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federal register

Thursday
December 16, 1982

Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5005 of December 13, 1982

National Drunk and Drugged Driving Awareness Week

By the President of the United States of America

A Proclamation

Nothing is more devastating to a parent than the call from a police officer that a son or daughter has been injured or killed in an auto accident. Nothing is more tragic than to learn that a drunken or drugged driver was at fault.

Each year, more than 25,000 of our citizens, a large number of them young people, are killed as a result of alcohol- or drug-related highway accidents. Seventy times a day—every 23 minutes—a life is taken somewhere on our streets and highways because driving skills and judgment were impaired by alcohol or drugs. Too often, a repeat offender is involved and, too often, society has looked the other way.

Today, thanks to a growing public outcry and the efforts of concerned citizens and safety leaders, the problem of drunken and drugged drivers is gaining national attention. State legislatures are enacting tougher laws and courts are imposing stiffer penalties. The Presidential Commission I appointed last April is reinforcing these efforts and encouraging greater preventive and corrective programs. Congress recently passed legislation setting Federal standards and providing incentive funds to assist in the crusade against the human and economic waste which results from drunken driving.

The holiday season, traditionally a high fatality period, affords us the opportunity to join even more emphatically in a concerted national commitment to reduce the threat of drunken and drugged drivers on our highways.

Collisions involving drunken drivers are the nation's single greatest killer of young people. This holiday season we can give our children a great gift by doing everything we can to keep the drinking driver and the drug-user off our roads. Let us all observe *safety* and celebrate *safely*, and let us remember that the safety belt in our car can be our best defense against drunken and drugged drivers.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 241 (Public Law 97–343), do hereby proclaim the week beginning December 12, 1982, as National Drunk and Drugged Driving Awareness Week. I call upon each of you to observe this week with appropriate activities in your homes, offices, schools, and communities. I ask all Americans to join in a national campaign to eliminate drunken and drugged driving and to prevent tragedy from intruding on our joyful holiday season.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

Editorial Note: The President's remarks of December 13 on signing Proclamation 5005 are printed in the *Weekly Compilation of Presidential Documents* (vol. 18, no. 50).

[FR Doc. 82-34273
Filed 12-14-82; 1:16 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Amendment to Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends container regulations issued under the marketing order by removing the 1⅗-bushel carton, while providing handlers an opportunity to deplete their current inventories of this container by permitting such inventories to be used through July 31, 1983. Such action is necessary to remove a container, which is no longer needed or considered desirable for the shipment of fresh oranges and grapefruit.

EFFECTIVE DATE: January 1, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Texas orange and grapefruit crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The final rule would on January 1, 1983, extend indefinitely provisions currently in effect under an interim rule which removed the 1⅗-bushel carton (inside dimensions of 19¾×113⅛×13 inches) as an authorized container, except for such containers in inventory which may be used through July 31, 1983. Section 906.340 would be further amended to continue the provisions now in effect under this interim rule published in the **Federal Register** (47 FR 46487) on October 19, 1982, to be effective through December 31, 1982. The interim rule provided a 30-day period for filing comments. No such comments were submitted.

The committee recommended that this container be removed because it is reportedly difficult to pack and load due to its shape and relatively large size, and as it does not adequately protect the fruit from bruising when stacked several layers high in trailers for shipment to market. In addition, removal of the container will reduce the number of types of containers which handlers need maintain in inventory, and should simplify their packing operations. The committee also recommended that handlers be provided an opportunity to use any supplies of this container which they currently have in their inventories, and it estimates that such inventories will be exhausted by the end of the 1982–83 season. The committee unanimously recommended removal of the container at its meeting of August 31, 1982.

The final rule also revises CFR numerical designations relating to the United States grade standards for oranges and grapefruit consistent with redesignations appearing in **Federal Register** (46 FR 63203), while not changing the grade standards themselves; makes minor nonsubstantive changes relating to definitions; and removes obsolete language pertaining to a container for which authorization has expired.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that the time intervening between the date when certain information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the act is insufficient. To effectuate the declared purposes of the act it is necessary to make this final rule effective as specified. Handlers have been apprised of the provisions in the final rule and its effective date, and this action would continue regulatory provisions currently in effect.

List of Subjects in 7 CFR Part 906

Marketing agreements and orders, Oranges, Grapefruit, Texas.

PART 906—[AMENDED]

Therefore, § 906.340, under *Subpart—Containers and Pack Requirements,* is amended by revising the introductory text in paragraph (a); by revising paragraphs (a)(1)(iii), (a)(2)(i)(*a*), (a)(2)(ii), and (c); and by removing paragraph (a)(1)(ix), to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) On and after January 1, 1983, no handler shall handle any variety of oranges of grapefruit grown in the production area unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section.

* * * * *

(1) * * *

(iii) Closed fully telescopic fiberboard carton with inside dimensions of 19¾ x 13⅛ x 13 inches: *Provided,* That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds: *Provided further,* That such containers are from inventories on hand, and used prior to July 31, 1983;

* * * * *

(2) Pack regulation (i) *Oranges. (a)* Oranges, except Navel oranges and Valencia and similar late-type oranges; when packed in any box, bag, or carton

shall, except as otherwise provided by regulations issued pursuant to this part, be within the diameter limits specified for the various pack sizes in § 51.691(c) of the United States Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona);

* * * * *

(ii) *Grapefruit.* Grapefruit, when packed in any box, bag or carton, shall be within the diameter limits specified for the various pack sizes § 51.630(c) of the United States Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona): *Provided,* That the minimum diameter limit for pack size 96 grapefruit shall be 3$^{9}/_{16}$ inches and for pack size 112 grapefruit shall be 3$^{5}/_{16}$ inches, and *Provided further,* That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack.

* * * * *

(c) As used herein, terms relating to grade, pack, standard pack, and diameter mean the same as defined in the United States Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), (7 CFR 51.680–51.714), or in the United States Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), (7 CFR 51.620–51.652); and "closed" means closed in accordance with good commercial practices.

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

Dated: December 10, 1982.

D. S. Kuryloski

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

[FR Doc. 82–34112 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 907

[Navel Orange Reg. 556; Navel Orange Reg. 555, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 17–23, 1982, and increases the quantity of such oranges that may be so shipped during the period December 10–16, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 17, 1982, and the amendment is effective for the period December 10–16, 1982.

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

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Argricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on December 14, 1982 at Redlands, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.856 is added as follows:

§ 907.856 Navel orange regulation 556.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 17, 1982, through December 23, 1982, are established as follows:

(a) District 1: 950,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

2. Section 907.855 Navel Orange Regulation 555 (47 FR 55379), is hereby amended by revising paragraphs (a), (b), (c), and (d) to read:

§ 907.855 Navel orange regulation 555.

* * * * *

(a) District 1: 1,700,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

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

Dated: December 15, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–34418 Filed 12–15–82; 12:09 pm]

BILLING CODE 3410–02–M

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7 CFR Part 982

Filberts/Hazelnuts Grown in Oregon and Washington; Final Free and Restricted Percentages for the 1982–83 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes marketing percentages for inshell filberts for the marketing year which began May 1, 1982. The action is taken to promote orderly marketing conditions for the

1982 crop. It was recommended by the Filbert/Hazelnut Marketing Board which works with the USDA in administering the program.

EFFECTIVE DATES: May 1, 1982 through June 30, 1983.

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

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

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

It is found that an emergency situation exists which makes it impractical, unnecessary, and contrary to the public interest to: (a) Allow an opportunity for written public comment on this final rules; and (b) postpone the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The percentages established herein for the 1982–83 marketing year apply to all merchantable filberts handled during that year; (2) currently handlers are shipping 1982 crop filberts in volume and this action must be taken promptly to achieve its purpose of releasing the full inshell trade demand quantity established November 19, 1982 (47 FR 52960); (3) handlers are aware of this action as recommended by the Board at an open meeting held November 12, 1982, and require no additional time to comply; and (4) this action relieves restrictions on handlers in that the final free percentage is greater than the preliminary free computed percentage currently effective.

This rule establishes final free and restricted percentages of 29 percent and 71 percent, respectively, for the 1982–83 marketing year. The establishment is pursuant to § 982.40 of the marketing agreement and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts/hazelnuts grown in Oregon and Washington, and collectively referred to as the "order". The order is effective under the Argicultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 982.40(b) of the order prescribes that prior to August 1 of a marketing year, the Filbert/Hazelnut Marketing Board shall recommend establishment of an inshell trade demand for that year to the Secretary. If the Secretary finds, on the basis of the Board's recommendation or other information, that volume regulation for that marketing year would tend to effectuate the declared policy of the act, the Secretary shall establish the trade demand. On November 19, 1982, a trade demand of 5,500 tons was established because anticipated inshell supplies were expected to be far in excess of inshell needs, and volume regulation appeared appropriate for the 1982–83 marketing year.

Section 982.40(c)(1) of the order requires the Board to compute and announce prior to September 20 preliminary computed free and restricted percentages to release 70 percent of the established trade demand for a marketing year. The difference between 100 percent and the preliminary computed free percentage shall be the preliminary computed restricted percentage. Accordingly, the Board computed and announced preliminary computed free and restricted percentages of 22 percent and 78 percent on September 16, 1982.

Upon determining that a firm field price has been established between growers and handlers, § 982.40(c)(2) requires the Board to compute and announce final computed free and restricted percentages to release 80 percent of the established trade demand. The difference between 100 percent and the final computed free percentage shall be the final computed restricted percentage. However, since a field price was never established until about the time of the Board's November 12 meeting, it never computed and announced any computed final percentages for the 1982–83 marketing year.

Under § 982.40(c)(3) of the order, the Board, on or before November 15, shall meet to recommend to the Secretary the final free and restricted percentages to release 100 percent, or up to 110 percent if market conditions justify, of the inshell trade demand previously established by the Secretary for the marketing year. On November 12, 1982, the Board met and recommended final free and restricted percentages of 29 percent and 71 percent to release 100 percent of the trade demand of 5,500 tons.

In calculating the percentages, the Board considered the following supply and demand information for the 1982–83 marketing year:

	Tons
Inshell supply:	
(1) Total production	18,500
(2) Less substandard, farm use, etc	1,535
(3) Merchantable production	16,965
(4) Plus carryover May 1, 1982 subject to regulation	622
(5) Supply to subject to regulation (Item 3 plus Item 4)	17,587
Inshell requirements:	
(6) Trade demand	5,500
(7) Less carryover May 1, 1982, not subject to regulation	396
(8) Adjusted trade demand	5,104
Percentages:	
(9) Free percentage (Item 8 divided by Item 5)	29
(10) Restricted percentage (100 percent minus 29 percent)	71

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption) exported, or disposed of in outlets determined by the Board to be non-competitive with normal market outlets for inshell filberts.

List of Subjects in 7 CFR Part 932

Marketing Agreements and Orders, Filberts, Hazelnuts, Oregon, and Washington.

After consideration of all relevant matter presented, the information and recommendation submitted by the Board, and other available information, it is further found that the establishment under § 982.40, of final free and restricted percentages for the 1982–83 marketing year will tend to effectuate the declared policy of the act.

PART 982—[AMENDED]

Therefore, a new paragraph (b) is added to § 982.231 (46 FR 52087) to read as follows: (The following section will not be published in the Code of Federal Regulations).

§ 982.231 Trade demand and final free and restricted percentages—1982–83 marketing year.

* * * * *

(b) The final free and restricted percentages for merchantable filberts/hazelnuts for the 1982–83 marketing year shall be 29 percent and 71 percent, respectively.

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

Dated: December 13, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 82-34218 Filed 12-15-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 9

Nomenclature Changes To Implement Executive Order 12356

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate references to Executive Order 12356, "National Security Information," and its Implementing Directive that were issued by the Information Security Oversight Office (ISOO). E.O. 12356 supersedes E.O. 12065.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 427–4415.

SUPPLEMENTARY INFORMATION: On April 2, 1982, the President issued E.O. 12356, "National Security Information," that supersedes E.O. 12065. This new E.O. 12356 and its Implementing Directive, published by ISOO, became effective August 1, 1982.

The Nuclear Regulatory Commission is amending portions of 10 CFR Parts 2 and 9 to substitute references to E.O. 12356 and its Implementing Directive for previous E.O. 12065 (and in the case of Part 2, its antecedent, E.O. 11652, "Classification and Declassification of National Security Information and Material") and its Implementing Directive. All other aspects and procedures of Part 2, Subpart I, and Part 9, Appendix A, remain unchanged.

Because these amendments relate solely to minor reference matters and do not impose obligations on the public, good cause exists for omitting notice of proposed rulemaking and public procedure thereon, as unnecessary, and for making the amendments effective on December 16, 1982 without the customary 30 days notice.

Paperwork Reduction Act Statement

This final rule contains no new or amended requirements for recordkeeping, reporting, plans, applications, or any other types of information collection subject to the Paperwork Reduction Act of 1980, Pub. L. 96–511 (44 U.S.C. 3501, et seq.).

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting requirements, Sunshine Act.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201), and Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 2 and 9 are published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. In § 2.902, paragraph (d) is revised to read as follows:

§ 2.902 Definitions

* * * * *

(d) "National Security Information" means information that has been classified pursuant to Executive Order 12356.

* * * * *

PART 9—PUBLIC RECORDS

2. In Appendix A, all references to Executive Order 12065 in paragraphs 1.a., 2.b., and 3. are changed to Executive Order 12356, and the introductory text is revised to read as follows:

Appendix A—Request for Declassification Review

The following guidance is provided for members of the public desiring a classification review of a document of the Nuclear Regulatory Commission pursuant to section 3.4 of Executive Order 12356 (47 FR 14874, April 6, 1982) and sections 2001.32 and 2001.34 of the Information Security Oversight Office Directive No. 1 covering the original and derivative classification, downgrading, declassification, and safeguarding of National Security Information (47 FR 27836, June 25, 1982). A Freedom of Information Act or Privacy Act request for a classified document may also be made in accordance with the procedures set forth in §§ 9.8 and 9.53 through 9.55 of this part.

Dated at Washington, DC, this 10th day of December 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–34220 Filed 12–15–82; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 82–790]

Interstate Institution Membership in Federal Home Loan Banks

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has amended its Federal Home Loan Bank System Regulations to provide a standard for determining appropriate Federal Home Loan Bank district membership for institutions, eligible to become Bank members, with offices in more than one state. Under the amendment, an interstate institution having substantial business in more than one state could become a member of the Bank district in which it has its principal place of business, as designated by the institution. A clarification of this issue is necessary in light of the increasing number of interstate institutions.

EFFECTIVE DATE: December 15, 1982.

FOR FURTHER INFORMATION CONTACT: David Permut, Attorney, Office of General Counsel, (202) 377–6962, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 4(b) of the Federal Home Loan Bank Act ("Bank Act") provides, in relevant part, that "An institution eligible to become a member or nonmember borrower under this section may become a member only of, or secure advances from, the Federal Home Loan Bank of the district in which is located the institution's principal place of business * * *." 12 U.S.C. 1424 (1932). Similarly, Section 5(f) of the Home Owners' Loan Act ("HOLA") provides, in relevant part, that Bank membership will be in "the district in which it [the institution] is located * * *." 12 U.S.C. 1464 (1933).

For the 49 years following passage of the Bank Act, with minor exceptions, the location (*i.e.*, the offices), and consequently the principal place of business, of most institutions could be only in one state and therefore, the institution could be eligible to be a member of only one Federal Home Loan Bank, "or of the bank of a district

adjoining such district, if demanded by convenience and then only with the approval of the [B]oard." 12 U.S.C. 1424(b).

In September 1981, the Board, as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), approved the first interstate acquisition and merger creating a single federal association with offices in three Federal Home Loan Bank districts. Since that time the number of interstate federal associations has increased, necessitating a reevaluation of the standards to be used by associations in determining their appropriate Federal Home Loan Bank membership. This is particularly true because the statutory term "principal place of business" is not defined in the Bank Act or by Board regulation.

On October 6, 1982, the Board proposed to amend Part 523 of the Bank System Regulations to allow an institution to choose its principal place of business pursuant to certain acceptable standards and settled rules of law, when it does substantial business in more than one state; this choice in turn would often also result in the choice of a Bank district. (Board Resolution No. 82–675, 47 FR 46292, published on October 18, 1982.) The Board set forth a proposed standard and specifically solicited comments as to other appropriate definitional standards including the definition of principal place of business in a choice-of-law or conflict-of-law context.

The Board received five comments in response to its proposal, which provided for a 30-day comment period. Three commenters were federal savings and loan associations; the other two were savings and loan trade associations. Three of the commenters recommended adoption of the regulation as proposed. Of the two remaining commenters, one generally supported the proposed amendment; the other asserted that the term "headquarters" indicates the principal place of business and a physical and legal move should be necessary to establish membership in a different Federal Home Loan Bank district. Both of the latter commenters had reservations about one or more aspects of the proposal. One felt it did not go far enough, the other that it would lead to standardization in the various Bank districts. The comments are reviewed in detail below in the discussion of the proposed amendment.

Principal Place of Business

Since the term "principal place of business" is not defined in the Bank Act, the Board has looked to other statutory and judicial interpretations to define the term. To determine where an entity is a citizen for purposes of court jurisdiction, interstate corporations look to Title 28 of the United States Code, Section 1332(c). That Section states, in relevant part, that "a corporation shall be deemed a citizen of any state by which it has been incorporated and of the state where it has its principal place of business * * *." 28 U.S.C. 1332(c). A review of the cases indicates that Section 1332(c) allows a determination of the principal place of business on a case-by-case basis through review of the institution's total activity. For example, it has been held that the principal place of business of a corporation is the "nerve center" from which it radiates out to its constituent parts and from which its officers direct, control, and coordinate all activities without regard to locale, in the furtherance of the corporate objective. *Scot Typewriter Co.* v. *Underwood Corp.*, 170 F. Supp. 862 (S.D.N.Y. 1959). Similarly, a court in interpreting Section 1332(c) has found that the principal place of business is the headquarters of day-to-day corporate activity and management, rather than the meeting place of policy-making directors. *Kelly* v. *United States Steel Corp.*, 284 F.2d 850 (3d Cir. 1960); *Knee* v. *Chemical Leamen Tank Lines, Inc.*, 294 F. Supp. 1094 (E.D. Pa. 1968).

Four of the commenters felt that 28 U.S.C. 1332(c) was an appropriate standard for determining principal place of business for interstate institutions. One institution was pleased that the standard adopted would allow institutions with substantial activity in more than one district to exercise business discretion in its choice of membership in a district Bank. That commenter further recommended that the Board consider seeking a revision to Section 4(b) of the Federal Home Loan Bank Act, 12 U.S.C. 1424(b), to allow multiple district bank membership, based upon the proportion of an institution's assets and liabilities in that district. The Board notes that multiple district bank membership was considered as a possible alternative to the present proposal, but it was preliminarily determined that supervision of an interstate institution with multiple district bank membership would become administratively cumbersome.

The fifth commenter suggested that interstate institutions retain their membership in the Federal Home Loan Bank with which they were affiliated prior to their achieving interstate status, unless they legally and physically moved their principal place of business or "headquarters." That commenter suggested that substantial business in more than one state was a nebulous criterion. The Board notes that in the *Kelly v. United States Steel Corp.* case referred to above, the "headquarters" was found to be the principal place of business under 12 U.S.C. 1332(c). The Board believes it should be the institution's business decision, based upon an acceptable standard and settled rule of law, to determine where its principal place of business is located when it does substantial business in more than one state. The determination of substantiality must be made in accordance with the same standards.

The fifth commenter also felt this regulation could lead to standardization of interest rates and terms in bank advances of the Federal Home Loan Banks, which the commenter said would not be in the best interest of the majority of savings and loan associations. While the Board contemplates that the positive effects of competition could produce some standardization of terms, it believes that this regulation will not affect the majority of institutions which are now eligible for Bank membership and that the several Banks will continue to accommodate the specific needs of the members in their districts.

The Board also considered the possible potential for abuse in "Bank shopping," due to differing policies on advances, personalities or administrative procedures of the various Banks, and the possibility of making the decision on membership changes in consultation with the member's current district Bank. Upon reviewing this issue, however, the Board does not believe that an institution would make a material change in its principal place of business solely because of more favorable advance rates or a less harsh supervisory attitude. The Board believes any such decision will be motivated by long-term economic benefits rather than short-term considerations. Consequently, the Board believes applications should be made by the institution directly to the district Bank where it desires membership, as already provided for in the Bank System Regulations of Part 523. To effectuate this the Board is also making technical amendments to sections 532.1 and 523.3–2 as proposed.

The Board also considered a limitation on redesignations for some period of time, but determined that a change of Bank districts should be a business decision of the institution and would not be lightly made. Any change in Bank membership would of necessity include negotiations with both district Banks involved as to stock holdings, membership charges, contractual

obligations regarding advances, and dividend policies. In the Board's view, these considerations will discourage frequent changes unless mandated by long-term economic benefits to the institution, again as a matter of business discretion.

Finally, the Board determined that there was no necessity to limit this regulation to federally-chartered interstate institutions. There are a number of state-chartered interstate institutions, such as insurance companies, which are Bank members, and which do substantial business in more than one state. Therefore, the final regulation has been amended to apply to all institutions eligible to become Bank members.

Final Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat 1164 (September 13, 1980), the Board is providing the following regulatory flexibility analysis:

1. *Reason, objective and legal basis underlying the final rule.* These elements are incorporated above in the supplementary information and definitional sections regarding the regulation.

2. *Small entities to which the final rule would apply.* The final rule would apply equally to all institutions eligible to become Bank members.

3. *Overlapping or conflicting Federal rules.* There are no known federal rules that may duplicate, overlap or conflict with the final regulation.

4. *Alternatives to the final rule.* The final regulation will not have a significant economic impact on a substantial number of small entities, and there is no alternative action that would resolve satisfactorily the issue addressed.

List of Subjects in 12 CFR Part 523

Savings and loan associations, Principal place of business, Bank membership.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) It is a technical change that would have no substantial substantive effect on regulatory requirements, and (2) there is a present need for clarification in order to provide for orderly processing of Bank membership applications.

Accordingly, the Board hereby amends Part 523 of Subchapter B, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. Revise § 523.1, as follows:

§ 523.1 Application form.

An applicant for membership in a Bank shall submit Board-approved forms in triplicate to that Bank.

2. Add a new § 523.3–2, as follows:

§ 523.3–2 Membership at principal place of business.

(a) *Eligibility.* An institution eligible to become a member of a Federal Home Loan Bank under the Federal Home Loan Bank Act may become a member only of, or secure advances from, the Federal Home Loan Bank of the district in which the institution's principal place of business is located, or of the Bank of a district adjoining such district if demanded by convenience and then only with the approval of the Board.

(b) *Principal place of business.* If an institution is localized in one state, or primarily in one state, its principal place of business is that state. If an institution does substantial business in more than one state, that institution may designate as its principal place of business a state in which it could be deemed to have its principal place of business under the provisions of 28 U.S.C. 1332(c).

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1947 Supp.)

