northern Natural Gas Co., Division of Internorth, Inc.
CP–4. Docket No. CP81–188–001, Consolidated Gas Supply Corp.
CP–5. (a) Docket No. CP81–494–000, Natural Gas Pipeline Co. of America; (b) Docket No. CP81–497–000, Bridgeline Gas Distribution Co.
CP–6. Docket Nos. CP81–302–001, CP81–302–002 and CP81–303–004, Natural Gas Pipeline Co. of America; Docket No. CP81–322–002, Texas Gas Transmission Corp.; Docket Nos. CP82–356–000 and ST82–322–000, Dow Interstate Gas Co.

Kenneth F. Plumb,

Secretary.

[S–1088–82 Filed 7–23–82; 1:38 pm]

BILLING CODE 6717–01–M

4

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, August 2, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of a telephone system within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: July 23, 1982.

James McAfee,

Associate Secretary of the Board.

[S–1092–82 Filed 7–23–82; 3:39 pm]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–82–29]

TIME AND DATE: 2:30 p.m., Thursday, August 5, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation TA–406–8 (Ceramic Kitchenware and Tableware from the PRC)—breifing and vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–1090–82 Filed 7–23–82; 3:31 pm]

BILLING CODE 7020–02–M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE–82–28]

TIME AND DATE: 2:30 p.m., Tuesday, August 3, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Kitchen utensils (Docket No. 850).
5. Investigation 701–TA–182 (Preliminary) (Subway Cars from Canada)—briefing and vote.
6. Investigation TA–406–8 (Ceramic Kitchenware and Tableware from the PRC)—briefing and vote on injury.
7. Investigation 337–TA–110 (Certain Methods for Extruding Plastic Tubing)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1091–82 Filed 7–23–82; 3:32 pm]

BILLING CODE 7020–02–M

7

POSTAL SERVICE

(Board of Governors)

Notice of Meetings

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m., on Monday, August 2, and 8:30 a.m. on Tuesday, August 3, 1982, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. Except as indicated in the following paragraph, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

By written ballot through the mails during the week of July 19, 1982, the Board of Governors voted to close to public observation its meeting scheduled for Monday afternoon, August 2, 1982, to consider the July 9, 1982, decision of the U.S. Court of Appeals for the Second Circuit in *Time, Incorporated, et al.* v. *United States Postal Service* concerning the most recent general ratemaking proceeding. This meeting is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins, McKean and Sullivan; Postmaster General Bolger, Deputy Postmaster General Benson; Secretary to the Board Cox; Counsel to the Governors Califano; and Senior Assistant Postmaster General Finch.

Agenda

Monday Afternoon Session (Closed)

Consideration of Circuit Court Decision on Rates
(The Board will consider the Decision of the Court of Appeals for the Second Circuit, which was handed down on July 9, 1982.)

Tuesday Morning Session (Open)

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Financial Performance.
   (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)
4. Status of Bulk Third-Class Rates.
   (The Board will consider a proposal to establish the current bulk third-class rates as temporary rates rather than "permanent" rates in the light of the July 9 decision of the Court of Appeals in *Time, Inc.* v. *U.S.P.S.)*
5. Postal Rate Commission Filing on Aggregation of Letters.
   (Mr. Finch will present to the Board a possible filing with the Postal Rate Commission to eliminate the prohibition against aggregation of letters that appears in § 100.044 of the Domestic Mail Classification Schedule.)
6. Quarterly Report on Service Performance.
   (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary of service performance.)
7. Review of Legislative Matters and Government Relations.

(Mr. Horgan, Assistant Postmaster General for Government Relations will report on current legislative matters.)

8. Review of Communications and Public Affairs Programs.

(Ms. Layton, Assistant Postmaster General, Public and Employee Communications Department, will report on communications and public affairs programs.)

9. Briefing on Safety Program Review.

(Mr. Morris, Senior Assistant Postmaster General, Employee and Labor Relations Group, and representatives of JRB Associates will brief the Board on the Postal Service's safety program.)

10. Capital Investment Projects:

a. General Mail Facility and Vehicle Maintenance Facility for Knoxville, Tennessee.

(Mr. Cooper, Regional Postmaster General for the Southern Region, will present a proposal for a new General Mail Facility and Vehicle Maintenance Facility at Knoxville, Tennessee.)

b. General Mail Facility and Vehicle Maintenance Facility for Nashville, Tennessee.