Dated: December 8, 1982.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-34194 Filed 12-15-82; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 531

[No. 82-789]

Policy Statement on Advances to Members

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has revised its current policy statement governing Federal Home Loan Bank advances to provide a unified and cohesive framework for the Banks' advances policies, to clarify the financial principles to which the Banks adhere in making advances, and to enhance the usefulness of the Bank System to its members. The financial principles to be utilized by the Banks in making advances provide that (1) Advances with maturities up to ten years generally will be offered, (2) advances will be priced above the current replacement cost of Bank obligations of comparable maturities, and (3) commitment and prepayment fees which protect the Banks from undue interest-rate risk generally will be required. The new policy statement broadens the purposes for which advances may be used by members and delineates the circumstances under which a member's application may be limited or denied.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Susan C. Evans, Senior Financial Analyst, Office of District Banks (202–377–6658), or Deborah Jenkins, Attorney, Office of General Counsel (202–377–6464), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The current policy statement on advances, codified in section 531.1 of the Board's Regulations for the Federal Home Loan Bank System (12 CFR 531.1), has existed substantially in its present form since the early 1960s. The current policy was designed for a thrift industry that was restricted generally to home finance, and for an economic environment in which interest rates remained stable and deposits were strictly regulated as to terms and rates. Given the broad range of powers now available to thrift institutions, the new competitive, deregulated environment for financial institutions, the volatility of interest rates, and the hedging opportunities available to reduce interest-rate risk, the Board undertook an intensive study of the Banks' advances policies in order to develop a new policy statement on advances that recognizes these fundamental changes.

Currently, § 531.1 addresses the credit standards to be utilized by the Banks in making advances and the purposes for which advances may be used by members. The policy statement authorizes the Banks to make advances to enable members to meet savings withdrawals, cover seasonal requirements, and expand residential mortgage portfolios. The policy restricts the use of Bank advances for increasing cash positions, purchasing securities, funding withdrawals requested or encouraged by a member, engaging in arbitrage, or for taking advantage of interest-rate differentials. The Banks are required to scrutinize the purposes for which the advances are requested, the member's loan commitments, credit practices, reserve levels, expense ratios, and the local housing market.

In view of the changes in the legal and economic environment, the Board believes that the current policy statement should be modernized and should be replaced by a statement of policy that will facilitate the Banks' advances programs and foster sound asset/liability management by members in the future. The Board believes that such changes will enhance the usefulness of advances to members throughout the Bank System.

The revised policy statement sets forth the terms and conditions of Bank advances, broadens the uses of such advances by borrowing members, delineates the circumstances under which a member's application may be limited or denied, and enunciates general Board limitations on the Banks' advances programs. The specific revisions adopted by the Board as well as the reasons underlying their adoption are discussed below.

Section 531.1(a) (General). This paragraph sets forth the primary credit mission of the Banks and states that the Banks have a responsibility to preserve their financial integrity and long-term viability and to offer advances programs that are prudent and profitable. It is implicit in this provision that advances should not be priced to provide a subsidy to members except as explicitly authorized under special programs such as the Community Investment Fund. The Board has clarified that the limitations on the Banks' advances policy are those which protect the financial integrity of the Banks and accommodate the practical constraints of the Banks.

Section 531.1(b) (Terms and conditions). This paragraph requires that the Banks generally offer a range of advances maturities up to ten years. The Board believes that in light of the available means to hedge, the ability to raise longer term debt, and the pricing flexibility permitted, the Banks generally should be able to offer a broad maturity range without undue financial risk. To foster the financial integrity and long-term viability of the Banks, this paragraph provides that pricing for advances will be above the replacement cost of Bank obligations and that the use of prepayment and commitment fees generally will be required to protect the Banks from undue interest-rate risk.

Section 531.1(c) (Use of advances). This paragraph clarifies the requirement of the Banks to consider the creditworthiness of borrowers in granting advances. Incorporating relevant portions of paragraphs (a) and (e) of the current policy statement, the new policy statement also broadens the purposes for which advances can be used by members. The Board recognizes that the Bank Act does not restrict the use of advances specifically to home financing, and that the Garn-St Germain Depository Institutions Act of 1982 has expanded significantly the powers of federal associations. Accordingly, because the Banks' primary credit mission is to provide a reliable source of credit to creditworthy members, the Board has provided that members may use the funds borrowed from the Banks for any sound business purpose in which members are authorized to engage. The Board has not established a hierarchy of uses for advances, although the Banks may ration available funds.

Further, for the reasons already stated and in light of increasing deregulation of interest rates, the Board believes it is no longer appropriate to restrict the use of advances to cover savings withdrawals on the basis of the reasons for the withdrawals. The limitation on advances for arbitrage purposes, contained in paragraph (c) of the current policy statement, also has been eliminated because the Board believes that all advances are in fact arbitraged and the Banks can adequately discourage inappropriate arbitraging by rationing advances through pricing.

Section 531.1(d) (Credit consideration). This paragraph compiles and simplifies the credit standards described in portions of paragraphs (a), (b), (d) and (e) of the current policy statement. Consideration of the level of a member's loan commitments is implicit in these standards.

The Board has determined that the notice and public comment procedure prescribed by 12 CFR 508.9 and 5 U.S.C. 553(b) is not necessary because the Board's action is interpretive and an amendment of a statement of policy, and because it is in the public interest to implement these changes without delay to clarify the Board's policy on advances to member institutions of the Federal Home Loan Bank System and to relieve certain restrictions contained in the current policy statement. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons.

List of Subjects in 12 CFR Part 531

Federal home loan banks.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 531, Subchapter B, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 531—STATEMENTS OF POLICY

Revise § 531.1 as follows:

§ 531.1 Policy on advances to members.

(a) *General.* The primary credit mission of the Federal Home Loan Banks is to provide a reliable source of credit for member institutions as defined in the Federal Home Loan Bank Act. The Banks are principally financial intermediaries and, as such, must preserve their financial integrity and long-term viability by maintaining adequate net worth to support borrowings and liquidity sufficient to meet members' needs. Within these constraints, the Banks should offer to all members as wide a range of advances programs as is prudent and profitable. The Banks may make advances to members subject to regulations and limitations which the Board may from time to time prescribe. Limitations on advances should be those which protect the financial integrity of the Banks and accommodate the practical constraints of the Banks.

(b) *Terms and conditions.* The Banks generally shall offer a range of advances maturities up to ten years. Advances shall be offered within a range of rates established by the Board that is above the current replacement cost of Federal Home Loan Bank obligations of comparable maturities. Prepayment and commitment fees which protect the Banks from undue interest-rate risk generally shall be required.

(c) *Use of advances.* Advances generally shall be made to creditworthy members, upon application for any sound business purpose in which members are authorized to engage. Such purposes include, but are not limited to, making residential mortgage, consumer, and commercial loans, covering savings withdrawals, accommodating seasonal cash needs, restructuring liabilities, and maintaining adequate liquidity.

(d) *Credit consideration.* Advances may be limited or denied if a member engages in unsafe or unsound practices, has inadequate net worth, is sustaining operating losses, or has other financial or managerial deficiencies, as determined by the board of directors of its Federal Home Loan Bank, that bear upon its creditworthiness.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

Dated: December 8, 1982.

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 82-34193 Filed 12-15-82; 8:45 am]
BILLING CODE 6720-01-M

12 CFR Part 564

FSLIC Insurance Coverage of Loan Payments Held by Loan Servicers

Dated: December 8, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This document clarifies the text of the Board's recent final regulations relating to insurance coverage of loan-servicing accounts of savings and loan associations whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions"), and also makes several technical corrections to these regulations and related provisions. These amendments will facilitate participation of insured institutions in secondary markets as servicers and depositories.

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Lee Lassiter (202-377-6456), Attorney, or Cynthia D. Farmer (202-377-472), Legal Assistant, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On September 9, 1982, the Federal Home Loan Bank Board adopted amendments to its regulations with respect to insurance coverage for loan payments placed by a servicer in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, to provide the loan payments are insured as if the servicer placing the funds in the institution is acting as agent for each borrower. FHLBB Resolution No. 82-614; 47 FR 41099 (September 17, 1982). A public comment period was also offered through October 11, 1982.

The Board received a total of six comment letters in response to Resolution No. 82-614. Three were from federally-chartered savings and loan associations, and one each from a state-chartered savings and loan, a savings and loan trade association, and a law firm. Of these, three commenters favored the rule as drafted and the remaining three commenters supported the rule but desired further language clarification. Specifically, two letters suggested that loan-servicing accounts be insured separately from other accounts of the borrower in the same institution, but did not cite any authority for providing insurance on this basis. A suggestion that the status of special loan payments be clarified is believed by the Board to be unnecessary since the preamble of the adopted regulation specifically stated that the insurance coverage applied to all components of loan payments, including principal, interest, tax and insurance escrow payments, penalties and late charges. A commenter's recommendation to the effect that the regulation should accommodate changes resulting from sales of loans in the secondary market was not accepted by the Board because such changes do not affect the insurance coverage provided.

The comment letters and the Board's experience under the current regulation have, however, raised two technical points that the Board believes is necessary to address in modifications to the regulations. First, § 564.3(b)(2) is being revised to state simply that loan servicer accounts will be insured as agency accounts. Accordingly, the existing recordkeeping requirements for agency accounts generally are to be applied in determining the amount of insurance coverage for loan servicer accounts. Thus, the account records of the institution must disclose that the servicer has established the account as agent for borrower payments. In addition, either the account records of the institution or the loan records of the servicer maintained in good faith and in the regular course of business must disclose the amount of each borrower's payment, and the account into which each payment is deposited.

Second, the final rule also amended the Appendix to Part 564 by deleting Example 9 of Part G (Trust Accounts); however, Example 10 following the deleted Example refers to Example 9 expressly. The Board is taking this opportunity to conform this reference by designating Example 10 as Example 9 and removing a now unnecessary sentence therein.

The amendments provide that FSLIC insurance coverage for loan payments placed by a servicer in accounts of an insured institution is provided as if the servicer is acting as agent for each borrower. This coverage is provided regardless of characterization of the actual legal relationship of the servicer to the borrower, investors or the institution. Further, the amendments do not preclude insurance on some other basis, such as a trust relationship, if all applicable requirements are met. Lastly, the Board is taking this opportunity to restate the amendments, as revised, in their entirety.

The Board has determined that the notice and public comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary and not in the public interest. The public interest is served by immediate implementation of these amendments because they clarify and expand insurance coverage. The Board also finds that the requirement for a 30-day delayed effective day under 5 U.S.C. 553(d) and 12 CFR 508.14 is not applicable in this case. The Board finds that it is in the public interest to amend the regulation and make the needed clarifications without delay. The amendment also relieves restrictions that savings and loans may have experienced in fully participating in the secondary mortgage market as both servicers and depositories for all components of loan payments by removing any ambiguities concerning insurance coverage of such payments.

List of Subjects in 12 CFR Part 564

Savings and loan associations, Insurance.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 564—SETTLEMENT OF INSURANCE

Accordingly, the Board is hereby amending Part 564 and the Appendix following Part 564 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

1. Revise paragraph (b) of § 564.3 as follows:

§ 564.3 Single ownership accounts.

* * * * *

(b) *Accounts held by agents or nominees.* (1) Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and insured up to $100,000 in the aggregate.

(2) A loan servicer who receives loan payments and places or maintains such payments in an insured institution prior to remittance to the lender or other parties entitled to the funds shall, for insurance-of-accounts purposes, be considered an agent of each borrower.

* * * * *

2. Amend the Appendix to Part 564 by adding Example 7 to Part A (Single Ownership Accounts), as follows:

Appendix—Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation

* * * * *

Example 7

Question: X Corporation acts as a servicer of FHA, VA, and conventional mortgage loans. Each month X Corporation receives and keeps records of principal, interest, late charge, and other payments from approximately 2,000 mortgagors. The servicer commingles these funds, places the funds in an insured institution, identifies the borrower, the amount of each borrower's payment and the account into which each payment is deposited and denominates the account with the name "X Corporation as Agent for Mortgagor Payments." The monies received and deposited total $1,000,000. What is the insurance coverage?

Answer: X Corporation, the servicer, acts as agent for the 2,000 individual mortgagors. The interest of each mortgagor-principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution). (§ 564.3(b)).

* * * * *

3. Amend the Appendix to Part 564 by redesignating Example 10 as Example 9, and removing the first sentence of the answer to the redesignated example.

(Sec. 308, Pub. L. No. 96-221; Secs. 401, 402, 403, 405, 48 Stat. 1225, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan. No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-34192 Filed 12-15-82; 8:45 am]

BILLING CODE 6720-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0026]

Money Market Deposit Account

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") authorized the Money Market Deposit Account ("MMDA") effective December 14, 1982. See 47 FR 53710 (November 29, 1982). As originally authorized, the Committee restricted the MMDA to a maximum of six preauthorized, automatic or other third-party transfers per month. The Committee also determined at that time to permit unlimited telephone transfers from the MMDA to another account of the same depositor at the same depository institution. At its December 6, 1982 meeting, the Committee reconsidered this question and decided that, in order to reduce the potential for the MMDA to be a transaction account, telephone transfers from the MMDA to another account of the same depositor at the same depository institution will be counted in determining compliance with the limit of six transfers per month.

In a separate action, the Committee amended the definition of "month," for purposes of determining compliance with the transaction limitations, the minimum average balance requirements and the interest rate guarantee limitations. The new definition provides that a "month" may be (at the depository institution's option) a calendar month or statement cycle; with a statement cycle normally being 28 to 31 days, but occasionally being as long as 35 days. The Committee took this action because a number of depository institutions indicated that they had statement cycles that occasionally exceeded the 31-day maximum of the Committee's previous rule.

EFFECTIVE DATE: December 14, 1982.

FOR FURTHER INFORMATION CONTACT: Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447-1880); F. Douglas Birdzell, Counsel, and Joseph A. DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202/389-4147); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446); Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281); or Elaine Boutilier, Attorney-Adviser, Treasury Department (202/566-8737).

SUPPLEMENTARY INFORMATION: Section 327 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, directed the Committee to establish a new account (now designated the MMDA) effective December 14, 1982. On October 19, 1982, the Committee published a request for comments regarding characteristics of the MMDA (47 FR 45630). That request noted that, in the staff's view, a telephone transfer from the MMDA to another account of the same depositor at the same depository institution should be considered a preauthorized or automatic transfer for purposes of any numerical restriction on the number of preauthorized or automatic transfers from the MMDA. Many of the comments received by the Committee expressed disagreement with this staff position.

At its November 15, 1982 meeting, the Committee adopted the MMDA regulation effective December 14, 1982, which establishes a limit of six preauthorized or automatic transfers of funds from an MMDA per month no more than three of which may be by check or draft drawn by the depositor. However, the Committee determined that, for purposes of this numerical limitation, a telephone transfer from the MMDA to another account of the same depositor at the same institution would not be considered a preauthorized or automatic transfer. In its publication of the MMDA regulations, the Committee noted that it would reconsider this issue at its next meeting (47 FR 53715).

At its December 6, 1982 meeting, the Committee reconsidered the telephone transfer issue in the context of two decisions made at that time. The first was the Committee's determination, effective January 5, 1983, to establish a new rule for the payment of interest on NOW accounts with a minimum balance of $2500. A depository institution may pay any rate of interest on such accounts that also meet certain conditions that apply to MMDAs. NOW accounts permit unlimited transactions (including unlimited telephone transfers), and eligibility is limited by statute to individuals, certain nonprofit organizations and governmental entities. The second relevant decision was the determination to request comments on amending the MMDA regulation to allow depository institutions to offer an unlimited transactions version of the MMDA to those customers (primarily for-profit corporations) that are not eligible to have NOW accounts. The Committee noted that allowing unlimited telephone transfers from the MMDA to other accounts of the same depositor at the same depository institution made it possible to utilize the MMDA much like a transaction account. This potential use for MMDA funds made more problematic the Federal Reserve Board's definition and use of monetary aggregates. The Committee also noted the Federal Reserve Board's recent decision to impose transaction account reserves on MMDAs where a depository institution did not count a telephone transfer as a preauthorized or automatic transfer for purposes of the six transfers per month limitation (*See* 47 FR 55207 (December 8, 1982)).

Given the above summarized facts and decisions, the Committee determined that a telephone transfer from the MMDA to another account of the same depositor at the same depository institution will be considered a preauthorized or automatic transfer for purposes of the MMDA regulation's limit of six transfers per month.

In so doing, the Committee noted that telephone transfers from the MMDA effecting payment to third parties continue to be subject to the limit of six transfers per month. However, the Committee also noted that withdrawals

made by telephone from the MMDA and paid to the depositor are not subject to the limitation on preauthorized or automatic transfers. In this regard, unlimited withdrawals are permitted where the depository institution sends a check to its MMDA customer in response to a telephonic instruction from that customer.

At its November 15, 1982 meeting, the Committee defined the term "month" as either (at the depository institution's option) a calendar month or statement cycle of at least four weeks, but not longer than 31 days. This definition applied for purposes of determining compliance requirements stated in monthly terms, *i.e.*, the six-transaction limitations, the minimum average balance requirements, and the interest rate guarantee limitations. A number of institutions brought to the Committee's attention the fact that the 31-day maximum creates occasional difficulties for depository institutions that utilize statement cycles keyed to working days rather than calendar days. For example, if an institution utilized a statement cycle that ends on the fourth working day of each month, the statement cycle covering the August 1982 period would have been 33 days long; if the statement cycle ended on the first Tuesday of each month, in August 1982, the statement cycle would have been 35 days long. Although these "longer" statement cycles occur infrequently, such as two or three times a year, following the rule would cause institutions to be in technical violation of the rule or create unnecessary operational burdens on depository institutions.

In response to this problem, the Committee, in a separate action, made a technical amendment to the MMDA regulation by defining a "month" to be either a calendar month or a statement cycle, with a statement cycle normally being 28–31 days, but occasionally being as long as 35 days. This action would provide depository institutions with maximum flexibility in designing MMDAs within their existing operational structures or with minimal adjustments. A depository institution, at its option, may use either a calendar month or statement cycle, provided it does so consistently.

As discussed above, the Committee requested and received public comments on whether telephone transfers from the MMDA to other accounts of the same customer should be considered automatic or preauthorized transfers for purposes of the Committee's MMDA regulations. In addition, in its November 29, 1982 publication of its MMDA regulations, the Committee advised that the telephone transfer issue would be reconsidered at its next meeting. With respect to the new definition of a month, it is noted that this is a technical amendment providing greater flexibility to depository institutions and, as such, relieves a restriction. Because the MMDA regulations have a statutorily mandated effective date of December 14, 1982, the Committee's action must be effective on that date. In light of the foregoing, good cause exists for not following the prior notice, opportunity for comment and deferred effective date provisions of 5 U.S.C. § 553. In view of the Committee's findings, sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) are not applicable. Furthermore, because of the nature of this action, the Committee finds that good cause exists under section 1201.6(e) of the Committee's regulations for making this action effective less than 30 days from the date of publication in the **Federal Register.**

List of Subjects in 12 CFR Part 1204

Banks, banking.

PART 1204—[AMENDED]

Pursuant to its authority under Title II of Pub. L. No. 96–221 (94 Stat. 142; 12 U.S.C. 3501 *et seq.*) to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations, and mutual savings banks, and pursuant to the authority granted by Section 327 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97–320 (to be codified at 12 U.S.C. 3503), the Committee amends Part 1204 (Interest on Deposits) by revising paragraphs (b) and (e)(1) of § 1204.122, effective December 14, 1982, to read as follows:

§ 1204.122 Money Market Deposit Account.

* * * * *

(b) The average balance for this account may be calculated on the basis of the average daily balance over any computation period selected by an institution, which is not longer than one month. (For purposes of this paragraph and paragraphs (c) and (e) of this section, a "month" shall mean, at a depository institution's option, either a calendar month or a statement cycle. A statement cycle is normally 28 to 31 days, but may occasionally be as long as 35 days.)

* * * * *

(e)(1) Depository institutions are not required to limit the number of transfers of funds from this account to another account of the same depositor when made by mail, messenger, automated teller machine or in person. Depository institutions are not required to limit the number of withdrawals (*i.e.*, payments directly to the depositor) from this account when made by mail, telephone (via check mailed to the depositor), messenger, automated teller machine or in person. Depository institutions must restrict all preauthorized (including automatic) transfers of funds from this account to a maximum of six per month. Three of such transfers may be by check, draft or similar device drawn by the depositor to third parties. Telephone transfers to third parties or to another account of the same depositor are regarded as preauthorized transfers. There is no required minimum denomination for the transfers allowed by this section.

* * * * *

By order of the Committee, December 14, 1982.

Mark Bender,

Acting Executive Secretary.

[FR Doc. 82-34268 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-25-M

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12 CFR Part 1204

[Docket No. D-0028]

NOW Accounts of $2,500 or More

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has established a new rule for the payment of interest on NOW accounts with a minimum initial and average balance requirement of $2,500. A depository institution may pay any rate of interest on such accounts if it meets the following conditions that also apply to the Money Market Deposit Account (12 CFR 1204.122) ("MMDA"): (1) An institution must reserve the right to require seven days' notice prior to withdrawal; (2) compliance with the average balance requirement may be computed over a period no longer than one month; (3) the existing NOW account ceiling rate (5¼ percent) applies to accounts that do not meet the average balance requirement; (4) an interest rate may not be guaranteed for longer than one month; and (5) loans are not permitted to meet the $2,500 initial or average balance requirement. These rules apply to accounts that are authorized under 12 U.S.C. 1832(a).

Accordingly, such accounts are available *only* to individuals, nonprofit organizations operated primarily for religious, philanthropic, charitable, educational, fraternal and other similar purposes, and to governmental units. This action was taken by the Committee in connection with its responsibility under the Depository Institutions Deregulation Act to phase out deposit interest rate ceilings as rapidly as economic conditions warrant.

EFFECTIVE DATE: January 5, 1983.

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446); Joseph A. DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202/389-4147); Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447-1880); or Elaine Boutilier, Attorney-Adviser, Treasury Department (202/566-8737).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; 12 U.S.C. 3501 *et seq.*) ("DIDA") was enacted to provide for the orderly phase out and ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions as rapidly as economic conditions warrant. Under DIDA, the Committee is authorized to phase out interest rate ceilings by any one of a number of methods, including the elimination of limitations applicable to particular categories of accounts, the creation of new account categories not subject to interest rate ceilings or with interest rate ceilings set at market rates of interest.

The Committee has considered the issue of short-term time deposits at each of its meetings since June 25, 1981. At that meeting, the Committee determined to request public comment on the desirability of authorizing a new deposit instrument having characteristics similar to money market mutual funds ("MMFs") (46 FR 36712, July 15, 1981). Over 400 comments were received in response to the Committee's request.

The Committee considered these comments at its September 22, 1981 meeting and determined to solicit additional public comment (46 FR 50804, October 15, 1981) on several specific proposals for a short-term deposit designed to compete with money market instruments that are available in denominations of less than $100,000. The three specific proposals were: (1) A ceilingless, $5,000 minimum denomination account with a transactions feature; (2) a time deposit with an initial maturity of 91 days, and a 14-day notice period thereafter, with a ceiling rate tied to the 13-week Treasury bill rate; and (3) a ceilingless $25,000 minimum denomination 1-day notice account. Comment was requested on several specific account characteristics as well. On December 16, 1981, the Committee postponed consideration of the matter until its next meeting.

At its March 22, 1982 meeting, the Committee considered the comments received and authorized, effective May 1, 1982, a new category of time deposit with a minimum denomination of $7,500, a maturity of 91 days, and a fixed interest rate ceiling based on the most recent rate (auction average on a discount basis) established and announced for U.S. Treasury bills with maturities of 91 days. At that time, the Committee recognized that the new deposit category would not be fully competitive with instruments being offered by non-depository institutions. Therefore, the Committee directed its staff to continue efforts to design additional short-term deposit categories to enable depository institutions to compete more effectively with MMFs.

After consideration of the comments received and the analysis and discussions from previous meetings, as summarized above, the Committee determined to authorize, effective September 1, 1982, a new category of short-term time deposit with the following principal characteristics: (1) A minimum denomination of $20,000; (2) a maturity or required notice period of no less than seven days and no more than 31 days as agreed to by the depositor and the institution; and (3) a ceiling rate for all depository institutions based on the 91-day Treasury bill rate (auction average on a discount basis) at the most recent auction.

Of all the instruments put forth for comment in October 1981, the $5,000 minimum denomination transaction account was clearly the most popular because it was generally perceived to be the most competitive vis-a-vis MMFs. Nevertheless, the Committee declined to authorize such an instrument, principally because of the large increase in the interest costs of depository institutions—particularly thrifts—that could have resulted from massive shifting of funds out of low-yielding passbook accounts. Indeed, the two accounts subsequently created by the Committee were structured expressly to limit the extent of such shifting. More recently, at its September meeting the Committee considered petitions by four state regulatory agencies to permit federally-insured depository institutions in those states to offer "Super NOW accounts" or similar accounts. These petitions were denied partly because of the probable impact on earnings of thrift institutions and the potential for disruptions in regional flows of funds; the Committee also wanted to delay action on a selective state-by-state basis until after Congress had authorized expanded asset powers for the thrift institutions, after which the Committee wanted to consider creating a new account that would be available nationwide.

In October 1982, Congress directed the Committee to establish a category of account "directly equivalent to and competitive with money market mutual funds." The Committee established the Money Market Deposit Account ("MMDA"), effective December 14, 1982, with a $2,500 minimum balance, no interest rate ceiling and limited transactions capability (47 FR 53710, November 29, 1982).

When the Committee requested comment on the MMDA in October, numerous respondents expressed a desire to have the option of offering the account with unlimited transfers and drafts. Many others simply assumed that institutions would have the choice of limiting third-party transfers or structuring the account without such limits, recognizing that the latter option would entail transaction account reserve requirements. Institutions who favored unlimited transfers cited the liquidity and access features of MMFs as key ingredients to their success, and felt that any account intended to compete effectively with MMFs must allow institutions similar flexibility to provide full transactions capabilities.

In light of the authorization of the congressionally mandated MMDA, the Committee believes that it is now appropriate to authorize a transaction account not subject to a rate ceiling. In this regard, the MMDA will likely attract a substantial amount of funds from passbook accounts. Consequently, the Committee believes that the additional effects on shifts of funds from passbook accounts caused by a market-rate transaction account will be minimal and that the earnings effects associated with such an account, therefore, will be diminished considerably.

Accordingly, effective January 5, 1983, the Committee has established a new rule for the payment of interest on NOW accounts that are offered with the following features, many of which also have been established in connection with the MMDA:

(1) $2,500 minimum initial and average balance requirement;

(2) No interest rate ceiling when the average balance is equal to or in excess of $2,500;

(3) The existing NOW account ceiling (5¼ percent) applies when the average balance is less than the minimum average balance;

(4) Compliance with the average balance requirement may be determined over a period of one month;

(5) Institutions must reserve the right to require at least seven days' notice prior to withdrawal;

(6) Loans are not permitted to meet the $2,500 minimum amount;

(7) Unlimited deposit and withdrawal capability; and

(8) Availability to depositors currently eligible to maintain NOW accounts under Federal law.

Minimum balance requirement. The Committee determined to impose an initial balance requirement of $2,500 on NOW accounts that are exempt from rate ceilings. In addition, there will be a minimum balance requirement of $2,500. Depository institutions are free to establish higher balance requirements if they wish.

Compliance with minimum balance requirement. As with the MMDA, a depository institution may determine compliance with the minimum balance requirement (but not the minimum initial balance requirement) by using an average daily balance calculated over any computation period it chooses, such as one day, one week or one month, provided that such a computation period is no longer than a month. A "month" is defined to be either a calendar month or statement cycle (or similar period) of at least 28 days but no longer than 31 days, except that a statement cycle occasionally may be as long as 35 days. Thus, for example, an institution could choose to determine compliance with the minimum balance requirement through the use of a one-week computation period. A depositor will have met the requirement if the average daily balance in the account during the one week computation period is equal to or above $2,500. In order to ensure compliance with the account's minimum initial deposit and balance requirements, the Committee prohibited loans for the purpose of meeting those requirements.

The current ceiling on NOW accounts (5¼ percent) will continue to apply to NOW accounts that have balances of less than $2,500 and to other NOW accounts that are not subject to the conditions under which a NOW account may be offered without regard to a ceiling rate. The 5¼ percent NOW account ceiling rate will apply for the entire computation period in which the average balance in the account is less than $2,500. For example, an institution which uses an average balance computed over a seven-day period may pay a depositor a rate not in excess of 5¼ percent for the entire seven-day period if the depositor's average daily balance during that seven-day period is less than $2,500. Depending on the computation period chosen and the interest crediting practices of the institution, the lower rate may have to be imposed on an *ex post* basis.

Guarantee of rate. The Committee determined to impose a maximum limitation of one month (as defined above) on the length of time a depository institution may commit itself to pay any rate of interest or commit itself to employ any method of calculation of the rate of interest on the new account. The Committee also determined to prohibit an institution from conditioning the rate of interest paid or the method of calculation of the rate of interest paid on the new account on the length of time a deposit is maintained, if that length of time is longer than a month (as defined above). For example, a depository institution may not obligate itself to pay the 91-day Treasury bill rate for a period of six months. Nor may a depository institution, in effect, guarantee a specified or indexed rate of interest for over one month by agreeing to pay a rate (*e.g.*, 30%) for one month on the condition that the deposit will be maintained for over one month (*e.g.*, 180 days).

Reservation of notice. The Committee imposed a requirement that institutions reserve the right to require at least seven days' prior notice of withdrawals or transfers from NOW accounts not subject to a ceiling rate. The Committee determined that if an institution chooses to exercise its right to require notice, it must apply that requirement equally to all depositors that maintain accounts subject to the new interest payment rules.

Additions to the account. The Committee determined to impose no restrictions on the size or frequency of additions to the new account, including additions effected by sweeps from other accounts into the new account.

Transactions and withdrawals. As with existing NOW accounts, depository institutions may permit withdrawals to be made from ceiling-free NOW accounts by any means and without limit as to size or frequency.

Eligible depositors. The class of depositors eligible to maintain NOW accounts is specified in the Consumer Checking Account Equity Act of 1980 (12 U.S.C. 1832(a)), section 706 of the Garn-St Germain Act (96 Stat. 1540), and regulations of the Federal Reserve Board (12 CFR 217.157), the Federal Deposit Insurance Corporation (12 CFR 329.103) and the Federal Home Loan Bank Board (12 CFR 532.2). Under the Consumer Checking Account Equity Act, NOW accounts may consist of "funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational or other similar purposes and which is not operated for profit." The Garn-St Germain Act extends NOW account eligibility to funds of "the United States, any State, county municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof." These are the only depositors that are permitted to have NOW accounts. Deposits in which any beneficial interest is held by a corporation, partnership, association, or other organization that is operated for profit or is not operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes, or that is not a governmental unit may not be classified as NOW accounts.

Reserve requirements. Currently, under the Federal Reserve Board's Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204), all NOW accounts are subject to the same reserve requirements. In this regard, a depository institution is subject to a full reserve requirement of 3 percent on the first $26.3 million tranche of its NOW accounts and to a 12 percent reserve requirement on amounts above $26.3 million. Depository institutions in the New England states, New York, and New Jersey are subject to a phase-in of reserve requirements on such accounts.

Depository institutions will have the option of modifying the rate of interest paid on existing NOW accounts or of offering a new account not subject to a rate ceiling. Where the interest rate is changed on an existing account, other specified conditions applicable to the MMDA also must be met.

The Committee believes that this action will assist depository institutions in competing with other financial instruments that offer market rates of return on short-term investments, such as MMFs. The ability to offer $2,500 minimum balance NOW accounts not subject to a rate ceiling should assist depository institutions to attract new

funds by competing with other investment alternatives, help stem deposit outflows, and enhance the ability of institutions to attract and retain valuable customer relationships.

The Committee considered the potential effect on small entities of removing the interest rate ceiling on NOW accounts of $2,500 or more, as required by the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*). In this regard, the Committee's action would not impose any new reporting or recordkeeping requirements. Small entities that are depositors generally should benefit from the Committee's action since removing the interest rate ceiling on NOW accounts above $2,500 will provide them a market rate of return on short-term deposits. The competitive position of small depository institutions vis-a-vis nondepository competitors should be enhanced by their ability to offer a more competitive short-term instrument with unlimited transactions capability at market rates. The new funds that will be attracted as a result of this action (or the retention of deposits that might otherwise have left the institution) could be invested at a positive spread and would therefore at least partially offset the higher cost associated with the shifting of low-yielding accounts.

List of Subjects in 12 CFR Part 1208

Banks, banking.

PART 1204—[AMENDED]

Pursuant to its authority under Title II of Pub. L. 96–221 (94 Stat. 142; 12 U.S.C. 3501 *et seq.*) to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations, and mutual savings banks, the Committee amends Part 1204 (Interest on Deposits), effective January 5, 1982, as follows:

1. By revising § 1204.108 to read as follows:

§ 1204.108 Maximum rates of interest payable by depository institutions on deposits subject to negotiable orders of withdrawal.

Commercial banks, savings and loan associations, and mutual savings banks ("depository institutions") may pay interest on any deposit or account subject to negotiable or transferable orders of withdrawal that is authorized pursuant to 12 U.S.C. 1832(a).

(a) At a rate not to exceed 5¼ percent per annum, or

(b)(1) At any rate on an account subject to the conditions of this paragraph with an initial balance of no less than $2,500 and an average deposit balance (as computed in paragraph (b)(2) of this section) of no less than $2,500. However, for an account with an average balance of less than $2,500, a depository institution shall not pay interest in excess of the rate specified in paragraph (a) of this section for the entire computation period, as described in paragraph (b)(2) of this section.

(2) The average balance in paragraph (b)(1) of this section may be calculated on the basis of the average daily balance over any computation period selected by an institution which is not longer than one month. (For purposes of this paragraph (b) of this section, "month" shall mean, at a depository institution's option, a calendar month or statement cycle. A statement cycle is normally 28 to 31 days, but may occasionally be as long as 35 days.)

(3) A depository institution may not obligate itself to pay any interest rate or obligate itself to employ any method of calculation of an interest rate on this account for a period longer than one month. A depository institution may not condition the interest rate paid upon the period of time the funds remain on deposit in this account, if that period is longer than one month.

(4) Depository institutions must reserve the right to require at least seven days' notice prior to withdrawal or transfer of any funds in this account. If such a requirement for a notice period is imposed by a depository institution on one depositor, it must be applied equally to all other depositors holding an account subject to this paragraph at the same institution.

(5) A depository institution is not permitted to lend funds to a depositor to meet the $2,500 balance requirements of this paragraph.

2. In § 1204.122, by revising paragraph (a), to read as follows:

§ 1204.122 Money market deposit account.

(a) Commercial banks, mutual savings banks, and savings and loan associations ("depository institutions") may pay interest at any rate on a deposit account as described in this section with an initial balance of no less than $2,500 and an average deposit balance (as computed in paragraph (b) of this section) of no less than $2,500. However, for an account with an average balance of less than $2,500, a depository institution shall not pay interest in excess of the ceiling rate for NOW accounts (12 CFR 1204.108(a)) for the entire computation period, as described in paragraph (b) of this section.

* * * * *

By order of the Committee, December 14, 1982.

Mark Bender,

Acting Executive Secretary.

[FR Doc. 82-34269 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-25-M

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12 CFR Part 1204

[Docket No. D-0029]

Short-Term Time Deposit Accounts

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has amended its rules to remove the ceiling on the rate of interest payable on 7- to 31-day time deposits and to lower the minimum denomination requirement on this account, as well as the 91-day time deposit and 26-week money market time deposit ("MMC"), to $2,500. The existing minimum denomination requirements on these deposits are $20,000, $7,500, and $10,000, respectively. The Committee's actions were taken to conform the minimum denominations of these accounts with the Money Market Deposit Account ("MMDA") and because the interest rate ceiling on the 7- to 31-day account is not necessary in light of the establishment of the MMDA, which may be offered for similar time periods.

EFFECTIVE DATE: January 5, 1983.

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452–3281); Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447–1880); F. Douglas Birdzell, Counsel, and Joseph A. DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202/389–4147); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377–6446); or Elaine Boutilier, Attorney-Adviser, Treasury Department (202/566–8737).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. No. 96–221; 12 U.S.C. 3501 et seq.) ("DIDA") was enacted to provide for the orderly phaseout and ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions as rapidly as economic conditions warrant. Under DIDA, the Committee is authorized to phase out interest rate ceilings by any one of a number of methods including the creation of new account categories not

subject to interest rate limitations or with interest rate ceilings set at market rates of interest.

Pursuant to this statutory authorization, the Committee's rules set forth a number of deposit categories bearing market rates of interest. Among these are 7- to 31-day time deposits (12 CFR 1204.121), 91-day time deposits (12 CFR 1204.120) and MMCs (12 CFR 1204.104). These accounts have minimum denomination requirements of $20,000, $7,500 and $10,000, respectively, and ceiling rates of interest on these accounts generally are based on the 91-day U.S. Treasury bill rate (auction average on a discount basis) for the 7- to 31-day and 91-day accounts, and the 26-week U.S. Treasury bill rate (auction average on a discount basis) for MMCs.

The Committee has established a new deposit account ("MMDA"), as required by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97–320 ("Garn-St Germain Act"). The new deposit account has the following principal characteristics: (1) An initial and average balance requirement of no less than $2,500; (2) a requirement that depository institutions reserve the right to require at least seven days' notice prior to withdrawal or transfer of funds; (3) no interest rate ceiling on deposits which satisfy the initial and average balance requirements; (4) no more than six preauthorized, automatic or other third party transfers per month, of which no more than three can be checks; and (5) availability to all depositors. In addition, at its December 6, 1982 meeting, the Committee established a new rule for the payment of interest on NOW accounts that have balances of not less than $2,500 and are subject to certain of the restrictions that apply to the MMDA.

Under existing regulations, depository institutions may guarantee for up to one month the offering rate on MMDAs. Therefore, institutions can structure the new account to substitute for the existing 7- to 31-day account, rendering the ceiling on the latter account meaningless. Thus, the Committee has amended its regulations to remove that ceiling. The interest rate ceiling on this account is currently suspended because the 91-day bill rate has been below 9 percent and under existing regulations is scheduled to be removed on May 1, 1983.

In designing these and other short-term deposit instruments, the Committee traditionally has attempted to strike a balance between enabling institutions to compete effectively with market instruments and minimizing the potential for shifts from lower-yielding savings deposits. In addition to establishing fixed maturities, the Committee has sought to accomplish this objective through large minimum denomination requirements on the 7- to 31-day, 91-day, and 26-week accounts. Now that the Committee has implemented Section 327 of the Garn-St Germain Act by authorizing a money market deposit account with a minimum denomination of $2,500, the potential for shifts from lower-yielding savings deposits is reduced in importance in establishing the terms on short-term deposit instruments. Since the MMDA dominates the other short-term deposits as a substitute for savings deposits, altering the minimum denomination on the other deposit categories is unlikely to result in any significant further shifting from lower-yielding accounts. Consequently, the Committee has determined that it is appropriate to reduce to $2,500 the minimum denomination requirements for the 7- to 31-day account, 91-day account, and MMC.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation have not been followed in connection with adoption of these amendments because such actions involve conforming amendments to existing regulations that are considered appropriate in light of the Committee's action in establishing the MMDA and ceilingless NOW account. These accounts have, as a practical matter, rendered the ceiling on the 7- to 31-day account and the minimum denomination requirements of all three short-term time deposits meaningless. Thus, the Committee has determined that notice and public participation is unnecessary in connection with this action. In addition, the Committee has not deferred the effective date of these amendments in accordance with 5 U.S.C. 553(d) since these actions relieve restrictions.

List of Subjects in 12 CFR Part 1204

Banks, banking.

PART 1204—[AMENDED]

Pursuant to its authority under Title II of Pub. L. 96–221 (94 Stat. 142; 12 U.S.C. 3501 *et seq.*) to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations, and mutual savings banks, the Committee amends Part 1204—Interest on Deposits, effective January 5, 1983, to read as follows:

1. By revising the first sentence in § 1204.104 to read as follows:

§ 1204.104 26 week money market time deposits of less than $100,000.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any nonnegotiable time deposit of $2,500 or more, with a maturity of 26 weeks, at a rate not to exceed the ceiling rates set forth below. * * *

2. In § 1204.120, by revising paragraph (a) to read as follows:

§ 1204.120 91-day time deposits of less than $100,000.

(a) Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any negotiable or nonnegotiable time deposit of $2,500 or more, with a maturity of 91 days, at a rate not to exceed the ceiling rates set forth below. Rounding any rate upward is not permitted, and interest may not be compounded during the term of this deposit.

* * * * *

3. In § 1204.121, by removing paragraph (b), by redesignating paragraph (c) as (b), and by revising the section heading and paragraph (a) to read as follows:

§ 1204.121 7- to 31-day time deposits of $2,500 or more.

(a) Commercial banks, mutual savings banks, and savings and loan associations may pay interest at any rate as agreed to by the depositor on any nonnegotiable time deposit of $2,500 or more, with a maturity or required notice period of not less than 7 days nor more than 31 days. However, a depository institution shall not pay interest in excess of the ceiling rate for regular savings deposits or accounts on any day the balance in a time deposit issued under this section is less than $2,500.

* * * * *

By order of the Committee, December 14, 1982.

Mark Bender,

Acting Executive Secretary.

[FR Doc. 82-34267 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22050; SFAR No. 44-6]

Air Traffic Control System; Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This Special Federal Aviation Regulation (SFAR) sets forth the procedures for allocation of arrival slots previously allocated which have been returned to the FAA for distribution. Some of these slots were allocated to Altair Airlines. This amendment provides for a distribution in accordance with priority order established under SFAR 44–5 for allocation of available capacity at various airports within the contiguous United States. This amendment is necessary to assure the efficient utilization of the navigable airspace in light of the availability of these slots.

EFFECTIVE DATE: December 10, 1982.

FOR FURTHER INFORMATION CONTACT:
Edward P. Faberman, Deputy Chief Counsel, Telephone: (202) 426–3773, or
Thomas P. Messier, Deputy Director, Office of Aviation Policy and Plans, Telephone: (202) 426–0583,
Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments are invited on this SFAR.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 22050, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns the safe and efficient use of airspace throughout the United States and, thus, is not preceded by a notice of proposed rulemaking, comments are invited on this Special Federal Aviation Regulation.

The FAA invites comments on the procedures contained in this regulation. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment that suggest a need to modify the regulation, or which should be considered should additional procedures be necessary. Comments received will be reviewed on a continuing basis and this amendment may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The postcard will be date/time stamped and returned to the commenter.

Background

During approximately the last 15 months, the FAA has allocated arrival slots at all airports within the contiguous United States in accordance with promulgated regulations. Under these regulations, an air carrier may not schedule or operate arrival operations in excess of its approved level.

The rules contain a Use or Lose Provision. The provision is based upon operation of 57 percent of the schedule period. Slots not utilized for this period of time are revoked.

During the past several weeks, a number of slots have been revoked under this provision. In addition, Altair Airlines has ceased operation. Finally, some slots have been returned by carriers which have not been able to utilize them.

As a result of this, there is a number of slots which are currently not being utilized. Some of these slots are at congested airports. The next regularly scheduled slot allocation session will not be held until around February 1–2, 1983, for the April 24–May 30 schedule period. The FAA recognizes that a number of carriers could use these slots immediately and that delaying allocation of them for 60 days could deprive carriers of needed authority and could deprive the public of necessary service.

For these reasons, the FAA is creating a mechanism for immediate allocation of these slots.

The special allocation will take place on December 22, 1982, at 9:00 a.m. in the FAA Auditorium, Third Floor, at 800 Independence Avenue SW., Washington, D.C. A carrier wishing to obtain any of the available slots (as listed in the attachment to this SFAR) may select slots at this special session.

All parties are advised that the listing of available slots in the attachment to this SFAR may be modified on the day of the slot session to include additional slots if they become available.

The order in which this additional capacity will be allocated will be as follows:

(1) Carriers that "passed" in the previous slot selection session in the order they passed.

(2) The carrier following the last carrier to make a slot selection in the previous session.

On December 22, carriers will be called in this order. Carriers which are present at the session and decide to select slots will be allocated slots. Carriers will be eligible to select slots in accordance with paragraph 2(e) of the Appendix to SFAR 44–5. A carrier selecting slots on December 22 will be treated as though it had made those selections at the next scheduled slot allocation session.

As to the arrival slots previously allocated to Altair Airlines, Inc., those slots are allocated on a temporary basis only subject to revocation. The slots are for up to a 120-day period only. During that time, Altair's Chapter 11 proceedings will be closely monitored.

If Altair does again operate, then the slots necessary for continued Altair operations will be returned to Altair. The carriers should be able to use these slots for 120 days, but all parties are put on notice that the award of these slots may be revoked upon 24-hour notice. Carriers should not apply for these slots unless they will be in a position to operate under these conditions. At no later than the end of that 120-day period, this temporary approval may be extended or a longer term allocation procedure for the particular slots may be promulgated.

Carriers may utilize slots allocated under this SFAR immediately. They are reminded that all slots allocated under this SFAR must be used at least 57 percent of the period from February 15 to April 23 or they will be automatically revoked. After April 23, they must be used in accordance with paragraph 2(a) of the Appendix to SFAR 44–5.

All carriers are reminded that slots are temporary creations of FAA emergency regulations and do not confer on any carrier a long-term right. Slots can be taken away from any carrier in accordance with the terms of any applicable regulation.

All future submissions made to the FAA shall separately identify Altair slots by the designator "PH."

The following demonstrates how the allocation on December 22, 1982 will work:

(a) *Carriers:*	*Slot eligibility*
F (passed in previous session)	2
L (new entrant)	4
A (operates at 12 controlled airports)	4

(b) On December 22, carriers select as follows:

Carriers	Passing carriers	1st sequence	2d sequence	3d sequence
F	2	2	2	
L		4		
A		4	2	2

(c) At next sequence—
Carrier F=Lost status as "passing" carrier and will not be able to select slots until 3rd sequence.
Carrier L=Will not be able to select slots until 2nd sequence.
Carrier A=Will not be able to select slots until 3rd sequence.

A carrier which selects slots on December 22 cannot "pass" at the next slot selection session.

Only carriers which were eligible to select slots at the last session are eligible to select slots on December 22.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with Section 91.100 of the Federal Aviation Regulations, by Notice to Airmen (NOTAM).

This SFAR does not change the procedures contained in SFAR 44–5 for the allocation of slots during the allocation periods set forth in that SFAR.

The continued operation of the National Air Traffic System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 91

Air traffic control.

Adoption of the Rule

Accordingly, 14 CFR Part 91 is amended by issuing Special Federal Aviation Regulation No. 44–6 to read as follows, effective December 10, 1982:

Special Federal Aviation Regulation No. 44–6

1. For arrival slots to be allocated on December 22, 1982: (a) Each air carrier seeking authority for slots available in this special allocation as identified in the Appendix to this SFAR shall have its representative (as designated in accordance with paragraph 1(b) of the Appendix to SFAR 44–5) attend a special slot allocation session in the FAA Auditorium, Third Floor, at 800 Independence Avenue SW., Washington, D.C., on December 22, 1982.

2. On December 22, a special slot allocation session will be held. The order of slot selection at this special session will be as follows:

(a) Carriers that "passed" in the previous slot selection session in the order they passed.

(b) The carrier following the last carrier to make a slot selection in the previous session.