(Mr. Cooper will present a proposal for a new facility and vehicle maintenance facility at Nashville, Tennessee.)

Louis A. Cox,

Secretary.

[S-1089-82 Filed 7-23-82; 2:52 pm]

BILLING CODE 7710-12-M

Reader Aids

Federal Register

Vol. 47, No. 144

Tuesday, July 27, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

28305-28894.....1
28895-29206.....2
29207-29512.....6
29513-29640.....7
29641-29816.....8
29817-30046.....9
30047-30228.....12
30229-30448.....13
30449-30698.....14
30699-30958.....15
30959-31260.....16
31261-31370.....19
31371-31534.....20
31535-31672.....21
31673-31840.....22
31841-32062.....23
32063-32408.....26
32409-32512.....27

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3.....31847
302.....30701
305.....30701
310.....30701
Proposed Rules:
456.....30790

3 CFR

Administrative Orders
Memorandums:
November 13, 1968 (Revoked by EO 12372).....30959
July 12, 1982.....30699
July 21, 1982.....31841
Proclamations:
4707 (Amended by EO 12371).....30449
4950.....28895
4951.....28897
4952.....29641
4953.....31535
Executive Orders:
April 28, 1917 (Revoked in part by PLO 6305).....32425
November 16, 1981 Revoked by PLO 6302).....32424
2198 (Revoked in part by PLO 6307).....32426
6867 (Revoked in part by PLO 6294).....31691
11888 (Amended by EO 12371).....30449
12354 (Amended by EO 12371).....30449
12369.....28899
12370.....30047
12371.....30449
12372.....30959
12373.....31843

5 CFR

213.....28901
315.....28905
316.....28905
531.....30229
890.....30961
950.....29496, 29643, 29817
1201.....28906
Proposed Rules:
550.....28962
551.....28962, 30995
1204.....28964
1205.....28964

7 CFR

1.....30451
2.....29817
6.....30049
28.....30963
60.....29643
210.....28909, 31371
220.....31371
245.....31848
285.....32409
301.....28909, 29207
724.....28911
725.....28912
726.....28912
905.....32063
908.....28605, 29817, 30715, 31673
910.....28913, 29818, 30964, 31853
911.....29646, 29647
915.....29647
916.....30451
917.....30451
923.....31537
925.....28914
1065.....31673
1427.....28605
1464.....28606
1701.....30965
1942.....29819
1955.....30230
Proposed Rules:
27.....30995
28.....30995
46.....30997
54.....30079
61.....30995
101.....28965
210.....28966, 30997, 31881, 31882
220.....30997, 31881
225.....31882
226.....31882
245.....30997
282.....31000
932.....31696
945.....29683
958.....30257
982.....30258
967.....30792
1001.....32430
1011.....30080, 31886
1030.....29247, 31003
1046.....30080
1048.....30080
1207.....28680
1701.....31004
1951.....31699

8 CFR

212.....30044
235.....30044

238.....28608
Proposed Rules:
214.....29851

9 CFR

82.....29648
92.....30230, 32431
312.....29821
317.....29513
318.....31854
381.....29513, 29821
Proposed Rules:
112.....31004
113.....30259, 31004
114.....30081
201.....29852
203.....29852
307.....28966
327.....29685
381.....28966

10 CFR

19.....30452
30.....30452
40.....30452
50.....30232, 30452, 30459, 31674
60.....30452
70.....30452
72.....30452
150.....30452
317.....30716
500.....29209, 31859
503.....29209, 31859
508.....31538
710.....30717
Proposed Rules:
Ch. I.....31701
34.....31887
50.....29252
140.....31887
430.....30793
1605.....31286

11 CFR

Proposed Rules:
100.....31390
110.....31390
9003.....31390

12 CFR

2.....31376
5.....29823
207.....30719
217.....30460, 31539
220.....30719
221.....30719
224.....30719
225.....30965
563.....31859
615.....28608
701.....30460, 30462
745.....30464
Proposed Rules:
220.....29253
226.....32433
303.....29554
304.....29554
347.....29554
561.....29558
563.....29558
703.....30497