3. As a carrier's name is called in accordance with the priority set forth in paragraph 2, a carrier will be entitled to select slots in accordance with paragraph 2(e) of the Appendix to SFAR 44–5. If a carrier representative appears at the session, it may select slots available. A carrier will only be called for selection if it has registered at the session. A carrier must answer "present" or make its selection within 1 minute or it will lose its turn. If it answers "present," the carrier must make its selection within 5 minutes total after its turn is called or it will lose its turn. If capacity still remains after each air carrier on the selection list has had an opportunity to select slots, the allocation sequence will be repeated in the same order.

4. A carrier selecting slots under this SFAR shall be determined to "defer" an identical number of selections at the next slot allocation session. A carrier selecting slots under this SFAR cannot "pass" at the next slot selection session.

5. The slots allocated under this SFAR which were previously allocated to Altair Airlines will be for a period of up to 120 days from December 22, 1982, and may be cancelled by the FAA at the end of that 120-day period or during that period upon 24-hour notice. The temporary approval for these slots may be extended at the discretion of the Administrator. In all future submissions to the FAA, these slots shall be designated by the letters "PH".

6. All arrival slots allocated in accordance with this SFAR may be used immediately but must be used at least 57 percent of the period February 15 to April 23 or they will be automatically revoked.

7. No new/additional flight requests for changes will be accepted by the FAA in a submittal made in accordance with this SFAR.

8. No person shall operate an air carrier flight unless approval for the operation has been received in writing prior to the flight by the Associate Administrator for Policy and International Aviation (API–1) as part of the particular air carrier's approved schedule, under SFAR 44–5, or in accordance with this Appendix.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. Sections 1348 (a) and (c), 1354(a), and 1421(a)); Section 6(c), Department of Transportation Act (49 U.S.C. Section 1655(c)))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system and the public interest require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, D.C., on December 10, 1982.

Michael J. Fenello,
Deputy Administrator.

Attachment to SFAR–44–6

Note: This attachment will not be published in the Code of Federal Regulations.

ARRIVAL SLOTS AVAILABLE WITHIN FAA CENTERS EFFECTIVE DECEMBER 22, 1982

ARTCC	Slots [1]
Albuquerque [2]	17
Atlanta [2]	12 (8)
Boston	11 (5)
Chicago	8
Cleveland	16 (8)
Denver	5
Ft. Worth	14
Houston	7
Indianapolis	3
Jacksonville	13 (10) [3]
Kansas City [2]	7
Los Angeles [2]	23
Memphis [2]	7 (3)
Miami	18 (6)
Minneapolis	11
New York	52
Oakland	13
Salt Lake City [2]	0
Seattle [2]	5
Washington [2]	26 (10)
Total	273

[1] Numbers shown in parenthesis are Altair slots subject to return to FAA in accordance with provisions in SFAR 44-6.

[2] Flights between two airports each of which are located within this center no longer require slots. Flights from outside the center to an airport within the center still requires a slot. Please note that flights between any airports within either the Seattle or Salt Lake City centers no longer require slots.

Example:
PDX-SEA—no slot required.
SEA-SLC—no slot required.
ORD-SEA—Seattle Center slot required.

Note 1: Flights into ATL/LAS/LAX or STL still require a slot.

Note 2: Kansas City International Airport (MCI) is no longer capacity controlled for flights from airports within Kansas City Center. Flights to MCI from outside Kansas City Center require a Center slot.

Note 3: Flights into and out of DCA must be accomplished in accordance with the High Density Rule (14 CFR, Part 93, Subpart K).

Note 4: FAA/API–1 approval of flights between airports within the Los Angeles Center will no longer be required effective 0001 PST January 10, 1982.

ARRIVAL SLOTS AVAILABLE AT CAPACITY CONTROLLED AIRPORTS, EFFECTIVE DEC. 22, 1982

Airport	Available slots
Atlanta (ATL):	(15 slots)
	0200-0259Z—1
	0500-0559Z—5
	0600-0659Z—1
	0700-0759Z—3
	0800-0859Z—1
	0900-0959Z—1
	1700-1759Z—1
	2000-2059Z—1
	2200-2259Z—1
Boston (BOS):	(17 slots)
	[1]0200-0259Z—1
	0500-0559Z—3
	0800-0859Z—1
	1000-1059Z—2
	1100-1159Z—2
	1200-1259Z—1
	[1]1200-1259Z—1
	1500-1559Z—1
	1600-1659Z—1
	[1]1600-1659Z—1
	1800-1859Z—1
	[1]2100-2159Z—1
	2200-2259Z—1
Cleveland (CLE):	(2 slots)
	2000-2059Z—1
	2100-2159Z—1
Denver (DEN):	(6 slots)
	0500-0559Z—1
	0700-0759Z—2
	1200-1259Z—1
	1900-1959Z—1
	2100-2159Z—1
Dallas/Ft. Worth (DFW) (including DAL):	(18 slots)
	0000-0059Z—1
	0100-0159Z—1
	[2]0000-0259Z—2
	0600-0659Z—3
	1100-1159Z—1
	1300-1359Z—1
	1400-1459Z—2
	1500-1559Z—3
	1900-1959Z—1
	200-2059Z—1
	2200-2259Z—1
	2300-2359Z—1
Detroit (DTW):	(3 slots)
	1100-1159Z—2
	1400-1459Z—1
Newark (EWR):	(11 slots)
	0100-0159Z—1
	0200-0259Z—1
	0500-0559Z—4
	1000-1059Z—2
	1100-1159Z—2
	1600-1659Z—1
Ft. Lauderdale (FLL):	(4 slots)
	0500-0559Z—1
	0700-0759Z—1
	2100-2158Z—1
	2300-2359Z—1
Houston (IAH) (including HOU):	(4 slots)
	0600-0659Z—2
	1500-1559Z—1
	1600-1659Z—1
John F. Kennedy (JFK):	(14 slots)
	0000-0059Z—1
	0100-0159Z—1
	0200-0259Z—1
	0500-0659Z—3
	0700-0759Z—2
	0900-0959Z—1
	1100-1159Z—1
	1700-1759Z—2
	1800-1859Z—1
	1900-1959Z—1
Las Vegas (LAS):	(23 slots)
	0000-0059Z—3
	0100-0159Z—3
	0200-0259Z—2
	0400-0459Z—1
	0500-0599Z—1
	0800-0859Z—1
	1400-1459Z—1
	1700-1759Z—1
	1800-1859Z—4
	1900-1959Z—1
	2000-2059Z—1
	2100-2159Z—3

ARRIVAL SLOTS AVAILABLE AT CAPACITY CONTROLLED AIRPORTS, EFFECTIVE DEC. 22, 1982—Continued

Airport	Available slots
	2200-2259Z—1
Los Angeles (LAX):	(7 plus 2 tower en route slots)
	0500-0559Z—1
	0800-0859Z—2
	1200-1259Z—3
	1700-1759Z—1
	(Tower en route)
	0100-0159Z—1
	2200-2259Z—1
LaGuardia (LGA):	(2 slots)
	0200-0259Z—1
	1700-1759Z—1
Miami (MIA):	(14 slots)
	0000-0059Z—1
	0100-0159Z—1
	[1]0500-0559Z—1
	0600-0659Z—1
	0800-0859Z—1
	1000-1059Z—1
	1200-1259Z—1
	1300-1359Z—1
	1400-1459Z—1
	1600-1659Z—1
	1800-1859Z—1
	2200-2259Z—2
	2300-2359Z—1
Minneapolis (MSP):	(11 slots)
	0200-0259Z—2
	0700-0759Z—1
	1100-1159Z—1
	1200-1259Z—1
	1500-1559Z—2
	1700-1759Z—2
	1800-1859Z—1
	2100-2159Z—1
Chicago (ORD) (including MDW):	(18 slots)
	0500-0559Z—2
	0600-0659Z—3
	0700-0759Z—2
	0900-0959Z—1
	1000-1059Z—4
	1300-1359Z—1
	1400-1459Z—1
	1500-1559Z—2
	1600-1659Z—1
	1700-1759Z—1
Philadelphia (PHL):	(45 slots)
	0000-0059Z—1
	[1]0000-0059Z—3
	0100-0159Z—1
	0300-0359Z—2
	[1]0300-0359Z—1
	0500-0559Z—2
	0500-0559Z—1
	0800-0859Z—1
	1000-1059Z—2
	1200-1259Z—1
	1300-1359Z—1
	[2]1300-1359Z—4
	[1]1400-1459Z—3
	1500-1559Z—1
	[2]1500-1559Z—3
	[1]1600-1659Z—1
	[1]1700-1759Z—3
	[2]1800-1859Z—2
	[1]1900-1959Z—1
	[1]2000-2059Z—4
	2300-2359Z—1
	[2]2300-2359Z—6
Pittsburgh (PIT):	(7 slots)
	0000-0059Z—1
	0300-0359Z—1
	0500-0559Z—1
	1000-1059Z—1
	1100-1159Z—1
	1200-1259Z—1
	1300-1359Z—1
San Francisco (SFO):	(9 slots)
	0000-0159Z—1
	0900-0959Z—3
	1100-1159Z—1
	1400-1459Z—1
	1500-1559Z—1
	2100-2159Z—1
	2200-2259Z—1
St. Louis (STL):	(10 slots)
	0400-0459Z—1
	0500-0659Z—1

ARRIVAL SLOTS AVAILABLE AT CAPACITY CONTROLLED AIRPORTS, EFFECTIVE DEC. 22, 1982—Continued

Airport	Available slots
	0600-0659Z—1
	0700-0759Z—2
	1000-1059Z—2
	1100-1159Z—2
	1300-1359Z—1

[1] Altair slot subject to return to FAA in accordance with provisions in SFAR 44-6.

[FR Doc. 82-34089 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 121

[Docket No. 17326; SFAR No. 34-1]

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft; Compensation for Required Security Measures in Foreign Air Transportation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reinstates Special Federal Aviation Regulation No. 34 which provides procedures for compensating air carriers who have incurred unreimbursed costs for screening passengers, and their carry-on baggage, moving in foreign air transportation. The purpose of this regulation is to implement the extension by Congress of the eligibility period for these expenditures.

EFFECTIVE DATE: January 3, 1983.

FOR FURTHER INFORMATION CONTACT: James E. Parker, Air Operations Security Division, Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 426-8798.

SUPPLEMENTARY INFORMATION: Section 24 of Public Law 94-353 (90 Stat. 871, 885, 49 U.S.C. 1356a; approved July 12, 1976, effective as of July 1, 1978) directs the Secretary of Transportation to compensate any air carrier certificated under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) for the cost of screening passengers moving in foreign air transportation. Section 24 provides, in pertinent part, as follows:

(a) The Secretary of Transportation shall compensate any air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and

procedures as required by section 315(a) of such Act, and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation.

Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1356) provides, in pertinent part, that "[t]he Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities . . . prior to boarding the aircraft for such transportation."

In order to implement section 24, the FAA issued Special Federal Aviation Regulation No. 34 (SFAR No. 34; 45 FR 49913; July 28, 1980) providing a procedure for compensating air carriers for this cost. SFAR No. 34 provided that all applications for compensation were to be submitted to the FAA no later than July 1, 1981, and the regulation terminated, by its own terms, on July 1, 1982.

Section 524(d) of the Airport and Airway Improvement Act of 1982 (Title V of Pub. L. 97–248, September 3, 1982, 96 Stat. 671, 697) amended section 24 of Pub. L. 94–353 by revising paragraph (c) thereof to read, in pertinent part, as follows:

(2) No compensation shall be paid by the Secretary of Transportation under this section for amounts expended after the date which is 180 days after the date of enactment of the International Air Transportation Competition Act of 1979.

The date referred to is August 13, 1980. That is the one hundred eightieth day after February 15, 1980, the date of approval of the International Air Transportation Competition Act of 1979, Pub. L. 96–192, 94 Stat. 35. Thus, Congress expanded the eligibility period to include the period from October 1, 1978, to and including August 13, 1980.

To implement this expansion, this amendment reinstates SFAR No. 34. Application for compensation under that regulation must be filed by November 1, 1983, unless otherwise authorized by the Director of Civil Aviation Security for good cause shown. No compensation will be paid for amounts expended after August 13, 1980.

Because of the limited number of applications expected to be filed under SFAR No. 34, as amended, it has not been necessary to obtain approval from the Office of Management and Budget of the reporting requirements contained in the rule.

Since it would not be in the public interest to delay the economic relief provided by Congress' extension of the eligibility period, and the procedures of SFAR No. 34 are needed to expedite processing of applications for this compensation, good cause exists for adopting this amendment without notice and public procedure and for making it effective less than 30 days after publication.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights.

Adoption of the Amendment

PART 121—[AMENDED]

Accordingly, the Special Federal Aviation Regulation No. 34 (45 FR 49913; July 28, 1980) is reinstated and the temination date therein deleted, effective January 3, 1983; and section 3 thereof is amended by removing the phrase "July 1, 1981" and inserting, in its place, the phrase "November 1, 1983, unless otherwise authorized by the Director of Civil Aviation Security for good cause shown".

(Sec. 524(d), Public Law 97–248 (96 Stat. 671, 697); Sec. 24, Public Law 94–353 (90 Stat. 871, 885, 49 U.S.C. 1356a); Sec. 1.47(f)(3), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(f)(3)))

Note.—Since SFAR No. 34, as amended, requires only that a claimant submit an application and make supporting evidence available, it does not impose a significant burden on any member of the public. Accordingly, the FAA has determined that this document involves a final rule which is not considered major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979). For the same reason, and because the FAA has determined that the number of small entities eligible for compensation under SFAR No. 34, as amended, is so small as to be insubstantial, it is certified that, under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980, 94 Stat. 1164, 5 U.S.C. 601, 605(b)), this final rule will not have a significant economic impact on a substantial number of small entities. The expected impact of the reinstatement of these procedural regulations is so minimal that it does not require a regulatory evaluation.

Issued in Washington, D.C., on November 23, 1982.

J. Lynn Helms,

Administrator.

[FR Doc. 82-33848 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

22 CFR Part 22

[Departmental Reg. #108.827]

Schedule of Fees for Consular Services—Department of State; Passport Fees

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Public Law 97–241, enacted on August 24, 1982, delegates to the Secretary of State the authority to prescribe by regulation the passport fee to be collected for the issuance of each passport. On September 30, 1982, the Department of State published proposed rules to set the passport fee at $35.00 for adults and $20.00 for minors; and to increase the passport execution fee and the related fee for examination of a passport application executed before a foreign official to $7.00.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: William B. Wharton on (202) 632–0801.

SUPPLEMENTARY INFORMATION: The Department of State published a notice of proposed rulemaking for public comments on September 30, 1982. Fifteen comments were received, five from clerks of court who believe that the increase in the execution fee from $5.00 to $7.00 is too small, and ten from people who believe that the increase in the passport fee from $10.00 to $35.00 is too large. The Department has made the following replies to these comments:

1. The execution fee has been set by the Secretary since 1974 in accordance with periodic sample surveys of the cost of accepting passport applications at the acceptance facilities throughout the country. It is set at a level designed to recover those costs, and has been adjusted periodically since 1974 to reflect change in those costs. The $7.00 level was established in accord with the latest survey.

2. The passport fee was set by Congress until the recent enactment of Pub. L. 97–241 when the Secretary of State was given that authority. Congress last reviewed and set the fee at $10.00 in 1968. The fee of $35.00 now set by the Secretary was established as necessary to recover the costs of issuance of passports to United States citizens and consular services rendered to them abroad.

The Department has concluded that none of the comments received warrant

a change in the regulations as proposed. Therefore the regulations will go into effect as initially published on September 30, 1982, with two typographic corrections.

List of Subjects in 22 CFR Part 22

Foreign Service.

Accordingly, Part 22 of 22 CFR is amended as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Section 22.1 of Part 22, Chapter I is amended by revising 1–4 to read as follows:

§ 22.1 Schedule of fees.

Item No. and passport and citizenship services	Fee
1. Execution of application for passport	$7.00
2. Examination of passport application executed before a foreign official	7.00
3. Issuance of 10 year validity passport (22 U.S.C. 214)	35.00
4. Issuance of 5 year validity passport (22 U.S.C. 214)	20.00
* * * * *	

(Sec. 1, 44 Stat. 887; Sec. 1, 41 Stat. 750; Sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 214, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966–70 Comp., p. 507)

Dated: December 6, 1982.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 82-34090 Filed 12-15-82; 8:45 am]

BILLING CODE 4710-06-M

22 CFR Part 51

[Departmental Reg. 108.828]

Validity Period of Passports; Passport Fees; Passport Execution Fee

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Pub. L. 97–241, enacted on August 24, 1982, establishes the validity period of the passport at ten years, except where limited to a shorter period by the Secretary of State; and delegates to the Secretary of State the authority to prescribe by regulation the fee to be collected for the issuance of each passport. On September 30, 1982, the Department of State published proposed rules to establish the validity period of the passport for adults eighteen years of age and over at ten years and for minors under eighteen years of age at five years; to set the passport fee at $35.00 for adults and $20.00 for minors; and to increase the passport execution fee and the related fee for examination of a passport application executed before a foreign official to $7.00.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: William B. Wharton on (202) 632–0801.

SUPPLEMENTARY INFORMATION: The Department of State published a notice of proposed rulemaking for public comments on September 30, 1982. Fifteen comments were received, five from clerks of court who believe that the increase in the execution fee from $5.00 to $7.00 is too small, and ten from people who believe that the increase in the passport fee from $10.00 to $35.00 is too large. Four of the people objecting to the fee increase also felt that the statutory ten year validity period and the corresponding fee should be reduced for senior citizens. The Department has made the following replies to these comments:

1. The execution fee has been set by the Secretary since 1974 in accordance with periodic sample surveys of the cost of accepting passport applications at the acceptance facilities throughout the country. It is set at a level designed to recover those costs, and has been adjusted periodically since 1974 to reflect changes in those costs. The $7.00 level was established in accord with the latest survey.

2. The passport fee was set by Congress until the recent enactment of Pub. L. 97–241 when the Secretary of State was given that authority. Congress last reviewed and set the fee at $10.00 in 1968. The fee of $35.00 now set by the Secretary was established as necessary to recover the costs of issuance of passports to United States citizens and consular services rendered to them abroad.

3. The Secretary determined that he should exercise the authority granted to him under the recent statute and establish the normal passport validity period for minors at five years instead of ten years. This was done because the great changes in appearance of minors under the age of eighteen years could defeat one of the purposes of a passport, i.e., its use as a document of identity. Such changes are not as pronounced for people in their senior years.

The Department has concluded that none of the comments received warrant a change in the regulations as proposed. Therefore the regulations will go into effect as initially published on September 30, 1982, with two typographic corrections.

List of Subjects in 22 CFR Part 51

Administrative practice and procedure, Passports and visas.

Accordingly, Part 51 of 22 CFR is amended as follows:

PART 51—PASSPORTS

1. Section 51.4 of Part 51, Chapter I is amended by revising paragraphs (b) and (e) and by adding paragraph (f) to read as follows:

§ 51.4 Validity of passports.

* * * * *

(b) *Period of validity of a regular passport.* A regular passport issued on or after January 1, 1983 to an applicant 18 years of age or older is valid for 10 years from date of issue unless limited by the Secretary to a shorter period. A regular passport issued on or after January 1, 1983 to an applicant under the age of 18 years is valid for 5 years from date of issue unless limited by the Secretary to a shorter period. An outstanding passport issued before January 1, 1983 remains valid for 5 years from date of issue unless limited by the Secretary to a shorter period.

* * * * *

(e) *Period of a Regular Passport issued for no fee:* A regular passport for which payment of the fee has been excused is valid for a period of 5 years from the date of issue unless limited by the Secretary to a shorter period.

(f) *Limitation and extension of validity.* The validity period of any passport may be limited by the Secretary to less than the normal validity period. Applications for extension of passports limited to less than the normal full validity period must be made in writing and must be submitted, with the passport, to a passport issuing Office. In no event may a passport be extended beyond the normal period of validity prescribed for such passport by paragraphs (b) through (e) of this section.

2. Section 51.61 of Part 51, Chapter I is revised to read as follows:

§ 51.61 Statutory fees.

(a) *Passport fee.* The fee for a U.S. passport is (1) $35.00 when the passport issued will be valid or potentially valid for a period of 10 years from date of issue; or (2) $20.00 when the passport issued will be valid or potentially valid for a period of 5 years from date of issue; and (3) the passport fee shall be paid by all applicants except as provided by § 51.63(a).

(b) *Execution fee.* Except as provided in § 51.63(b), the fee for execution of an application for a U.S. passport is $7.00, which shall be remitted to the U.S. Treasury when an application is executed before a Federal official, but which may be collected and retained by any State official before whom an application is executed. The execution

fee shall be paid only when an application must be executed under oath or affirmation as prescribed by § 51.21(a).

(Sec. 1, 44 Stat. 887; Sec. 1, 41 Stat. 750; Sec. 2, 44 Stat. 887; Sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 214, 217a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966–70 Comp. p. 507)

Dated: December 6, 1982.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 82-34091 Filed 12-15-82; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 601

[T.D. 7861]

Income Taxes; Secretarial Authority To Add Items to the List of Items Eligible for the Residential Energy Credit; Treasury Decision and Amendment of Statement of Procedural Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit. Changes to the applicable tax law were made by the Energy Tax Act of 1978 and the Crude Oil Windfall Profit Tax Act of 1980. These regulations provide the manufacturer with guidance on the procedure and criteria applicable for addition to the list of energy-conserving components or renewable energy sources.

DATE: The amendments are effective on December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1980, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 44C(c) (6) and (9) of the Internal Revenue Code of 1954 and to the Statement of Procedural Rules (26 CFR Part 601). These amendments were proposed to conform the regulations to section 101 of the Energy Tax Act of 1978 (92 Stat. 3175) and section 201(b) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 256). A public hearing was held on April 30, 1981. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from the public, other Government agencies, and offices within the Treasury Department and Internal Revenue Service. Under the regulations, no additional reporting or filing requirements have been imposed on taxpayers.

Explanation of Provisions

The Energy Tax Act of 1978 grants the Secretary of the Treasury the discretion to add additional items to the lists of energy conserving items and renewable energy sources eligible for the residential energy credit. The Secretary is also directed to establish a procedure under which a manufacturer may request the Secretary to consider the addition of an item to a qualifying list. In addition, the Crude Oil Windfall Profit Tax Act of 1980 sets forth criteria the item must satisfy before the Secretary can add that item to the list.

The proposed regulations outlined the procedure to be followed by a manufacturer (or a group of manufacturers) of an item seeking approval for addition of an item to the list of approved energy-conserving components or renewable energy sources. Several comments indicated that the procedure for approval of an item is lengthy and should be streamlined. The procedure proposed has been retained because it approximates the approval process of a regulation which is the means specified by the Code by which an item is to be added to the approved list.

One comment received on the proposed regulations indicated that the procedure outlined should not be the sole means whereby an item may be added to the qualifying list. It was suggested that items under the Residential Conservation Program which have already met Department of Energy's criteria for conservation should qualify automatically. This suggestion was not adopted because the Secretary of the Treasury may not add and an item to the qualifying list unless the Secretary determines that certain statutory criteria have been met. The Department of Energy criteria under the Residential Conservation Program do not correspond to the findings which the Code requires to be made by the Secretary. The procedure provides the means whereby information relevant to the Secretarial determination may be obtained.

The regulations have been revised to allow the applicant a conference where an adverse recommendation or decision is contemplated. However, the applicant is entitled to only one conference.

Several comments indicated that the 1-year time frame for processing an application is too long and should be shortened. The 1-year time period is prescribed by statute. That period is the maximum time allowed for decisionmaking. It does not mean that applications will necessarily require a year of review. The entire process may in fact take less than a year in many cases.