13 CFR

125.....29211

14 CFR

39.....28609–28612, 29212, 29649, 30049–30051, 30720, 31675, 32064, 32065
71.....28613–28614, 29213–29219, 29649–29651, 30052, 31261, 31262, 31677, 32066
73.....31678
91.....29219, 29814, 30946
97.....30721, 32066
223.....30236
312.....32411
313.....32412
374a.....32413
385.....29223
Proposed Rules:
Ch. I.....29688, 30793
21.....30794, 31286
39.....29253, 29255, 31701
67.....30795
71.....28680, 29255–29259, 29689–29692, 31287–31289, 31702, 32155–32157
75.....32158
121.....29782
253.....28681
262.....28683
399.....32442

15 CFR

30.....29828
373.....31860
981.....31861

16 CFR

4.....31378
13.....30237, 30238, 30723, 1678–31681, 31861, 31862 32068
305.....30465
460.....29830
Proposed Rules:
Ch. I.....29462, 31392
13.....31392
801.....29182, 30261
802.....29182, 30261
803.....29182, 30261
1017.....29562

17 CFR

5.....29515
200.....30460
210.....29832
229.....29832
230.....29651, 29832, 30967, 31682
231.....29832
239.....29832
240.....29651, 29832, 30967, 31682
249.....29832
275.....29652
279.....29652
Proposed Rules:
1.....30261, 30498, 31703
3.....30498
4.....30498
15.....30498
16.....30498
18.....30498
21.....30498
32.....30498
33.....30498
145.....30498
147.....30498
155.....30498
170.....30498
180.....30498
210.....28684, 32158
229.....28684, 31394
230.....28688, 31005
231.....28684, 32158
239.....28688, 31394
240.....28684, 28688, 29259 31394
241.....28684, 32158
249.....29259, 31394
270.....31005

18 CFR

4.....32069
157.....30724
271.....31263, 31863
281.....30467, 30725
284.....30724
375.....30724
Proposed Rules:
1.....31582
154.....28966
157.....28966
271.....29265, 29569, 29852, 31405, 31582
274.....31582
276.....31582
284.....31582
375.....28966, 31582
381.....28966, 31582

19 CFR

19.....32414
24.....32416
111.....32416
123.....31708
141.....32416
Proposed Rules:
101.....32445

20 CFR

404.....30468, 30731, 31539
416.....30468, 31539
619.....30238

21 CFR

1.....32419
166.....32419
172.....29946
178.....30239–30241
182.....29946, 29952, 29953
184.....29946, 29952
186.....29953
193.....29523, 30477
436.....30241
440.....30241
442.....30241
444.....30241
446.....30241
510.....30241, 31379, 31380, 31864
520.....30242, 30967
522.....30967
540.....31865
546.....29843, 31864
555.....31864
556.....30242
558.....31866
558.....28914, 28915, 29844, 30241, 30244, 30246, 31379–31381
561.....30478, 30479
606.....30968
610.....30968
640.....30968
868.....31130
Proposed Rules:
182.....29956–29965
184.....29956
299.....31008
333.....29986
341.....30002
344.....30012
452.....30266
888.....29052, 31405

22 CFR

2.....30480
Proposed Rules:
503.....31888

23 CFR

772.....29653

24 CFR

81.....31866
200.....29523
202a.....30750
203.....29524, 30750
204.....29524, 30750
209.....30750
211.....30750
213.....29524
215.....31868
220.....29524
221.....29524, 30750, 31868
228.....30750
234.....29524
235.....29524, 30750
236.....31868
570.....30053
805.....30969
860.....30969
861.....30969
865.....30969
885.....30970
888.....30971
889.....30971
891.....31545
Proposed Rules:
201.....28967
882.....32169

25 CFR

77.....31546
249.....30755

26 CFR

1.....28915
32.....29224
Proposed Rules:
1.....29692, 30796, 31709, 31889
31.....28695, 29266

27 CFR

Proposed Rules:
4.....32447
9.....32448, 32450
240.....32447

28 CFR

41.....32421
503.....31246
524.....31246
Proposed Rules:
544.....31252

29 CFR

1 ..... 32070, 32422
3 ..... 32070, 32422
3 ..... 28916, 29845, 32070, 32422
1952 ..... 28614, 28917
2200 29525
2520 31871
2619 30757

Proposed Rules:

519 31010
570 31254
1404 29569
1910 30420

30 CFR

211 29845
221 29845
231 29845
250 ..... 29845, 30055
270 29845
914 ..... 32070, 32108
925 31874
946 31549

Proposed Rules:

Ch. VII 29693, 30267
75 30025
251 28706
700 ..... 28706, 30266
701 ..... 28706, 30266
715 30266
717 30266
736 ..... 30266, 30797, 31708
740 28706
741 28706
742 28706
743 28706
744 28706
745 28706
746 28706
760 ..... 30266, 30797, 31708
761 ..... 30797, 31708
762 ..... 30266, 30797, 31708
764 ..... 30797, 31708
765 ..... 30797, 31708
769 ..... 30266, 30979, 31708
770 30266
771 30266
772 30266
773 30266
775 30266
776 30266
778 30266
779 30266
780 30266
782 30266
783 30266
784 30266
785 30266
786 30266
787 30266
788 30266
815 30266
816 30266
817 30266
818 30266
819 30266
822 30266
823 30266
824 30266
826 30266
827 30266
843 30266
850 30266
904 30267
912 30214
915 29570
917 31890
934 31896
944 32173
945 29571
946 ..... 31897, 32457
947 32174
948 29852
950 31898
952 31709

31 CFR

100 32044
515 32060
535 ..... 29528, 31682

32 CFR

353 32110
375 32111
706 32423
706 ..... 30758, 30759

33 CFR

Ch. I 28615
100 ..... 28615, 28616, 31683
110 29658
117 ..... 31264, 31684, 31685
127 29659
128 29659
165 29659
204 30057
320 31794
321 31794
322 31794
323 31794
324 31794
325 31794
326 31794
327 31794
328 31794
329 31794
330 31794

Proposed Rules:

110 31711
117 30176
206 31405
207 31405
209 31405

34 CFR

74 31382
632 31265
633 31265
635 31265

Proposed Rules:

5b 30498

36 CFR

211 30246
261 29229

Proposed Rules:

7 31584
9 31011

37 CFR

201 29529

Proposed Rules:

1 32458
3 32458
4 32458

38 CFR

3 29530
17 29668
21 30247
36 29230

Proposed Rules:

21 ..... 29267, 29269, 30269
36 29270

39 CFR

10 30760
232 32113
233 28918

Proposed Rules:

111 29273

40 CFR

33 29668
52 ..... 28617, 28623, 29231, 29233, 29531–29539, 29668, 30057–30060, 30761, 30762, 30972, 32113, 32125
60 ..... 28624, 30061–30065, 30480, 31875
61 30061–30065
62 29234
81 ..... 28626, 29540, 30065, 30762, 30972, 31876, 32126, 32127
85 30481
120 ..... 29541, 32128
122 ..... 32129, 32274
123 ..... 29236, 32373, 32378
146 32129
180 ..... 28626, 30485–30489, 31550–31553
260 32274
264 ..... 28627, 30446, 32274, 32382
265 ..... 28627, 30446, 32274
300 31180
435 31554
1510 30981

Proposed Rules:

52 ..... 28967, 29273, 29572, 29573, 30798, 31011, 31586
60 ..... 30799, 31012
81 ..... 28968, 29573, 31586, 31588
85 31289
122 ..... 29274, 30799, 32038
123 ..... 30498, 30799, 31590, 32175
124 30799
180 ..... 29573–29576, 31591
264 29274
265 32385
425 31592
704 ..... 30081, 31290
712 ..... 29853, 32458
720 28969
761 ..... 30082, 30083, 30270

41 CFR

Ch. 101 30248
5–2 28627
5–3 28918
5–16 28647
5A–2 28627
5A–3 28918
5A–16 28647
5A–71 28650
5A–72 28650
5A–74 28650
5A–76 28650
5B–2 28627
5B–3 28918
5B–4 28627
5B–16 28647
9–5 28924
9–7 28924
9–23 28924
9–50 28924

42 CFR

110 31666
122 ..... 28650, 30950
400 32390
401 32390
402 32390
403 32390
404 32390
405 ..... 31518, 31686
431 28652
435 ..... 28652, 30764, 31518
436 28652
440 31518
441 31878
442 31518
447 31518

Proposed Rules:

433 ..... 29275, 31013
435 31899
436 31899

43 CFR

17 29542
19 30489
1810 32129

Proposed Rules:

2650 31368
3000 32048
3100 ..... 30499, 32048
3140 28971
4700 32406

Public Land Orders:

898 (Amended by PLO 6300) 31693
1168 (Revoked in part by PLO 6290) 28656
1344 (Revoked in part by PLO 6290) 28656
1429 (Revoked in part by PLO 6290) 28656
1744 (Revoked in part by PLO 6290) 28656
2165 (Revoked in part by PLO 6290) 28656
2285 (Revoked in part by PLO 6290) 28656
2354 (Revoked by PLO 6293) 29846
2965 (Revoked in part by PLO 6290) 28656
3072 (Revoked in part by PLO 6290) 28656
5592 (Revoked by PLO 6297) 31692
6141 (Corrected by PLO 6296) 31692
6189 (Corrected by PLO 6306) 32426
6278 30981
6290 28656
6291 28656

6292.....29553
6293.....29846
6294.....31691
6295.....31692
6296.....31692
6297.....31692
6298.....31693
6299.....31693
6300.....31693
6301.....31694
6302.....32424
6303.....32424
6304.....32425
6305.....32425
6306.....32426
6307.....32426

44 CFR

64.....28931–28936, 30249, 30253
65.....28657, 30251, 30490, 30491, 31384
67.....28937–28958, 30493, 30764, 30772
70.....28657–28659

Proposed Rules:

67.....28661–28676, 29854, 30500–30526

45 CFR

16.....29472
74.....29472
96.....29472
600.....32130
680.....32130
681.....32130
682.....32130
683.....32130
684.....32130
1355.....30922
1356.....30922
1357.....30922
1392.....30922

Proposed Rules:

1355.....30932
1356.....30932
1357.....30932
1392.....30932

46 CFR

Ch. I.....28707–28715
1.....28676
10.....28677
12.....28677
151.....31266
187.....28677
528.....30255
536.....29670
537.....30255

Proposed Rules:

30.....31290
35.....31291
502.....29278
503.....29280
522.....29278
531.....29278
536.....29278, 31408
538.....31408
540.....29278
542.....29280
543.....29280
544.....29280

47 CFR

2.....28960, 30066, 31555
15.....31266
21.....29237
61.....31270
73.....29245, 29846–29850, 30066, 30069, 30495, 30981–30992, 31578, 31878, 31879
74.....30066, 30495, 31578
76.....30495
78.....30495
83.....28960
87.....28960
94.....31555
97.....29673
100.....31555

Proposed Rules:

Ch. I.....29282
2.....31170, 31177
61.....31291
73.....29286–29291, 29854–29859, 30527, 31013–31019, 31902–31904
74.....31170, 31177
94.....31020, 31170, 31177

49 CFR

1.....30781, 31281
5.....29678
173.....29678
178.....29678
555.....31694
571.....30077
1033.....29679, 32426
1036.....29246
1063.....30077
1137.....31281
1307.....32153

Proposed Rules:

Ch. I.....30799
172.....28716
173.....28716
175.....28716, 30800
177.....28716
178.....28716
571.....30083, 30084, 31712, 32175
575.....30084
1032.....31410
1102.....32176

50 CFR

13.....30782
16.....30782
17.....30440, 30782, 31384, 31670
20.....31282
23.....30787
640.....29202
661.....30078, 30788, 30994, 32154
672.....31695

Proposed Rules:

17.....30528, 31024
20.....30162, 31297
410.....31299
661.....28971
681.....30270

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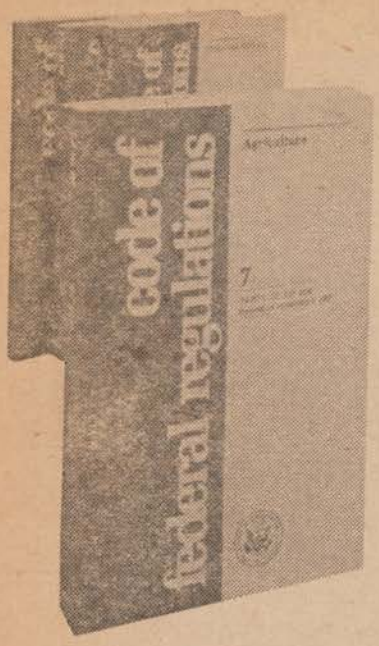

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