In response to a comment, the term "manufacturer" has been clarified to include a person who assembles an item or a system from components manufactured by other persons.

The proposed regulations also specified the information that is to be included in an application for addition to the list of approved energy-conserving components or renewable energy sources. Several comments suggested deleting the requirement to submit information pertaining to projected industry sales of the item in question and information on industry-wide capacity to manufacture the item. This suggestion was not adopted because the industry-wide data requested in the regulations is necessary for evaluating whether the standards for Secretarial determination prescribed in the statute relating to total energy savings are met.

However in response to a comment, the requirement in the proposed regulations that the applicant provide the locations of manufacturing sites of major manufacturers of the item has been deleted.

One comment suggested that the requirement in the regulations for the applicant to state the composition and weight of components of the item be deleted. This suggestion was not adopted because the information requested is necessary to determine the amount of oil and natural gas used in the manufacture of the item. The amount of oil and natural gas so used is a factor required by statute to be taken into account for purposes of determining whether the addition of the item will reduce oil and natural gas consumption. However, the regulations have been revised to provide that only information with respect to major components of the item must be provided.

Several comments suggested that certification by independent laboratories or a professional engineer should be sufficient to establish that the item offers no safety or fire hazard. Although certification of an item's safety by an independent third party may be submitted as evidence of the item's safety and may be given great weight, the statute requires the Secretary to make that determination. Thus, the underlying data upon which the certification is based must also be provided.

Several comments objected to the criterion which precludes wood and agricultural energy sources from qualifying as renewable energy sources. Since wood and agricultural materials are in themselves exhaustible sources of energy, the regulations have not been revised to allow such items to qualify as renewable energy sources.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Because the notice of proposed rulemaking relating to this final rule was published prior to January 1, 1981, the provisions of the Regulatory Flexibility Act do not apply to this final rule.

Drafting Information

The principal author of this regulation is Walter H. Woo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR Part 1.0–1—1.58–8

Income taxes, Tax liability, Tax rates, Credits.

26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of information, Taxes.

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Parts 1 and 601, published as a notice of proposed rulemaking in the **Federal Register** for October 15, 1980 (45 FR 68399), are hereby adopted as proposed, except that section 1.44C–6, as set forth in paragraph 1 of the notice, is amended by revising paragraphs (a) and (b) as set forth below.

Because this Treasury decision merely prescribes a procedure whereby the residential energy credit may be made available to taxpayers not entitled to it under existing regulations, it is found unnecessary to issue it subject to the effective date limitation of subsection (d) of section 553 of Title 5 of the United States Code.

(This Treasury decision is issued under the authority contained in sections 44C and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3175, 26 U.S.C. 44C; 68A Stat. 917, 26 U.S.C. 7805). The amendments to the Statement of Procedural Rules are issued under the authority contained in 5 U.S.C. 301 and 552)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Treasury decision approved: April 20, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

Amendments to the regulations

The amendments to the Income Tax Regulations (26 CFR Part 1) and the Statement of Procedural Rules (26 CFR Part 601) are as follows:

PART 1—[AMENDED]

1. **Paragraph 1.** The text of § 1.44C–6 is added to read as follows:

§ 1.44C–6 Procedure and criteria for additions to the approved list of energy-conserving components or renewable energy sources.

(a) *Procedures for additions to the list of energy-conserving components or renewable energy sources*—(1) *In general.* A manufacturer of an item (or a group of manufacturers) desiring to apply for addition to the approved list of energy-conserving components or renewable energy sources pursuant to paragraph (d)(4)(viii) or (e)(2) of § 1.44C–2 shall submit an application to the Internal Revenue Service, Attention: Associate Chief Counsel (Technical), CC:C:E, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The term "manufacturer" includes a person who assembles an item or a system from components manufactured by other persons. The application shall provide the information required under paragraph (b) of this section. An application may request that more than one item be added to the approved list. It will be the responsibility of the Office of the Associate Chief Counsel (Technical) upon receipt of the application to determine whether all the information required under paragraph (b) of this section has been furnished with the application. If an application lacks essential information, the applicant will be advised of the additional information required. If the information (or a reasonable explanation of the reason why the information cannot be made available) is not forthcoming within 30 days of the date of that advice, the application will be closed and the applicant will be so informed. Any resubmission of information beyond the 30-day period will be treated as a new application. If the Office of the Associate Chief Counsel (Technical) already is considering an application with respect to the same or a similar item, it may consolidate applications. The Office of the Associate Chief Counsel will make a report and recommendation to the ad hoc advisory board as to whether each item that is the subject to an application should be added in accordance with the manufacturer's request to the approved list of energy-conserving components or renewable energy sources in light of the applicable criteria provided in paragraph (c) and the standards for Secretarial determination provided in paragraph (d) of this section. In making this recommendation, the Office of the Associate Chief Counsel shall consult with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates) and any other appropriate Federal officers to obtain their views concerning the item in question. In addition, the Office of the Associate Chief Counsel may request from the manufacturer clarification of information submitted with the application. The Office of the Associate Chief Counsel shall report its recommendation and forward the application to the ad hoc advisory board for further consideration.

(2) *Ad hoc advisory board.* The Commissioner of Internal Revenue and the Assistant Secretary (Tax Policy) shall establish an ad hoc advisory board to consider applications and recommendations forwarded by the Office of the Associate Chief Counsel (Technical). If a finding in favor of addition of any item is made, the board shall report its recommendation and forward the application to the Commissioner for further consideration. If the item is approved by the Commissioner, the application will be forwarded to the Secretary (or his delegate) for further consideration. The application will be closed with respect to an item if the board, the Commissioner, or the Secretary (or his delegate) determines that, under the applicable criteria or the standards for Secretarial determination, the item should not be added to the list of energy-conserving components or renewable energy sources.

(3) *Action on application.* (i) A final decision to grant or deny any application filed under paragraph (a)(1) shall be made within 1 year after the application and all information required to be filed with such request under paragraph (b) have been received by the Office of the Associate Chief Counsel (Technical). The applicant manufacturer shall be notified in writing of the final decision. In the event of a favorable determination, a regulation will be issued in accordance with the procedures contained in § 601.601 to include the item as an energy-conserving component or as a renewable energy source. A final decision to grant approval of an application is made when a Treasury decision adding the item (that is subject of the application) as an energy-conserving component or as a renewable energy source is published in the Federal Register.

(ii) The applicant manufacturer shall be entitled to a conference and be so notified anytime an adverse action is contemplated by the Office of the Associate Chief Counsel, the ad hoc advisory board, the Commissioner of Internal Revenue, or the Secretary (or his delegate) and no conference was previously conducted. Upon being advised in writing that an adverse recommendation or decision as to any item is the subject of an application is contemplated, a manufacturer may request a conference. The conference must be held within 21 calendar days from the mailing of that advice. Procedures for requesting an extension of the 21-day period and notifying the manufacturer of the recommendation or decision with respect to that request are the same as those applicable to conferences on ruling requests by taxpayers. The applicant is entitled to only one conference. There is no right to another conference when a favorable recommendation or decision is reversed at a higher level.

(iii) A report of any application which has been denied during the preceding month and the reasons for the denial shall be published each month.

(b) *Contents of application.* The application by the manufacturer shall include the following information:

(1) A description of the item and the generic class to which it belongs, including any features relating to safe installation and use of the item. This discription shall include appropriate design drawings and technical specifications (or representative drawings and specifications when application by a group of manufacturers).

(2) An explanation of the purpose, function, and each recommended use of the item.

(3) An estimate (and explanation of the estimation methods employed and the assumptions made) of the total number of units that would be sold for each recommended use during the first 4 years following the addition of the item to the approved list and of the total number that would be sold for each recommended use during that period in the absence of addition. If the item is sold in more than one size, the estimate shall indicate the projected sales for each size. This estimate shall reflect total industry sales of the item. Past industry sales information for each recommended use for the previous two years shall also be provided.

(4) Whether sufficient capacity is available to increase production to meet any increase in demand for the item, or for associated fuels and materials, caused by such addition. This determination shall be based on industry-wide data and not just the manufacturing capability of the applicant. If the applicant has the exclusive right to manufacture the item, this information shall also be provided in the application.

(5) An estimate (including estimation methods and assumptions) of the energy in Btu's of oil and natural gas used directly or indirectly per unit by the applicant in the manufacture of the item and other items necessary for its use, the type of energy source (*e.g.*, oil, natural gas, coal, electricity), and the extent of its use in the manufacturing process of the item. The applicant must also provide a list of the major components of the item and their composition and weight.

(6) Test data and experience data (where experience data is available) to substantiate for each recommended use the energy savings in Btu's that are claimed will be achieved by one unit during a period of one year. The data shall be obtained by controlled tests in which, if possible, the addition of the item is the only variable. If the item may be sold in various configurations, data shall be provided with respect to energy savings from each configuration with significantly different energy use characteristics. Test methods are to conform to recognized industry or government standards. This determination shall take into account the seasonal use of the item. If the energy savings of the item varies with climatic conditions, data shall be provided with respect to each climate zone. The applicant may use the Department of Energy's climate zones for heating and cooling (see § 450.35 of 10 CFR Part 450 (1980)).

(7) The impact of increased demand on the price of the item and the energy source used by the item.

(8) The energy source which will be replaced or conserved by the item, and, in the case of a request for addition to the approved list of renewable energy sources, data establishing that the energy source is inexhaustible.

(9) Data to show the total estimated savings of energy in Btu's attributable to reduced consumption of oil or natural gas whether directly or indirectly from use of the item, including assumptions underlying this estimate. If the consumption of both oil and natural gas will be reduced, data to show the energy savings in Btu's attributable to each shall be provided. The estimate is to be based on energy savings in Btu's per unit determined under paragraph (b)(6) of this section for the first four years of the useful life of the item and is to take into account only the additional units of the item estimated to be placed in service as a result of the addition using data obtained under paragraph (b)(3) of this section. If the item will result in reduction of oil or natural gas consumption by replacing an item which uses such an energy source, the application shall indicate the item replaced and the extent to which this reduction will occur.

(10) Geographical information if required under paragraph (b)(6) of this section to show the climatic zones of the country where the item is expected to be used, including an estimate of the total number of additional units to be placed in service during the first 4 years following the addition of the item in the area as a result of the addition of the item to the list of qualifying items.

(11) The retail cost of the item (or items if the item is sold in more than one size) including all installation costs necessary for safe and effective use.

(12) Whether the item is designed for residential use.

(13) The estimated useful life of the item and associated equipment necessary for its use.

(14) The type and amount of waste and emissions in weight per unit of energy saved resulting from use of the item.

(15) If the item might reasonably be suspected of presenting any health or safety hazard, test data to show that the item does not present such hazard.

With respect to applications for addition to the approved list of renewable energy sources, the term "item" as used in this paragraph refers to the property which uses the energy source and not the

energy source itself. The application should clearly indicate whether the request is for addition to the approved list of energy-conserving components or renewable energy sources, identify the provisions for which data is being submitted, and present the data in the order requested. The tests required under this paragraph may be conducted by independent laboratories but the underlying data must be submitted along with the test results. There shall accompany the request a declaration in the following form: "Under penalties of perjury, I declare that I have examined this application, including accompanying documents, and, to the best of my knowledge and belief, the facts presented in support of the application are true, correct and complete." The statement must be signed by the person or persons making the application. The declaration shall not be made by the taxpayer's representative.

(c) *Criteria for additions.*—(1) *Additions to the approved list of energy-conserving components.* For an item to be considered for addition to the approved list of energy-conserving components, the manufacturer must show that the item increases the energy efficiency of a dwelling. For an item to be considered as increasing the energy efficiency of a dwelling, all of the following criteria must be met:

(i) The use of the item must improve the energy efficiency of the dwelling structure, structural components of the dwelling, hot water heating, or heating or cooling systems.

(ii) The use of the item must result, directly or indirectly, in a significant reduction in the consumption of oil or natural gas.

(iii) The increase in energy efficiency must be established by test data and in accordance with accepted testing standards.

(iv) The item must not present a safety, fire, environmental, or health hazard when properly installed.

(2) *Additions to the approved list of renewable energy sources.* For an energy source to be considered for addition to the approved list of renewable energy sources, the manufacturer must show that the following criteria are met:

(i) As in the case of solar, wind, and geothermal energy, the energy source must be an inexhaustible energy supply. Accordingly, wood and agricultural products and by-products are not considered renewable energy sources. Similarly, no exhaustible or depletable energy source (such as sources that are depletable under 611) will be considered.

(ii) The energy source must be capable of being used for heating or cooling a residential dwelling or providing hot water or electricity for use in such a dwelling.

(iii) A practical working device, machine, or mechanism, etc., must exist and be commercially available to use such renewable energy source.

(iv) The use of the renewable energy source must not present a significant safety, fire, environmental, or health hazard.

(d) *Standards for Secretarial determination*—(1) *In general.* The Secretary will not make any addition to the approved list of energy-conserving components or renewable energy sources unless the Secretary determines that—

(i) There will be a reduction in the total consumption of oil or natural gas as a result of the addition, and that reduction is sufficient to justify any resulting decrease in Federal revenues.

(ii) The addition will not result in an increased use of any item which is known to be, or reasonably suspected to be, environmentally hazardous or a threat to public health or safety, and

(iii) Available Federal subsidies do not make the addition unnecessary or inappropriate (in the light of the most advantageous allocation of economic resources).

(2) *Factors taken into account.* In making any determination under paragraph (d)(1)(i), the Secretary will—

(i) Make an estimate of the amount by which the addition will reduce oil and natural gas consumption, and

(ii) Determine whether the addition compares favorably, on the basis of the reduction in oil and natural gas consumption per dollar of cost to the Federal Government (including revenue loss), with other Federal programs in existence or being proposed.

(3) *Factors taken into account in making estimates.* In making any estimate under subparagraph (2)(i), the Secretary will take into account (among other factors)—

(i) The extent to which the use of any item will be increased as a result of the addition,

(ii) Whether sufficient capacity is available to increase production to meet any increase in demand for the item or associated fuels and materials caused by the addition,

(iii) The amount of oil and natural gas used directly or indirectly in the manufacture of the item and other items necessary for its use,

(iv) The estimated useful life of the item, and

(v) The extent additional use of the item leads, directly or indirectly, to the reduced use of oil or natural gas. Indirect uses of oil or natural gas include use of electricity derived from oil or natural gas.

(e) *Effective date of addition to approved lists.* In the case of additions to the approved list of energy-conserving components or renewable energy sources, the credit allowable by § 1.44C–1 shall apply with respect to expenditures which are made on or after the date a Treasury decision amending the regulations pursuant to the application is published in the **Federal Register.** However, the Secretary may prescribe by regulations that expenditures for additions made on or after the date referred to in the preceding sentence and before the close of the taxable year in which such date occurs shall be taken into account in the following taxable year. Additions to the list will be subject to the performance and quality standards (if any) provided under § 1.44C–4 which are in effect at the time of the addition. Furthermore, any addition made to the approved list will be subject to reevaluation by the Secretary for the purpose of determining whether the item still meets the requisite criteria and standards for addition to the list. If it is determined by the Secretary that an item no longer meets the requisite criteria, the Secretary will amend the regulations to delete the item from the approved list. Removal of an item from the list will be prospective from the date a Treasury decision amending the regulations is published in the **Federal Register.**

PART 601—[AMENDED]

Par. 2. Paragraph (c) of § 601.601 is amended by adding a new sentence at the end thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(c) *Petition to change rules.* * * * However, in the case of petitions to amend the regulations pursuant to section 44C(c)(4)(A)(viii) or (5)(A)(i), follow the procedure outlined in paragraph (a) of § 1.44C–6.

* * * * *

[FR Doc. 82–34056 Filed 12–15–82; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission has adopted as a final rule its proposed amendments to 28 CFR 2.21 concerning the reparole guidelines used in rating administrative violations (violations not involving new criminal conduct). The rule change will consolidate the two current ranges (<6 months; 6–9 months) into a combined range (<=9 months). This amendment resolves an inconsistency and provides guidance for the exercise of discretion.

EFFECTIVE DATE: January 31, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Hoffman, Research Director, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492–5980.

SUPPLEMENTARY INFORMATION: On August 23, 1982, the Commission published at 47 FR 36657 a proposal to amend its reparole guidelines to remove an inconsistency in 28 CFR 2.21(a) between example (c) for "positive supervision history" and example (c) in "negative supervision history." The Commission found that a violation which is the "first instance" of violation but is "persistent" (e.g., absconding) might arguably be classified in either the positive or negative supervision category. Furthermore, the current classification contains the undefined term "serious" in relation to drug/alcohol violations. Since the effective difference in the ranges is small and the examples in the current rule are not meant as exhaustive of the relevant factors to be considered, the Commission is combining the ranges to resolve this inconsistency while still providing guidance for the exercise of discretion. The Commission's preference for dealing with minor or isolated administrative violations by sanctions short of revocation (e.g., reprimand, increasing supervision level, amending the conditions of parole) remains unchanged.

No public comment was received on the proposal. The only modification of the proposal in the final rule is an editorial change substituting disorderly conduct for vagrancy as an example of a minor offense.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners—probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.21 is amended by revising paragraphs (a) and (c) as follows:

§ 2.21 Reparole consideration guidelines.

(a) If revocation is based upon administrative violation(s) only (i.e., violations other than new criminal conduct) the customary time to be served before release shall be <=9 months. Minor offenses (e.g., disorderly conduct, traffic infractions, public intoxication) shall be treated under administrative violations.

* * * * *

(c) The above are merely guidelines. A decision outside these guidelines (either above or below) may be made when circumstances warrant. For example, violations of an assaultive nature or by a person with a history of repeated parole failure may warrant a decision above the guidelines.

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: November 29, 1982.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 82-33860 Filed 12-15-82; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Confirmation of interim rule as final rule.

SUMMARY: The U.S. Parole Commission is confirming as a final rule its interim rule, 28 CFR section 2.30, False Information or New Criminal Conduct; Discovery After Release, published on August 23, 1982 at 47 FR 36635. This rule expands the scope of the rule governing the circumstances under which the Commission may rescind a parole grant after a prisoner has been released. The former rule permitted the Commission to cancel a parole grant and recommit a prisoner without finding a violation of parole only if the prisoner was found to have concealed or misrepresented information. The new rule also permits the Commission to rescind the parole grant if it discovers, following the release of a prisoner, that the prisoner had committed a crime or crimes during his sentence, and prior to his release, of which the Commission was unaware when release was granted. The new rule is intended to avoid certain Fifth Amendment problems and to protect the public.

The only comment received from the public on the interim rule was from the Washington Legal Foundation which strongly endorsed the new rule because it "* * * would prevent any possible Constitutional difficulties from arising while allowing the Commission to protect the public by revoking the criminal's parole."

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Toby D. Slawsky, Office of General Counsel, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492–5959.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners—probation and parole.

Accordingly, pursuant to 18 U.S.C. sections 4203(a)(1) and 4204(a)(6), Title 28 CFR 2.30 published as an interim rule at 47 FR 36635 is made a final rule.

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: November 29, 1982.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 82-33879 Filed 12-15-82; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Commission has adopted a number of substantive revisions to its Paroling Policy Guidelines, 28 CFR 2.20. These include revisions to its offense severity classification system, and the subdivision and establishment of time ranges for what formerly was the Greatest II offense classification. These revisions are being made to make the offense severity class system more comprehensive, clearer, better organized and also to reflect changes in the Commission policy.

EFFECTIVE DATE: January 31, 1983 (see Implementation section).

FOR FURTHER INFORMATION CONTACT:
Peter B. Hoffman, Research Director, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, MD 20815, Tel. (301) 492–5980.

SUPPLEMENTARY INFORMATION:

The Proposal and Its Purpose

On June 25, 1982, the U.S. Parole Commission published in the Federal Register (47 FR 27567) a proposal to revise and refine its offense severity classification system and policy instructions contained in the Commission's Paroling Policy Guidelines at 28 CFR 2.20. The Commission also requested public comment on the desirability of subdividing the offense category containing Greatest II severity offenses.

The purpose of the proposal was fourfold. First, there were unlisted offense behavior examples which needed to be added to the table to make it more comprehensive.

Second, there were certain listed offenses which needed to be defined more specifically. These modifications reflected a clarification of existing Commission policy.

Third, there were modifications that represented an actual change of Commission policy. In response to continuing feedback from both Commission personnel and others, certain offense behaviors were moved from one severity category to another because the behavior in question was considered to be either more or less serious than the other offenses with which it was grouped. In some instances, an offense behavior example was simply transferred to a new category. In other cases, an already existing example was divided into two examples to distinguish certain aggravating or mitigating circumstances. Furthermore, the category containing the most serious offenses was considered for subdivision and the establishment of more specific time ranges for this category.

Fourth, the offense severity classification system was reformatted for better organization and ease of use.

Public Comment

Twenty-four letters from the public commenting on the proposal were received. These comments included: three from federal judges; one from a chief probation officer; two from public defenders; two from the Legal Assistance to Institutionalized Persons Program (affiliated with the University of Wisconsin Law School); one from the Administrative Law Section of the American Bar Association (ABA); two from prisoners; one from a private attorney; and twelve from individuals and organizations concerned with the Classification of selective service offenses.

Comments on the proposed rule generally concerned: (1) The reformatting of the severity scale; (2) subdivision of the Greatest II severity category; and (3) the grading of specific offense behaviors.

Comments from one Chief United States District Judge and one Chief United States Probation Officer expressed concurrence with the proposal. Comments from two United States District Judges recommended that the severity rating for several offenses be raised. The ABA's Administrative Law Section strongly endorsed the proposal for the reformatting of the offense severity scale, and the subdivision of Greatest II severity offenses. This comment also suggested developing instructions for the grading of multiple separate offenses. (In June 1982, the Commission issued instructions in its Procedure Manual to assist in the grading of multiple separate offenses.) One comment from the Legal Assistance to Institutionalized Persons Program supported subdivision of the Greatest II severity category. Another comment from this organization provided a summary of scientific literature on the potency of marihuana versus hashish and hash oil, and recommended that the weight ratio used by the Commission for determining the scale of hashish and hash oil offenses be revised. One Assistant Federal Public Defender supported the reformatting of the guidelines but disagreed with a number of offense classifications in both the current and proposed scale. He also objected to the reformatting of the guidelines being done concurrently with making substantive additions or amendments. Another Assistant Federal Public Defender expressed concern with the reformatting of the severity scale, and recommended lowering the severity rating for a number of specific offense behaviors. Two prisoners commented. One recommended that the Commission "not make arbitrary decisions above the guidelines for reasons that are computed within the guidelines." Another recommended that "a black be a member of each hearing panel" to prevent racial disparity. A private attorney recommended that the method for equating raw drugs with dosage units be revised, and suggested a number of procedural changes on issues separate from the proposed rule. In addition, twelve individuals and representatives of organizations concerned with selective service violators commented on the proposal concerning classification of selective service violations.

Changes From the Proposal

Changes from the proposal include: (1) The subdivision of the Greatest II severity category into Categories Seven and Eight, the establishment of specific ranges for Category Seven, and the provision of additional guidance for decisions concerning offenses in Category Eight. The Commission specifically solicited public comment on the desirability of the subdivision of the Greatest II category. Favorable comment was received from the ABA's Administrative Law Section and from the Legal Assistance to Institutionalized Persons Program.

(2) Revision of the proposed grading of weapons violations by adding offense behaviors involving silencers and assassination kits in Category Six.

(3) Revision of the proposed grading of gambling offenses by adding offense behaviors involving dice and card game operations.

(4) Revision of the proposed grading of sexual exploitation of children from Category Five to Category Six (recommended in a comment from a federal judge).

(5) Revision of the proposed grading of enticing desertion during wartime from Category Three to Category Four (recommended in a comment from a federal judge). Also distinguished and revised was the offense behavior aiding or harboring a deserter.

(6) Revision of the proposed grading of selective service offenses when persons are not being inducted into the armed forces from Category Two to Category One (recommended in public comments received from twelve individuals and organizations including Covenant Presbyterian Church, American Friends Service Committee, Associated Students, and Central Committee for Conscientious Objectors, and Ecumenical Christian Ministries). While the Commission believes that this grading is sufficient for punishment and deterrence of such offenses when persons are not being inducted into the armed forces, the Commission rejected suggestions that the ratings proposed for such offenses when persons are being drafted (Category Three) or in time of war or national defense emergency (Category Four) be lowered.

(7) Revision of the formula used to compare the scale of hashish and hash oil offenses to marihuana offenses (revision of this provision was recommended in a comment and supporting documents received from the

Legal Assistance to Institutionalized Persons Program).

(8) Revision of the proposed grading of cases in which the offender provokes the firing of a weapon by law-enforcement officials by removing it from the assault category, expanding it to include high-speed chases, and including it as a general note concerning aggravating factors (revision of this provision was recommended in a comment received from a public defender).

(9) Revision of the proposed grading of extremely large scale heroin offenses without proprietary or managerial interest from Category Five to Category Six.

In addition, the final rule contains corrections of several unintended changes from current policy, plus a number of clarifications, expanded definitions, and editorial improvements.

Implementation

The revised severity scale will apply to all prisoners who have their initial parole hearing on or after January 31, 1983. The revised severity scale will also apply to rescission or revocation hearings involving new criminal conduct to be conducted on or after January 31, 1983. Workload considerations prohibit the Commission from providing full retroactivity by examining each case previously given an initial hearing prior to the next regularly scheduled hearing or record review. However, the revised severity scale will be calculated at all subsequent hearings (e.g., interim hearings) and pre-release record reviews held on or after January 31, 1983. Any prisoner receiving a more favorable severity rating at that time will have the revised rating retroactively applied. If the new rating is not more favorable, the previous rating will stand.

Conforming Amendments

The Rescission Guidelines at 28 CFR 2.36(a)(2)(ii) are amended to conform to the relabeling and expansion of the offense severity categories in the paroling policy guidelines.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners—probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), Title 28, Code of Federal Regulations, § 2.20 and § 2.36(a)(2)(ii) are revised as set forth below:

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Parole Commission has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) Guidelines for reparole consideration are set forth at § 2.21.

(g) The Commission shall review the guidelines, including the salient factor score, periodically and may revise or modify them at any time as deemed appropriate.

(h)(1) The Adult Guidelines shall apply to all offenders except as specified in paragraph (2) of this section.

(2) The Youth/NARA Guidelines will apply to any offender sentenced under the Youth Corrections Act, the Narcotic Rehabilitation Act, or the Juvenile Justice Act, and to any other offender who was less than 22 years of age at the time the current offense was committed, regardless of sentence type. If an offender was less than 18 years of age at the time of the current offense, such youthfulness shall, in itself, be considered as a mitigating factor.

(i) For criminal behavior committed while in confinement see § 2.36 (Rescission Guidelines).

GUIDELINES FOR DECISION-MAKING

[Guidelines for decision-making, customary total time to be served before release (including jail time)]

Offense characteristics: Severity of offense behavior	Offender characteristics: Parole prognosis (salient factor score 1981)			
	Very Good (10–8)	Good (7–6)	Fair (5–4)	Poor (3–0)
	Months	Months	Months	Months
Category 1 (formerly "low severity"):				
Adult range	<=6	6–9	9–12	12–16
(Youth range)	(<=6)	(6–9)	(9–12)	(12–16)
Category 2 (formerly "low moderate severity"):				
Adult range	<=8	8–12	12–16	16–22
(Youth range)	(<=8)	(8–12)	(12–16)	(16–20)
Category 3 (formerly "moderate severity"):				
Adult range	10–14	14–18	18–24	24–32
(Youth range)	(8–12)	(12–16)	(16–20)	(20–26)
Category 4 (formerly "high severity"):				
Adult range	14–20	20–26	26–34	34–44
(Youth range)	(12–16)	(16–20)	(20–26)	(26–32)
Category 5 (formerly "very high severity"):				
Adult range	24–36	36–48	48–60	60–72
(Youth range)	(20–26)	(26–32)	(32–40)	(40–48)
Category 6 (formerly "Greatest I severity"):				
Adult range	40–52	52–64	64–78	78–100
(Youth range)	(30–40)	(40–50)	(50–60)	(60–76)
Category 7 (formerly included in "Greatest II severity"):				
Adult range	52–80	64–92	78–110	100–148
(Youth range)	(40–64)	(50–74)	(60–86)	(76–110)
Category 8 [1] (formerly included in "Greatest II severity"):				
Adult range	100+	120+	150+	180+
(Youth range)	(80+)	(100+)	(120+)	(150+)

[1] NOTE: For Category Eight, no upper limits are specified due to the extreme variability of the cases within this category. For decisions exceeding the lower limit of the applicable guideline category by more than 48 months, the pertinent aggravating case factors considered are to be specified in the reasons given (e.g., that a homicide was premeditated or committed during the course of another felony; or that extreme cruelty or brutality was demonstrated).

U.S. Parole Commission Offense Behavior Severity Index

Chapter One Offenses of General Applicability

Chapter Two Offenses Involving the Person

Subchapter A—Homicide Offenses

Subchapter B—Assault Offenses

Subchapter C—Kidnaping and Related Offenses

Subchapter D—Sexual Offenses

Chapter One Offenses of General Applicability

101 *Conspiracy*

Grade conspiracy in the same category as the underlying offense.

102 *Attempt*

Grade attempt in the same category as the offense attempted.

103 *Aiding and Abetting*

Grade aiding and abetting in the same category as the underlying offense.

104 *Accessory After the Fact*

Grade accessory after the fact as two categories below the underlying offense, but not less than Category One.

Note to Chapter One.—The reasons for a conspiracy or attempt not being completed may, where the circumstances warrant, be considered as a mitigating factor (e.g., where there is voluntary withdrawal by the offender prior to completion of the offense).

Chapter Two Offenses Involving the Person

Subchapter A—Homicide Offenses

201 *Murder*

Murder, or a forcible felony* resulting in the death of a person other than a participating offender, shall be graded as Category Eight.

202 *Voluntary Manslaughter*

Category Seven.

203 *Involuntary Manslaughter*

Category Four.

Subchapter B—Assault Offenses

211 *Assault During Commission of Another Offense*

(a) If serious bodily injury* results or if "serious bodily injury is clearly intended" *, grade as Category Seven;

(b) If bodily injury* results, or a weapon is fired by any offender, grade as Category Six;

(c) Otherwise, grade as Category Five.

212 *Assault*

(a) If serious bodily unjury* results or if "serious bodily injury is clearly intended" *, grade as Category Seven;

(b) If bodily injury* results or a dangerous weapon is used by any offender, grade as Category Five;

(c) Otherwise, grade as Category Two;

(d) *Exception:* If the victim was known to be a "protected person" * or criminal justice official, grade conduct under (a) as Category Seven, (b) as Category six, and (c) as Category Three.

Subchapter C—Kidnaping and Related Offenses

221 *Kidnaping*

(a) If the purpose of the kidnaping is for ransom or terrorism, grade as Category Eight;

(b) If a person is held hostage in a known place for purposes of extortion (e.g., forcing a bank manager to drive to a bank to retrieve money by holding a family member hostage at home), grade as Category Seven;

(c) If a victim is used as a shield or hostage in a confrontation with law enforcement authorities, grade as Category Seven;

(d) Otherwise, grade as Category Seven.

(e) *Exception:* If not for ransom or terrorism, and no bodily injury to victim, and limited duration (e.g., abducting the driver of a truck during a hijacking and releasing him unharmed an hour later), grade as Category Six.

222 *Demand for Ransom; or Receiving, Possessing, or Disposing of Ransom Money*

(a) If a kidnaping has, in fact, occurred, grade as Category Seven;

(b) Otherwise, grade as Category Five.

Subchapter D—Sexual Offenses

231 *Forcible Rape or Forcible Sodomy*

(a) Category Seven.

(b) *Exception:* If a significant prior consensual relationship is present, grade as Category Six.

232 *Carnal Knowledge*

(a) Category Four.

(b) *Exception:* If the relationship is clearly consensual, and the victim is at least 14 years old, and the age difference between victim and offender is less than four years, grade as Category One.

Subchapter E—Offenses Involving Aircraft

241 *Aircraft Piracy*

Category Eight.

242 *Interference with a Flight Crew*

(a) If the conduct or attempted conduct has potential for creating a significant safety risk to an aircraft or passengers, grade as Category Seven.

(b) Otherwise, grade as Category Two.

Subchapter F—Communication of Threats

251 *Communicating a Threat [to kill, assault, or kidnap]*

(a) Category Four;

(b) *Notes:*

(1) Any overt act committed for the purposes of carrying out a threat in this subchapter may be considered as an aggravating factor.

(2) If for purposes of extortion or obstruction of justice, grade according to Chapter Three, Subchapter C, or Chapter Six, Subchapter B, as applicable.

Chapter Three Offenses Involving Property

Subchapter A—Arson and Other Property Destruction Offenses

301 *Property Destruction by Arson or Explosives*

(a) If the conduct results in serious bodily injury* or if "serious bodily injury is clearly intended"*, grade as Category Seven;

(b) If the conduct involves any premises where persons are present or likely to be present or a residence, building, or other structure, or results in bodily injury*, grade as Category Six;

(c) Otherwise, grade as "property destruction other than listed above" but not less than Category Five.

302 *Wrecking a Train*

Category Seven.

303 *Property Destruction Other Than Listed Above*

(a) If the conduct results in bodily injury* or serious bodily injury*, or if "serious bodily injury is clearly intended"*, grade as if "assault during commission of another offense";

(b) If damage of more than $500,000 is caused, grade as Category Six;

(c) If damage of more than $100,000 but not more than $500,000 is caused, grade as Category Five;

* Terms marked by an asterisk are defined in Chapter Thirteen.

(d) If damage of at least $20,000 but not more than $100,000 is caused, grade as Category Four;

(e) If damage of at least $2,000 but less than $20,000 is caused, grade as Category Three;

(f) If damage of less than $2,000 is caused, grade as Category One.

(g) *Exception:* If a significant interruption of a government or public utility function is caused, grade as not less than Category Three.

Subchapter B—Criminal Entry Offenses

311 *Burglary or Unlawful Entry*

(a) If the conduct involves an armory (or facility where weapons or explosives are stored) for the purpose of theft or destruction of weapons or explosives, grade as Category Six;

(b) If the conduct involves an inhabited dwelling (whether or not a victim is present), or any premises with a hostile confrontation with a victim, grade as Category Five;

(c) If the conduct involves use of explosives or safecracking, grade as Category Five;

(d) Otherwise, grade as "theft" offense, but not less than Category Two.

(e) *Exception:* If the grade of the applicable "theft" offense exceeds the grade under this subchapter, grade as a "theft" offense.

Subchapter C—Robbery, Extortion, and Blackmail

321 *Robbery*

(a) Category Five.

(b) *Exceptions:*

(1) If the grade of the applicable "theft" offense exceeds the grade for robbery, grade as a "theft" offense.

(2) If any offender forces a victim to accompany any offender to a different location, or if a victim is forcibly detained for a significant period, grade as Category Six.

(3) Pickpocketing (stealth—no force or fear), see Subchapter D.

322 *Extortion*

(a) If by threat of physical injury to person or property, or extortionate extension of credit (loansharking), grade as Category Five;

(b) If by use of official governmental position, grade according to Chapter Six, Subchapter C.

(c) *Exceptions:*

(1) If the grade of the applicable "theft" offense exceeds the grade under this subchapter, grade as a "theft" offense;

(2) If a victim is physically held hostage for purposes of extortion, grade according to Chapter Two, Subchapter C.

323 *Blackmail [threat to injure reputation or accuse of crime]*

Grade as a "theft" offense according to the value of the property demanded, but not less than Category Three. Actual damage to reputation may be considered as an aggravating factor.

Subchapter D—Theft and Related Offenses

331 *Theft, Forgery, Fraud, Trafficking in Stolen Property*, Interstate Transportation of Stolen Property, Receiving Stolen Property, Embezzlement, and Related Offenses*

(a) If the value of the property* is more than $500,000, grade as Category Six;

(b) If the value of the property* is more than $100,000 but not more than $500,000, grade as Category Five;

(c) If the value of the property* is at least $20,000 but not more than $100,000, grade as Category Four;

(d) If the value of the property* is at least $2000 but less than $20,000, grade as Category Three;

(e) If the value of the property* is less than $2000, grade as Category One.

(f) *Exceptions:*

(1) Offenses involving stolen checks or mail, forgery, fraud, interstate transportation of stolen or forged securities, trafficking in stolen property*, or embezzlement shall be graded as not less than Category Two;

(2) Theft of an automobile shall be graded as no less than Category Three; unless the vehicle was recovered within 72 hours with no significant damage (e.g., no damage more than $100), and there is no indication that the theft was intended for resale. In such case, grade as Category One.

(g) *Note:* In "theft" offenses, the total amount of the theft committed or attempted by the offender, or others acting in concert with the offender, is to be used.

332 *Pickpocketing [stealth-no force or fear]*

Grade as a "theft" offense, but not less than Category Three.

333 *Fraudulent Loan Applications*

Grade as a "fraud" offense according to the amount of the loan.

334 *Preparation or Possession of Fraudulent Documents*

(a) If for purposes of committing another offense, grade according to the offense intended;

(b) Otherwise, grade as Category Two.

Subchapter E—Counterfeiting and Related Offenses

341 *Passing or Possession of Counterfeit Currency or Other Medium of Exchange**

(a) If the face value of the currency or other medium of exchange is more than $500,000, grade as Category Six;

(b) If the face value is more than $100,000 but not more than $500,000, grade as Category Five;

(c) If the face value is at least $20,000 but not more than $100,000, grade as Category Four;

(d) If the face value is at least $2000 but less than $20,000, grade as Category Three;

(e) If the face value is less than $2000, grade as Category Two.

342 *Manufacture of Counterfeit Currency or Other Medium of Exchange* or Possession of Instruments for Manufacture*

Grade manufacture or possession of instruments for manufacture (e.g., a printing press or plates) according to the quantity printed (see passing or possession)), but not less than Category Five. The term "manufacture" refers to the capacity to print or generate multiple copies; it does not apply to pasting together parts of different notes.

Subchapter F—Bankruptcy Offenses

351 *Fraud in Bankruptcy or Concealing Property*

Grade as a "fraud" offense.

Subchapter G—Violation of Securities or Investment Regulations and Antitrust Offenses

361 *Violation of Securities or Investment Regulations* (8 U.S.C. 77ff, 80)

(a) If for purposes of fraud, grade according to the underlying offense;

(b) Otherwise, grade as Category Two.

362 *Antitrust Offenses*

(a) If estimated economic impact is more than one million dollars, grade as Category Four;

(b) If the estimated economic impact is more than $100,000 but not more than one million dollars, grade as Category Three;

(c) Otherwise, grade as Category Two.

Chapter Four Offenses Involving Immigration, Naturalization, and Passports

401 *Unlawfully Entering the United States as an Alien*

Category Two.

402 *Smuggling of Alien(s) into the United States*

Category Three.

403 *Offenses Involving Passports*

(a) If making an unlawful passport for distribution to another, possession with intent to distribute, or distribution of an unlawful passport, grade as Category Three;

(b) If fraudulently acquiring or improperly using a passport, grade as Category Two.

404 *Offenses Involving Naturalization or Citizenship Papers*

(a) If forging or falsifying naturalization or citizenship papers for distribution to another, possession with intent to distribute, or distribution, grade as Category Three;

(b) If acquiring fraudulent naturalization or citizenship papers for own use or improper use of such papers, grade as Category Two;

(c) If failure to surrender canceled naturalization or citizenship certificate(s), grade as Category One.

Chapter Five Offenses Involving Revenue

Subchapter A—Internal Revenue Offenses

501 *Tax Evasion [income tax or other taxes]*

(a) If the amount of tax evaded or evasion attempted is more than $500,000, grade as Category Six;

(b) If the amount of tax evaded or evasion attempted is more than $100,000 but not more than $500,000, grade as Category Five;

(c) If the amount of tax evaded or evasion attempted is at least $20,000 but not more than $100,000, grade as Category Four;

(d) If the amount of tax evaded or evasion attempted is at least $2000 but less than $20,000, grade as Category Three;

(e) If the amount of tax evaded or evasion attempted is less than $2000, grade as Category One.

(f) *Notes:*

(1) Grade according to the amount of tax evaded or evasion attempted, not the gross amount of income.

(2) Tax evasion refers to failure to pay applicable taxes. Grade a false claim for a tax refund (where tax has not been withheld) as a "fraud" offense.

502 *Operation of an Unregistered Still*

Grade as a "tax evasion" offense.

Subchapter B—Customs Offenses

511 *Smuggling Goods into the United States*

(a) If the conduct is for the purpose of tax evasion, grade as a 'tax evasion' offense.

(b) If the article is prohibited from entry to the country absolutely (e.g., illicit drugs or weapons), use the grading applicable to

possession with intent to distribute of such articles, or the grading applicable to tax evasion, whichever is higher, but not less than Category Two;

(c) If the conduct involves breaking seals, or altering or defacing customs marks, or concealing invoices, grade according to (a) or (b), as applicable, but not less than Category Two.

512 *Smuggling Goods into Foreign Countries in Violation of Foreign Law* (re: 18 U.S.C. 546)

Category Two.

Subchapter C—Contraband Cigarettes

521 *Trafficking in Contraband Cigarettes* (re: 18 U.S.C. 2342)

Grade as a tax evasion offense.

Chapter Six Offenses Involving Governmental Process

Subchapter A—Impersonation of Officials

601 *Impersonation of Official*

(a) If for purposes of commission of another offense, grade according to the offense attempted, but not less than Category Two;

(b) Otherwise, grade as Category Two.

Subchapter B—Obstructing Justice

611 *Perjury*

(a) If the perjured testimony concerns another offense, grade according to the underlying offense, but not less than Category Three;

(b) *Otherwise,* grade as Cateogry Three.

(c) Suborning perjury, grade as perjury.

612 *Unlawful False Statements Not Under Oath*

Category Two.

613 *Tampering With Evidence or Witness*

(a) If the underlying purpose concerns another offense, grade according to the offense involved, but not less than Category Three;

(b) *Otherwise,* grade as Category Three.

(c) Exception: Intimidating witnesses by threat of physical harm, grade as not less than Category Five.

614 *Misprision of a Felony*

(a) Grade as two categories below the underlying offense, but not higher than Category Three;

(b) If the underlying offense is graded as Category Three or less, grade as Category One.

615 *Harboring a Fugitive*

Grade as misprison of a felony using the category of the offense for which the fugitive is wanted as the underlying offense.

616 *Escape or Failure to Appear*

If while in custody on another federal offense for which a severity rating can be assessed, grade the underlying offense and apply the rescission guidelines to determine an additional penalty. Otherwise, grade as Category Three.

Subchapter C—Official Corruption

621 *Bribery or Extortion [use of official position—no physical threat]*

(a) Grade as a "theft offense" according to value of the bribe, demand, or the favor received (whichever is greater), but not less than Category Three.

(b) If the above conduct involves a pattern of corruption (e.g., multiple instances over a period exceeding six months), grade as not less than Category Four.

(c) If the purpose of the conduct is the obstruction of justice, grade as if "perjury".

(d) *Notes:*

(1) The grading in this subchapter applies to each party to a bribe.

(2) The extent to which the criminal conduct involves a breach of public trust, causing injury beyond that describable by monetary gain, may be considered as an aggravating factor.

622 *Other Unlawful Use of Governmental Position*

Category Two.

Chapter Seven Offenses Involving Individual Rights

Subchapter A—Offenses Involving Civil Rights

701 *Conspiracy Against Rights of Citizens* (re: 18 U.S.C. 241)

(a) If death results, grade as Category Eight;

(b) Otherwise, grade as if "assault".

702 *Deprivation of Rights Under Color of Law* (re: 18 U.S.C. 242)

(a) If death results, grade as Category Eight;

(b) Otherwise, grade as if "assault".

703 *Federally Protected Activity* (re: 18 U.S.C. 245)

(a) If death results, grade as Category Eight;

(b) Otherwise, grade as if "assault".

704 *Intimidation of Persons in Real Estate Transactions Based on Racial Discrimination* (re: 42 U.S.C. 3631)

(a) If death results, grade as Category Eight;

(b) Otherwise, grade as if "assault".

705 *Transportation of Strikebreakers* (re: 18 U.S.C. 1231)

Category Two.

Subchapter B—Offenses Involving Privacy

711 *Interception and Disclosure of Wire or Oral Communications* (re: 18 U.S.C. 2511)

Category Two.

712 *Manufacture, Distribution, Possession, and Advertising of Wire or Oral Communication Intercepting Devices* (re: 18 U.S.C. 2512)

(a) *Category* Three.

(b) *Exception:* If simple possession, grade as Category Two.

713 *Unauthorized Opening of Mail*

Category Two.

Chapter Eight Offenses Involving Explosives and Weapons

Subchapter A—Explosives Offenses and Other Dangerous Articles

801 *Unlawful Possession of Explosives; or Use of Explosives During a Felony*

Grade according to offense intended, but not less than Category Five.

802 *Mailing Explosives or Other Injurious Articles With Intent To Commit a Crime*

Grade according to offense intended, but not less than Category Five.

803 *Improper Transportation or Marking* (re: 18 U.S.C. 832, 833, 834)

(a) If resulting in death or serious bodily injury, grade as Category Four;

(b) Otherwise, grade as Category Three.

Subchapter B—Firearms

811 *Possession by Prohibited Person* (e.g., ex-felon)

Category Three.

812 *Unlawful Possession or Manufacture of Sawed-off Shotgun, Machine Gun, Silencer, or "Assassination kit"*

(a) If silencer or "assassination kit", grade as Category Six;

(b) If sawed-off shotgun or machine gun, grade as Category Five.

813 *Unlawful Distribution of Weapons or Possession With Intent To Distribute*

(a) If silencer(s) or "assassination kit(s)", grade as Category Six;

(b) If sawed-off shotgun(s) or machine gun(s), grade as Category Five;

(c) If multiple weapons (rifles, shotguns, or handguns), grade as Category Four;

(d) If single weapon (rifle, shotgun, handgun), grade as Category Three.

Chapter Nine Offenses Involving Illicit Drugs

Subchapter A—Heroin and Opiate* Offenses

901 *Distribution or Possession With Intent To Distribute*

(a) If extremely large scale (e.g., involving 3 kilograms or more of 100% pure heroin, or equivalent amount), and a proprietary or managerial role, grade as Category Eight;

(b) If very large scale (e.g., involving 1 kilogram but less than 3 kilograms of 100% pure heroin, or equivalent amount), and a proprietary or managerial role, grade as Category Seven;

(c) If extremely large scale [see paragraph (a)] or very large scale [see paragraph (b)], and no proprietary or managerial role, grade as Category Six;

(d) If large scale (e.g., involving 50–999 grams of 100% pure heroin, or equivalent amount), and a proprietary or managerial role, grade as Category Six;

(e) If large scale [see paragraph (c)], and no proprietary or managerial role, grade as Category Five;

(f) If medium scale (e.g., involving 5–49 grams of 100% pure heroin, or equivalent amount), grade as Category Five;

(g) If small scale (e.g., involving less than 5 grams of 100% pure heroin, or equivalent amount), grade as Category Four, except as listed under (h);

(h) If evidence of opiate dependence and very small scale (e.g., involving less than 1.0 grams of 100% pure heroin, or equivalent amount), grade as Category Three.

(i) *Note:* The term "proprietary or managerial role" refers to offenders who import, manufacture, distribute, or negotiate to distribute illicit drugs or who plan, supervise, or finance such operations. Where it is established that the offender had peripheral involvement without decision-making authority (e.g., a person hired merely as a courier), grade as "no proprietary or managerial role".

902 *Simple Possession*

Category One.

Subchapter B—Marihuana and Hashish Offenses

911 *Distribution or Prossession With Intent To Distribute*

(a) If extremely large scale (e.g., involving 20,000 pounds or more of marihuana/6,000 pounds or more of hashish/600 pounds or more of hash oil), and a proprietary or managerial role, grade as Category Six;

(b) If extremely large scale [see paragraph (a)], and no proprietary or managerial role, grade as Category Five;

(c) If very large scale (e.g., involving 2,000–19,999 pounds of marihuana/600–5,999 pounds of hashish/60–599 pounds of hash oil), grade as Category Five;

(d) If large scale (e.g., involving 200–1,999 pounds of marihuana/60–599 pounds of hashish/ 6–59.9 pounds of hash oil), grade as Category Four;

(e) If medium scale (e.g., involving 50–199 pounds of marihuana/15–59.9 pounds of hashish/1.5–5.9 pounds of hash oil), grade as Category Three;

(f) If small scale (e.g., involving 10–49 pounds of marihuana/3–14.9 pounds of hashish/.3–1.4 pounds of hash oil), grade as Category Two;

(g) If very small scale (e.g., involving less than 10 pounds of marihuana/less than 3 pounds of hashish/less than .3 pounds of hash oil), grade as Category One.

(h) *Note:* The term "proprietary or managerial role" refers to offenders who import, manufacture, distribute, or negotiate to distribute illicit drugs or who plan, supervise, or finance such operations. Where it is established that the offender had peripheral involvement without decision-making authority (e.g., a person hired merely as a courier), grade as "no proprietary or managerial role".

912 *Simple Possession*
Category One.

Subchapter C—Cocaine Offenses

921 *Distribution or Possession With Intent To Distribute*

(a) If very large scale (e.g., involving more than 1 kilogram of 100% purity, or equivalent amount), and a proprietary or managerial role, grade as Category Six;

(b) If very large scale [see paragraph (a)], and no proprietary or managerial role, grade as Category Five;

(c) If large scale (e.g., involving 100 grams-1 kilogram of 100% purity, or equivalent amount), grade as Category Five;

(d) If medium scale (e.g., involving 5–99 grams of 100% purity, or equivalent amount), grade as Category Four;

(e) If small scale (e.g., involving 1.0–4.9 grams of 100% purity, or equivalent amount), grade as Category Three;

(f) If very small scale (e.g., involving less than 1 gram of 100% purity, or equivalent amount), grade as Category Two.

(g) *Note:* The term "proprietary or managerial role" refers to offenders who import, manufacture, distribute, or negotiate to distribute illicit drugs or who plan, supervise, or finance such operations. Where it is established that the offender had peripheral involvement without decision-making authority (e.g., a person hired merely as a courier), grade as "no proprietary or managerial role".

922 *Simple Possession*
Category One.

Subchapter D—Other Illicit Drug Offenses *

931 *Distribution or Possession With Intent To Distribute*

(a) If very large scale (e.g., involving more than 200,000 doses), and a proprietary or managerial role, grade as Category Six;

(b) If very large scale [see paragraph (a)], and no proprietary or managerial role, grade as Category Five;

(c) If large scale (e.g., involving 20,000–199,999 doses), grade as Category Five;

(d) If medium scale (e.g., involving 1,000–199,999 doses), grade as Category Four;

(e) If small scale (e.g., involving 200–999 doses), grade as Category Three;

(f) If very small scale (e.g., involving less than 200 doses), grade as Category Two.

(g) *Note:* The term "proprietary or managerial role" refers to offenders who import, manufacture, distribute, or negotiate to distribute illicit drugs or who plan, supervise, or finance such operations. Where it is established that the offender had peripheral involvement without decision-making authority (e.g., a person hired merely as a courier), grade as "no proprietary or managerial role".

932 *Simple Possession*
Category One.

Notes to Chapter Nine.—

(1) Grade manufacture of synthetic illicit drugs as listed above, but not less than Category Five.

(2) "Equivalent amounts" for the cocaine and opiate categories may be computed as follows: 1 gram of 100% pure is equivalent to 2 grams of 50% pure and 10 grams of 10% pure, etc.

Chapter Ten Offenses Involving National Defense

Subchapter A—Treason and Related Offenses

1001 *Treason*
Category Eight.

1002 *Rebellion or Insurrection*
Category Seven.

Subchapter B—Sabotage and Related Offenses

1011 *Sabotage*
Category Eight.

1012 *Enticing Desertion*

(a) In time of war or during a national defense emergency, grade as Category Four;

(b) Otherwise, grade as Category Three.

1013 *Harboring or Aiding a Deserter*
Category One.

Subchapter C—Espionage and Related Offenses

1021 *Espionage*
Category Eight.

Subchapter D—Selective Service Offenses

1031 *Failure to Register, Report for Examination or Induction*

(a) If committed during time of war or during a national defense emergency, grade as Category Four;

(b) If committed when draftees are being inducted into the armed services, grade as Category Three;

(c) Otherwise, grade as Category One.

Subchapter E—Other National Defense Offenses

1041 *Offenses Involving Nuclear Energy*
Unauthorized production, possession, or transfer of nuclear weapons or special nuclear material or receipt of or tampering with restricted data on nuclear weapons or special nuclear material, grade as Category Eight.

Chapter Eleven Offenses Involving Organized Crime Activity, Gambling, Obscenity, Sexual Exploitation of Children, Prostitution, and Non-Governmental Bribery

Subchapter A—Organized Crime Offenses

1101 *Racketeer Influence and Corrupt Organizations* (re: 18 U.S.C. 1963)
Grade according to the underlying offense attempted, but not less than Category Five.

1102 *Interstate or Foreign Travel or Transportation in Aid of Racketeering Enterprise* (re: 18 U.S.C. 1952)
Grade accoring to the underlying offense attempted, but not less than Category Three.

Subchapter B—Gambling Offenses

1111 *Gambling Law Violations—Operating or Employment in an Unlawful Business* (re: 18 U.S.C. 1955)

(a) If large scale operation [e.g., Sports books (estimated daily gross more than $15,000); Horse books (estimated daily gross more than $4,000); Numbers bankers (estimated daily gross more than $2,000); Dice or card games (estimated daily "house cut" more than $1,000)]; grade as Category Four;

(b) If medium scale operation [e.g., Sports books (estimated daily gross $5,000–$15,000); Horse books (estimated daily gross $1,500–$4,000); Numbers bankers (estimated daily gross $750–$2,000); Dice or card games (estimated daily "house cut" $400–$1,000)]; grade as Category Three.

(c) If small scale operation [e.g., Sports books (estimated daily gross less than $5,000); Horse books (estimated daily gross less than $1,500); Numbers bankers (estimated daily gross less than $750); Dice or card games (estimated daily "house cut" less than $400)]; grade as Category Two;

(d) *Exception:* Where it is established that the offender had no proprietary interest or managerial role, grade as Category One.

1112 *Interstate Transportation of Wagering Paraphernalia* (re: 18 U.S.C. 1953)
Category Three.

1113 *Wire Transmission of Wagering Information* (re: 18 U.S.C. 1084)
Grade as if "operating a gambling business".

1114 *Operating or Owning a Gambling Ship* (re: 18 U.S.C. 1082)
Category Three.

1115 *Importing or Transporting Lottery Tickets; Mailing Lottery Tickets or Related Matter* (re: 18 U.S.C. 1301, 1302)

(a) Grade as if "operating a gambling business";

(b) *Exception:* If non-commercial, grade as Category One.

Subchapter C—Obscenity

1121 *Mailing, Importing, or Transporting Obscene Matter*

(a) If for commercial purposes, grade as Category Three;

(b) Otherwise, Category One.

1122 *Broadcasting Obscene Language*

Category One.

Subchapter D—Sexual Exploitation of Children

1131 *Sexual Exploitation of Children* (re: 18 U.S.C. 2251, 2252)

Category Six.

Subchapter E—Prostitution and White Slave Traffic

1141 *Interstate Transportation for Commercial Purposes*

(a) If physical coercion, or involving person(s) of age less than 16, grade as Category Six;

(b) If involving person(s) of ages 16–17, grade as Category Five;

(c) Otherwise, grade as Category Four.

1142 *Prostitution*

Category One.

Subchapter F—Non-Governmental Bribery

1151 *Bribery not Involving Federal, State, or Local Government Officials*

(a) If the value of the bribe or of the favor received (whichever is greater) is $20,000 or more, grade as Category Three; otherwise, grade as Category Two.

(b) If the conduct involves bribery in a sporting contest, grade as Category Three.

Chapter Twelve Miscellaneous Offenses

If an offense behavior is not listed, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed in Chapters One–Eleven. If, and only if, an offense behavior cannot be graded by reference to Chapters One–Eleven, the following formula may be used as a guide.

Maximum sentence authorized by statute (not necessarily the sentence imposed)	Grading (category)
< 2 years	1
2 to 3 years	2
4 to 5 years	3
6 to 10 years	4
11 to 20 years	5
21 to 29 years	6
30 years to life	7

Chapter Thirteen General Notes and Definitions

Subchapter A—General Notes

1. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

2. If an offense behavior involved multiple separate offenses, the severity level may be increased; except in cases graded as Category Seven, a decision above the guidelines may be considered.

3. In cases where multiple sentences have been imposed (whether consecutive or concurrent, and whether aggregated or not) an offense severity rating shall be established to reflect the overall severity of the underlying criminal behavior. This rating shall apply whether or not any of the component sentences have expired.

4. The prisoner is to be held accountable for his own actions and actions done in concert with others; however, the prisoner is not to be held accountable for activities committed by associates over which the prisoner has no control and could not have been reasonably expected to foresee.

5. The following are examples of circumstances that may be considered as aggravating factors: extreme cruelty or brutality to a victim; the degree of permanence or likely permanence of serious bodily injury resulting from the offender's conduct; an offender's conduct while attempting to evade arrest that causes circumstances creating a significant risk of harm to other persons (e.g., causing a high speed chase or provoking the legitimate firing of a weapon by law enforcement officers).

6. The phrase "may be considered an aggravating/mitigating factor" is used in this index to provide guidance concerning certain circumstances which may warrant a decision above or below the guidelines. This does not restrict consideration of above or below guidelines decisions only to these circumstances, nor does it mean that a decision above or below the guidelines is mandated in every such case.

Subchapter B—Definitions

1. "Bodily injury" refers to injury of a type normally requiring medical attention [e.g., broken bone(s), laceration(s) requiring stitches, severe bruises].

2. "Forcible felony" includes, but shall not be limited to, kidnaping, rape or sodomy, aircraft piracy or interference with a flight crew, arson or property destruction offenses, escape, robbery, extortion, or criminal entry offenses, and attempts to commit such offenses.

3. "Opiate" includes heroin, morphine, opiate derivatives, and synthetic opiate substitutes.

4. "Other illicit drug offenses" include, but are not limited to, offenses involving the following: amphetamines, hallucinogens, barbiturates, methamphetamines, and phencyclidine (PCP).

5. "Other medium of exchange" includes, but is not limited to, postage stamps, governmental money orders, or governmental coupons redeemable for cash or goods.

6. "Protected person" refers to a person listed in 18 U.S.C. 351 (relating to Members of Congress), 1114 (relating to certain officers and employees of the United States), 1116 (relating to foreign officials, official guests, and internationally protected persons), or 1751 (relating to presidential assassination and officials in line of succession).

7. "Serious bodily injury" refers to injury creating a substantial risk of death, major disability or loss of a bodily function, or disfigurement.

8. "Serious bodily injury clearly intended" refers to a limited category of offense behaviors where the circumstances indicate that the bodily injury intended was serious (e.g., throwing acid in a person's face, or firing a weapon at a person) but where it is not established that murder was the intended object. Where the circumstances establish that murder was the intended object, grade as an "attempt to murder".

9. "Value of the property" refers to the estimated replacement cost to the victim.

10. "Trafficking in stolen property" refers to receiving stolen property with intent to sell.

SALIENT FACTOR SCORE (SFS 81)

Item A: Prior Convictions/Adjudications (Adult or Juvenile)	☐
None	=2 ☐
One or two	=1
Three or more	=0
Four or more	=0
Item B: Prior Commitment(s) of More Than 30 Days (Adult or Juvenile)	☐
None	=3
One or two	=2
Three or more	=1
Item C: Age at Current Offense/Prior Commitments	☐
Age at commencement of the current offense:	
26 years of age or more	=[1]2
20–25 years of age	=1
19 years of age or less	=0
Item D: Recent Commitment Free Period (3 years)	☐
No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense	=1
Otherwise	=0
Item E: Probation/Parole/Confinement/Escape Status Violator This Time	☐
Neither on probation, parole, confinement, or escape status at the time of the current offense; nor committed as a probation, parole, confinement, or escape status violator this time	=1
Otherwise	=0
Item F: Heroin/Opiate Dependence	☐
No history of heroin/opiate dependence	=1
Otherwise	=0
Total Score	☐

[1] EXCEPTION: If five or more prior commitments of more than thirty days (adult or juvenile), place an "x" here ——— and score this item .....=0.

NOTE.—For purposes of the Salient Factor Score, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be treated as a conviction, even if a conviction is not formally entered.

2.39 Rescission guidelines.

(a) * * *

(2) * * *

(ii) *Other New Criminal Behavior in a Prison Facility.*

Severity rating of the new criminal behavior (from § 2.20)	Adult cases (months)	Youth/ NARA cases (months)
Category 1	<=6	<=6
Category 2	<=8	<=8
Category 3	10–14	8–12
Category 4	14–20	12–16
Category 5	24–36	20–26
Category 6	40–52	30–40
Category 7	52–80	40–64
Category 8	100 +	80 +

* * * * *

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory flexibility Act.

Dated: November 29, 1982.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 82-33881 Filed 12-15-82; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Removal of Certain Conditions of Approval of Colorado Permanent Program Under Surface Mining Control and Reclamation Act of 1977 and Consideration of Additional Amendments Thereto

AGENCY: Surface Mining Reclamation and Enforcement Office (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 906 by (1) removing certain conditions of approval of the Colorado permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and (2) approving certain additional amendments to the Colorado program. Colorado has submitted material to OSM which satisfies some of the conditions of the Secretary's approval of December 15, 1980 (45 FR 82173–82214).

DATE: The removal of these conditions and the approval of these program amendments are effective on December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, New Mexico Field Office, Office of Surface Mining, Suite 216, 219 Central Avenue, N.W., Albuquerque, New Mexico 87102, Telephone (505) 766–1486.

SUPPLEMENTARY INFORMATION:

Background on the Colorado Program Submission

On February 29, 1980, OSM received a proposed regulatory program from the State of Colorado. On December 15, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 45 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1980, **Federal Register** (45 FR 82173–82214).

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 Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173–82214).

Background on the Secretary's Conditional Approval

The Secretary of the Interior determined that the Colorado program contained 45 minor deficiencies as follows:

a. Colorado's rules did not incorporate the large structure criteria of 30 CFR 780.25(f)/745.16(f); 30 CFR 816.46(q)/817.46(q); 30 CFR 816.46(t)/817.46(t); 30 CFR 816.49(a)(5)/817.49(a)(5), and 30 CFR 816.49(f)/817.49(f).

b. Colorado Rule 4.14.6 did not require stabilization and reseeding of rills and gullies deeper than nine inches when they occur in regraded areas.

c. Colorado Rule 4.15.7(2)(d)(ii) did not contain provisions to obtain the approval of the Director of OSM in the selection of alternative technical guidance documents for revegetation success as required in 30 CFR 816.116(b) and 817.116(b).

d. Colorado Rule 4.15.7(2)(d)(vi) did not provide that revegetation success standards on small mines shall be approved by the Director of OSM.

e. Colorado Rule 2.06.8(4)(c)(iii)(A) did not include the term "sinuosity" in the characteristics to be considered in the evaluation of an alluvial valley floor.

f. Colorado's program contained unacceptable provisions in rules 4.09.1(3), 4.26.2(5) and 4.27.3(8), which relate to alternative methods for excess spoil fills and the placement of materials related to mountain top removal and steep slope mining operations.

g. Colorado Rule 4.08.4(8) provided for an unacceptable waiver to the limitation on casting fly rock beyond the property line of a permittee.

h. Colorado's program did not contain rules which require plans for sedimentation ponds, coal processing, waste dams and embankments to comply with the requirements of the Mine Safety and Health Administration (MSHA).

i. Colorado Rule 2.06.6(2)(h) did not include the term "adjacent area" and instead, contained the unacceptable term "immediate vicinity" in the consideration of prime farmlands and revegetation success.

j. Colorado's definition of "willful violation" found in Rule 1.04(145) did not include violations of SMCRA and 30 CFR Chapter VII.

k. Colorado Rule 2.07.6(2)(h) did not contain provisions which require, as a permit condition, that an applicant submit proof that all reclamation fees required by 30 CFR VII Subchapter R have been paid.

l. Colorado's program did not contain a provision consistent with 30 CFR 786.27(b), requiring that each permit issued by the State insure that the permittee shall allow right of entry to authorized representatives of the Secretary.

m. Colorado Rule 2.07.4(3)(b) did not provide for notice of a formal hearing on a permit to be given to all interested parties.

n. Colorado's definitions of the term "operator" found in CRS 34–33–103(14) and Rule 1.04(80) required modification to mean, "any person engaged in surface coal mining and reclamation operations who removes or intends to remove more than 250 tons of coal from the earth within 12 consecutive calendar months in any one location."

o. Colorado's definitions of "surface coal mining operations," found in CRS 34–33–103(26) and Rule 1.04(127) did not include the phrase, "or other processing or preparation, loading of coal for interstate commerce at or near the mine site."

p. Colorado's statute, CRS 34–33–109(7)(f), and Rule 2.08.5 did not require that the holder of a valid permit may continue surface coal mining operations under said permit subject to CRS 34–33–123 beyond the expiration date until a final administrative decision on renewal is rendered if a renewal application is received by the Division at least 1 year prior to the expiration date of the permit.

q. Colorado's statute, CRS 34–33–114(3), did not contain provisions requiring consideration in the application process of an applicant's violation of any applicable rule or regulation of the United States, Colorado, or any other State.

r. Colorado's statute, CRS 34–33–122(4)(b), and Rule 5.02.2(3) did not provide for inspections on an "irregular basis."

s. Colorado Rule 5.02.3(2) did not implement the requirement of 30 CFR 840.12(a) that a search warrant is not required to conduct an inspection (except that Colorado may provide for its use with respect to entry into a building).

t. Colorado Rule 5.02.6(2) did not contain provisions requiring the Administrator to "furnish the complainant with a written statement of the reasons for such determinations and actions if any, taken to remedy the noncompliance", regarding a citizen complaint of noncompliance.

u. Colorado Rule 2.07.3(6)[b][i], relating to informal conferences,

contained the unacceptable phrase, "unless this requirement is waived by all parties interested in the conference."

v. Colorado Rule 3.03.2(6)(a), relating to filing a request for a hearing on a bond decision, did not specify that issuance of the Division's proposed decision be dated from the time the written notification to the permittee and other interested parties, required in Rule 3.03.2(5), is mailed.

w. Colorado rules 3.02.1(4) and 3.04.2(3), which apply to bond liability, contained the unacceptable phrase, "unless otherwise provided in the bond", and did not provide an exception to providing liability under any bond to all lands disturbed when (a) two or more bonds apply in combination to the permit area although a particular bond may apply to less than all lands disturbed or to lands disturbed prior to a date specified in the bond, and (b) the Division or Board determines that, in combination, the liability under such bonds extends to all lands disturbed.

x. Colorado Rule 3.02.2(4) did not require the Division to review each outstanding performance bond at the time permit renewals are processed under Rule 2.08.3.

y. Colorado Rule 3.03.1(2) was not consistent with the percentages for bond release provided for in 30 CFR 807.12(a).

z. Colorado Rule 3.03.1(4) did not have a provision requiring that no acreage shall be released from the permit area until the bond liability applicable to the permit area has been fully released under Rule 3.03.1(2)(c).

aa. Colorado Rule 3.03.1(3)(d) did not specify that in no case shall the total bond amount applicable to a permit area be less than $10,000.

bb–1. Colorado Rule 3.02.3(2) did not provide qualifications for determining whether or not selective husbandry practices that are consistent with 30 CFR 805.13(b), as amended, should be allowed.

bb–2. Colorado Rule 3.06 did not provide for bond forfeiture, form of the bond, bonding for subsidence, and other provisions consistent with 30 CFR Part 801.

bb–3. Colorado rules 3.02.4(2)(d)(vi)(c) and 3.02.4(2)(b)(v)(c) contained unacceptable language concerning amending the permit area in lieu of issuance of a cessation order for unbonded areas, and were not consistent with 30 CFR 806.12(g)(7)(iii) and 30 CFR 806.12(e)(6)(iii).

cc. Colorado Rule 3.03.1(3)(e) did not provide that the amount of bond retained be sufficient for the Division to complete the reclamation.

dd. Colorado Rule 3.04.1(1) was not consistent with the bond forfeiture criteria of 30 CFR 808.13(a).

ee. Colorado's statute, CRS 34–33–135(2) (a) and (b), was not in accordance with Section 520(b)(2) of SMCRA in not requiring a showing that a violation or order would "immediately affect a legal interest of the plaintiff" as a condition precedent to commencement of a citizen suit without 60 days prior notice.

ff. Colorado Rule 5.04.3(5) did not include a requirement that, if the Board review results in an order increasing a penalty, the person to whom the notice or order was issued shall forward the amount of the difference to the Division within 15 days after the order increasing the penalty is mailed.

gg. Colorado's statute, CRS 34–33–135(3)(b), was not in accordance with Section 520(a) of SMCRA by not allowing the Division or Board, if not a party, to intervene as a matter of right in citizen suits.

hh. Colorado's statute, CRS 34–33–123(4), and Colorado Rule 5.03.4 did not require that each notice of violation or cessation order shall be served on the operator or his designated agent in person, or by certified mail, return receipt requested. Instead, they contained an unacceptable provision allowing service no later than 24 hours after issuance.

ii. Colorado's statute, CRS 34–33–123(8)(d), did not specify that a notice of violation or cessation order shall be served on the operator or his designated agent no later than 120 days (rather than 60 days now provided for) after the notice or order describing the violation was originally issued.

jj. Colorado's statute, CRS 34–33–125(3), which relates to requests for temporary relief prior to decisions by the Board, did not specify that pending completion of investigation and hearing, any person with an interest which is, or may be adversely affected (rather than only the "operator" as is now provided) may file with the Board for temporary relief from any notice or order.

kk. Colorado Rule 5.03.3(2)(a) included an unacceptable paragraph, which provided an additional criterion for determining the existence of a pattern of violations based on the degree of fault versus negligence.

ll. Colorado's statute, CRS 34–33–126(2), and Rule 7.06.2 contained an unacceptable requirement for a good faith effort by petitioners to identify surface and mineral owners.

mm. Colorado Rule 5.03.6, which relates to attorneys' fees, was not consistent with 43 CFR 4.1290–4.1296.

nn. Colorado's program did not contain a provision for protection of State employees equivalent to the protection afforded Federal employees by Section 704 of SMCRA.

oo. Colorado's statute, CRS 34–48–102, contained an unacceptable provision allowing a priority of right exception to the restriction of mining under any building or other improvements without securing the owner against damages.

pp. Colorado's definition of "permittee" found in Rule 1.04(90) did not include a "person required to have a permit."

qq. Colorado Rule 4.05.6(8) did not specify minimum top widths for embankments less than 10 feet in height consistent with the formula found in 30 CFR 816.46(1) and 817.46(1).

rr. Colorado's statute, CRS 34–33–124, did not provide for notice to all interested persons of hearings on show cause orders or hearings to review citations issued for violations.

ss. Colorado Rule 5.02.2(4) was not consistent with 30 CFR 840.11(d)(3) because the former did not require that inspection reports be adequate to enforce the requirements of and carry out the terms and purposes of the State program.

Submission of Revisions and Program Amendments

On January 11 and February 25, 1982, OSM received from the State of Colorado material intended to satisfy all 45 program conditions. Pursuant to the 30 CFR 732.17 state program amendment procedures, OSM also received certain revisions to the State regulations.

OSM published a notice in the **Federal Register** on February 25, 1982, announcing receipt of these provisions and inviting public comment on whether the proposed program amendments corrected the deficiencies, and whether the Secretary should approve the additional amendments to the State program (47 FR 8207–8212). The public comment period ended March 29, 1982. A public hearing scheduled March 23, 1982, was not held because no one expressed a desire to present testimony. OSM reopened the public comment period on June 16, 1982, to invite further public comment on program amendments not described in the February 25, 1982, notice (47 FR 25979–25981).

Secretary's Findings

1. The Secretary finds the material submitted by Colorado on January 11 and February 25, 1982, corrects the deficiencies in the Colorado program as follows:

(a) In Colorado Rule 2.05.3(8)(a)(iii) the State requires, for structures meeting

or exceeding the size criteria of 30 CFR 77.216(a), that the permittee comply with the applicable requirements of the MSHA, 30 CFR 77.216 (1) and (2). These requirements include provisions for the computed minimum factor of safety range for the slope stability of the impounding structure, including methods and calculations used to determine each factor of safety. Therefore, the State provisions are no less effective than 30 CFR 780.25(f) and 784.25(f).

In Colorado Rule 4.05.6(10) the State requires, for sedimentation ponds with embankments greater than 20 feet in height or with a storage volume of 20 acre-feet or more, that the permittee meet the criteria of MSHA at 30 CFR 77.216. Colorado regulations do not specify the design requirements contained in 30 CFR 816.46(q), pertaining to spillways, embankment safety factor, and seepage barriers. However, the State's requirement for compliance with 30 CFR 77.216 specifies that the plan include a certification by a registered engineer that the design of the structure is in accordance with current, prudent engineering practices for the maximum volume of water, sediment, or slurry which can be impounded therein and for the passage of runoff from design storms which exceed the capacity of the impoundment. The State provisions therefore will result in design of structures no less effective than structures designed under the standards of 30 CFR 816.46(q).

In Colorado Rule 4.05.6(11)(b) the State requires that sediment ponds or impoundments with embankments greater than 20 feet in height, or with storage volumes greater than 20 acre-feet be examined in accordance with 30 CFR 77.216(3). Colorado Rule 4.05.6(11)(c) requires examination of sedimentation ponds not meeting the above size criteria, and quarterly reports to the Division or at such other interval as approved by the Division. The State provisions are, therefore, no less effective than 30 CFR 816.46(t) and 817.46(t) regarding examination of sediment ponds.

In Colorado Rule 4.05.9(1)(e), the State requires the design, construction, and maintenance of structures to meet requirements consistent with 30 CFR 816.49(a)(5) and 817.49(a)(5). These requirements include compliance with the minimum design requirements applicable to structures constructed and maintained under The Watershed Protection and Flood Prevention Act. The State rule also requires compliance with U.S. Soil Conservation Service Technical Release No. 60, "Earth Dams and Reservoirs", for impoundments meeting or exceeding the size requirements in 30 CFR 77.216(a). Other impoundments must comply with criteria contained in U.S. Soil Conservation Service Public Standard 378, "Ponds." Therefore, the Colorado requirements are no less effective than 30 CFR 816.49(a)(5).

In Colorado Rule 4.05.6(11)(b) the State requires an examination in accordance with 30 CFR 77.216(3) for sedimentation ponds or impoundments with embankments greater than 20 feet in height or having a storage volume of 20 acre-feet or more. Therefore, this requirement regarding examination of large sediment ponds and impoundments is no less effective than 30 CFR 816.49(f) and 817.49(f).

The amendments submitted by Colorado and discussed above correct the deficiencies and satisfy condition (a).

(b) Colorado Rule 4.16.6 amends the State program to require that, when rilling and gullying deeper than nine inches occur in areas that have been regraded and top-soiled, the rills and gullies shall be filled, graded, or otherwise stabilized and the area reseeded or replanted in accordance with Rule 4.15, unless the permittee demonstrates to the satisfaction of the Division that such rilling and gullying is not excessive and is consistent with post-mining land use. Rule 4.16.6 corrects the deficiency and satisfies condition (b).

(e) Colorado Rule 2.06.8(4)(c)(iii)(A) includes the term "sinuosity" as a characteristic to be considered in the evaluation of alluvial valley floors. This corrects the deficiency and satisfies condition (e).

(f) As part of Colorado's program submission the State requested approval for alternative provisions to the requirements of the Federal regulations relative to design standards for excess spoil fills, mountaintop removal operations and steep slope operations. Condition (f) required that Colorado delete the more flexible design standards and adopt standards consistent with 30 CFR Chapter VII. Colorado has not amended the State regulatory program to satisfy Condition (f). Instead the State presented additional reasoning for acceptance of the original proposal.

The Secretary agrees there is a need for flexibility in high altitude and semi-arid climates. The State's alternative methods can provide environmentally sound and structurally stable excess spoil fills, mountain top removal operations, and steep slope mining operations. Under the State's provisions the regulatory authority is required to thoroughly analyze a certified professional engineer's design for stability and environmental soundness in these circumstances.

Since the date of the Secretary's conditional approval of the Colorado program, the Federal regulations establishing the standard for approval of State programs at 30 CFR 730.5 were amended. The amended standard gave increased flexibility to States in the development of regulations to implement Federal requirements for State programs. Under the new standard, Colorado rules 4.091.1(3), 4.262.2(5) and 4.27.3(8) are no less effective than 30 CFR 816.71/817.71, Part 824 and Part 826, respectively, since the State's alternative methods can provide environmentally sound and structurally stable designs. Thus the State has corrected the deficiency and satisfied condition (f).

(g) The State of Colorado submitted amended Rule 4.084.4(8), which provides that flyrock, including blasted material traveling along the ground, shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling or other occupied structure and in no case beyond the line of the property owned or leased by the permittee. The amended rule also deleted the waiver to the limitation. These amendments correct deficiencies in the State program and satisfy condition (g).

(h) The State of Colorado submitted amended Rule 2.05.3(4)(a)(iii), which requires that plans for sediment ponds and impoundments comply with the applicable requirements of 30 CFR 77.216 (1) and (2). In addition Rule 4.11.3 has been added which incorporates MSHA requirements pertaining to underground mine workings. These amendments correct deficiencies in the State program and satisfy condition (h).

(i) Colorado Rule 2.06.6(2)(g) includes the term "adjacent area" in place of "immediate vicinity," and thus satisfies condition (i).

(j) Condition (j) required Colorado to modify its definition of "willful violation" to incorporate all violations covered by 30 CFR 786.5. This Federal regulation refers to violations of "the Act, State or Federal laws or regulations" as "willful violation(s)." The State has amended Rule 1.04(152) containing its definition of "willful violation" to include violations of SMCRA and OSM regulations at 30 CFR Chapter VII, and thus has satisfied condition (j).

(k) Condition (k) required Colorado to include as a condition of permit approval a requirement that the

applicant submit proof that he/she paid all reclamation fees mandated by 30 CFR Chapter VII. The State has promulgated Rule 2.07.6(2)(o) which requires a permit applicant to submit proof that all reclamation fees required by Subchapter R of the Federal rules have been paid for all coal mining operations, and has thus satisfied condition (k).

(m) Colorado Rule 2.07.4(3)(b) contains a provision requiring that notice of a formal hearing on a permit application decision be given to all interested parties. This amendment to the State regulatory program satisfies condition (m).

(n) Colorado statute 34–33–103(14) has been amended to define "operator" to mean, "any person engaged in surface mining and reclamation operations who removes or intends to remove more than 250 tons of coal from the earth within 12 consecutive calendar months in any one location." In addition, Colorado Rule 1.04(80) defines "operator" to mean "any person engaged in surface coal mining and reclamation operations who removes or intends to remove more than 250 tons of coal from the earth or from any coal refuse piles within 12 consecutive calendar months in any one location." These provisions satisfy condition (n).

(o) Colorado statute 34–33–103(26)(a) and Rule 1.04(132) have been amended to define "surface coal mining operations" to include the phrase, "or other processing or preparation, loading of coal for interstate commerce at or near the mine site." These provisions satisfy condition (o).

(q) Colorado statute 34–33–114(3) has been amended to require a permit applicant to "file a schedule listing any and all notices of violations of this article and any applicable law of the United States or of this State, or any applicable rule or regulation of any department or agency of the United States, other States, and this State, * * *" and thus satisfies condition (q).

(s) Colorado adopted Rule 5.02.3(2) to give its representatives a right of entry to, upon, and through any coal exploration or surface coal mining operation "without a search warrant." This provision satisfies condition (s).

(t) Colorado adopted Rule 5.02.6(2) to require the Administrator to "furnish the complainant with a written statement of the reasons for such determinations and actions, if any, taken to remedy the non-compliance," regarding citizen complaints of noncompliance. This satisfies condition (t).

(u) The State of Colorado submitted an amendment to Rule 2.07.3(6)(b)(i), which provides for informal conferences on applications for bond release. The amendment deletes the provision for waiving the requirement that the conference be held in the locality of the subject mine site. This amendment satisfies condition (u).

(v) The State of Colorado has amended Rule 3.03.2(6)(a) pertaining to filing requests for a hearing based on a bond release decision. The amendment specifies that issuance of the Division's proposed decision be dated from the time the written notification to the permittee and other interested parties is mailed. The amendment satisfies condition (v).

(w) Colorado submitted an amendment to Rule 3.02.1(4), which deletes the phrase, "unless otherwise provided in the bond." Rule 3.02.1(4) has also been amended to provide for liability under bonds for all disturbed lands. The amendments correct the first part of deficiency (w) pertaining to deletion of the phrase "unless otherwise provided in the bond."

The second part of condition (w) was based on 30 CFR 808.12(c) which has since been suspended. The Federal rule required that liability on a bonded increment extend to the entire permit area, and was suspended because it was inconsistent with the incremental bonding system. Colorado has preserved its incremental system of bonding while assuring that bond liability extends to all lands disturbed. The second part of the condition based on suspended 30 CFR 808.12(c) is therefore removed as a condition of approval. Should OSM adopt a new regulation to replace the suspended 30 CFR 808.12(c) the State would be given sufficient time to adopt State regulations consistent with the new Federal provision.

The amendments to the State program discussed above, therefore, satisfy condition (w).

(x) Colorado submitted amended Rule 3.02.2(4), which requires the Division to review the amount of bond required for a permit area and the terms of acceptance of the bond at the time permit reviews are conducted under Rule 2.08.3 or every two and one-half years, whichever is more frequent. This provision provides for a bond review schedule adequate to ensure proper review of bond amounts, and thus satisfies condition (x).

(y) Instead of amending program regulations to address condition (y), Colorado has supplied cost figures and sound rational to support the conclusion that bond release percentages in 30 CFR 807.12(a) are inconsistent with the actual costs of reclamation in the State. Colorado regulations would allow release of up to 60 percent of the bond after backfilling, regrading and drainage control, without topsoiling, and up to 85 percent release of the bond after successful revegetation. The State's rationale for allowing up to 60 percent release of the bond prior to resoiling is accepted and the bond release percentages are found to be no less effective than the Federal release percentages.

Colorado submitted an amendment to Rule 3.03.1(2)(b), stating that up to 85 percent of the total bond amount applicable to an increment on a permit area shall be released upon the successful establishment of revegetation in accordance with the approved reclamation plan. Such release shall be based on the costs of reclamation activities including, but not limited to, replacement of topsoil, seeding, irrigating and fertilizing. The amendment to Rule 3.03.1(2)(b) along with the above finding that the State's bond release percentages are no less effective than 30 CFR 807.12(a) percentages satisfies condition (y).

(z) Colorado submitted amended Rule 3.03.1(4), providing that no bond shall be fully released until all reclamation requirements are fully met, and in no case shall the total amount applicable to a permit area be less than $10,000, in accordance with Rule 3.02.2(3), until bond for the entire permit area is fully released. No acreage shall be released from the permit area until all surface coal mining and reclamation operations on that areage have been completed in accordance with the approved reclamation plan. Amended rule 3.30.1(4) is no less effective than 30 CFR 807.12(c), and thus satisfies condition (z).

(aa) The State has adopted Rule 3.03.1(4), see condition (z) above, which requires that in no case shall the total bond amount applicable to a permit area be less than $10,000. This Rule 3.03.1(4) satisfies condition (aa).

(bb)(1) Colorado has established as program policy that the use of selective husbandry practices must be approved by the State. The evaluation performed by the State for its use will include those qualifications in 30 CFR 805.13(b). The policy provides that in evaluating the use of selective husbandry practices, the Division will, at a minimum, consider: (1) The probability of permanent revegetation success following the discontinuance of such practices, and (2) the compatibility of the use of such practices with the approved post-mining land use of the area covered by the bond. The Secretary finds this policy satisfies condition (bb)(1).

(bb)(2) Colorado states that Rule 3 of the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining provides for: specific liability for activities conducted as a result of surface coal mining and reclamation operations including all categories listed under 30 CFR 801.11; specific procedures for determining the amount of bond as required by 30 CFR 801.12; procedures for bond forfeitures as required by 30 CFR 801.13; the requirements of the form of such bonds as required by 30 CFR 801.14; and bonding procedures sufficient to initiate bonding for subsidence, construction of planned impoundments, conveying systems and treatment facilities for mine drainage as necessary to administer and enforce the purposes and provision of the State Act. These provisions satisfy condition (bb)(2).

(cc) Colorado Rule 3.03.1(3)(e) has been modified to provide that the amount of bond retained shall be sufficient for the Division to complete the reclamation required under an alternative postmining land use plan, and thus satisfies condition (cc).

(dd) Colorado has adopted criteria for bond forfeiture under Rule 3.04.1 which are the same as the forfeiture criteria found in 30 CFR 808.13(a), and has thus satisfied condition (dd).

(ff) Colorado Rule 5.04.4(3)(b) provides that where Board review results in an order increasing the amount of the assessed civil penalty, the person so assessed shall forward the amount of the difference to the Division within 30 days. 30 CFR 845.20(d) requires that the person to whom the notice or order was issued shall pay the difference to OSM within 15 days after the order is mailed to the person. The difference between the State's provision and the Federal provision in the number of days to pay the increased assessed civil penalty does not affect the State's ability to administer and enforce the penalty provisions of the program. Therefore, the State's provision is no less effective than the Federal rule. Accordingly, Colorado's amended rule satisfies condition (ff).

(gg) Colorado statute 34–33–135(2.5) includes a provision allowing, "the board or the division to intervene as a matter of right in any action commenced pursuant to paragraph (a) of subsection (1) of this section to which they are not otherwise a party", and thus satisfies condition (gg).

(hh) Colorado statute 34–33–123(4) and Rule 5.03.4(1) have been amended to require that each notice of violation or cessation order shall be served on the operator or his designated agent in person or by certified mail, return receipt requested, to the mine or the designated agent (deleting the requirement of service no later than 24 hours after issuance), and thus satisfies condition (hh).

(ii) Colorado statute 34–33–123(8)(d) and Rule 5.04.3(5)(c) have been amended to specify that a notice or order shall be served on the operator or his designated agent no later than 120 days after the notice or order describing the violation was orginally issued, and thus satisfies condition (ii).

(jj) Colorado statute 34–33–124(3) and Rule 5.03.5(5)(a) have been modified to allow any person with an interest which is or may be adversely affected by a pending investigation or outcome of a hearing contesting Division actions on a notice of violation or cessation order, to file a written request with the Board for temporary relief, and thus satisfies condition (jj).

(kk) Colorado statute 5.04.5(2)(a) has been modified by deleting the additional criterion for determining the existence of a pattern of violations based on degree of fault versus negligence, and thus satisfies condition (kk).

(ll) Section 522(c) of SMCRA creates a right to petition the regulatory authority for a designation of land as unsuitable for surface coal mining. This provision also requires that the designation petition allege facts and contain supporting evidence which would tend to establish its allegations. 30 CFR 764.13(b) specifies minimum informational requirements for the designation petition. With respect to designation petitions, Colorado Rule 7.06.2 imposes minimum requirements identical to those in the Federal rule, but also requires the petitioner to make a "good faith effort" to identify the surface and mineral owners of properties which may be included in the land area proposed for the unsuitability designation.

The State has not amended its regulation to eliminate the requirement for such good faith effort. Colorado maintains that its requirement is intended only to provide the State regulatory authority with information of record which may have been discovered during the preparation of the petition. In support of its position, the State points to the footnote in the sample form attached to its resubmission, which provides that the absence of such information "will not adversely effect the administrative processing of this petition or the validity of the allegation and supporting evidence." According to Colorado, a "good faith effort" does not require the petitioner to do a title search, and in no way affects the obligation of the State regulatory authority to notify all owners of land included in the area covered by the petition.

The Secretary finds that Colorado's explanation and use of the term "good faith effort" gives clear indication to prospective petitioners that information on surface and minerals owners of lands within the petition areas is optional. The Secretary finds the State provisions to be consistent with 30 CFR 764.13(b). The State's provisions satisfy condition (ll).

(nn) On June 17, 1982, OSM published final rules which, *inter alia*, eliminated the requirement that State programs contain a provision comparable to SMCRA Section 704 (47 FR 26356–26367). Condition (nn) is therefore, removed as a condition of approval.

(pp) Pursuant to condition (pp), the Secretary required Colorado to modify its regulations to include within the definition of "permittee" a person required to have a permit. Colorado states that Section 34–33–103(14) of the State Act defines the term "operator" as meaning any person engaged in surface coal mining and reclamation operations. Colorado further states that the use of the term "operator" in the State program parallels the use of the term "permittee" in the Federal regulations. This explanation that the State's definition covers persons required to have a permit satisfies conditions (pp).

(qq) Colorado submitted Rule 4.05.6(8)(h), specifying minimum top widths for embankments of structures that do not meet the size criteria of Rule 4.05.6(10). This Rule satisfies condition (qq).

(rr) Section 521(a)(4) of SMCRA requires advance notice to "all interested parties" of the time and place of any hearing concerning a show cause order, and Section 525(a) provides that written notice of a hearing to review citations for violations of the Act's requirements shall be given to the permittee and "any (other) person having an interest which is or may be adversely affected." CRS 34–33–124(1)(b), as amended, and Rule 5.03.5(3)(b) require that written notice of the time and place of any enforcement hearing shall be given to "the operator, and any other persons requesting a hearing, and *all other persons expressing an interest.*" (Emphasis supplied). OSM practice reveals that, for hearings conducted pursuant to SMCRA sections 521(a)(4) and 525(a), notice is provided to persons who have expressed an interest in the proceeding. Colorado's statute and rule do not differ from OSM's interpretation of SMCRA. Therefore, the amendments satisfy condition (rr).

2. The Secretary has not completed his review of the material submitted by Colorado on January 11 and February 25, 1982, to correct the remaining deficiencies in the Colorado program. The Secretary will announce his decision on these State program amendments at a later date. These deficiencies are conditions (c), (d), (l), (p), (r), (bb)(3), (ee), (mm), (oo) and (ss).

3. The Secretary finds the following program amendments submitted by Colorado on January 11 and February 25, 1982, pursuant to the 30 CFR 732.17 procedures, in accordance with the provisions of SMCRA and consistent with the requirements of 30 CFR Chapter VII and hereby approves them:

a. Colorado Rule 1.03.3(2), as amended, provides for a monthly agenda of the Board to be published with a brief description of any affected land and the name of the applicant.

b. A revision to Rule 1.03.4(2)(a) to delete the phase, "any person in this State," and to replace it with the phrase, "any person contemplating opening a surface coal mining operation in this State."

c. The amendment to Rule 2.02.2(3) pertaining to notice of intent for coal exploration, to include the following: "The determination of substantial disturbance shall be made with reference to 1.04(127)."

d. A revision to Rule 2.03.4(3) to change the spelling of "principles" to "principals."

e. An addition to Rule 2.05.3(6) to include the following: "Permanent excess spoil and underground development waste disposal structures shall comply with 2.05.3(6)(b). Temporary overburden and underground development disposal (storage) structures shall comply with the applicable performance standards of Rule 4; information to demonstrate such compliance shall include, if applicable, location, geometry, and method of material placement."

f. A revision to Rule 2.05.4(2)(c) pertaining to the backfilling information required in the reclamation plan to require a plan for stream channel reconstruction in accordance with Rule 4.05.4 which establishes standards for stream channel diversions.

g. The title of Colorado Rule 2.05.6 is amended to read: "Mitigation of the Impacts of Mining Operations."

h. A revision to Rule 2.05.6(3)(a) to change the word "plan" to "application."

i. A revision to Rule 2.05.6(3)(c) to delete the phrase, "Each underground mine plan," and replace it with, "For underground mining activities, the application * * *."

j. Revisions to Rule 2.05.6(4) as follows:

(1) Delete the phrase, "each plan shall" and replace it with the phrase, "each application shall * * *."

(2) Delete the reference to Rule 2.07.4(2)(e)(ii) and replace it with a reference to Rule 2.07.6(2)(e).

k. A revision to Rule 2.05.6(6)(f)(iii) to delete "4.19.3" and replace it with "4.20.3."

l. The addition of Rule 2.06.12 which provides the requirements for surface coal mining and reclamation operations involving the removal of coal from coal refuse piles.

m. A revision to rule 2.06.5(1) clarifying the title of the section and including the following phrase: "non-mountaintop removal, steep slope surface."

n. A revision to Rule 2.06(2)(j) changing it to 2.06(2)(h).

o. A revision to Rule 2.06.8(3)(b) to change the word "application" to "applicant" in the last sentence of the rule.

p. A revision to Rule 2.06.8(5) to provide guidance for submission of applications for areas that include alluvial valley floors.

q. A revision to Colorado Rule 2.08.4(1)(f) to delete the reference to "1.04(72)" and replace it with "1.04(73)."

r. Revisions to Rule 2.08.4(5)(b)(ii) pertaining to permit hearings as follows:

(1) Replace the word "revised" with the word "raised" in the fourth sentence.

(2) Delete the phrase, "and state whether the requestor desires to have the hearing conducted in the locality of the proposed surface coal mining operations," in the fourth sentence.

(3) Replace "2.08.4(3)" with the phrase, "under the provisions of this subsection," in the fifth sentence.

(4) Replace the phrase, "within 10 days of said request," with the phrase, "at the next regularly scheduled Board meeting," in the fifth sentence.

s. A revision to Rule 2.08.4(5)(c)(i), relieving the Division of the requirement of publishing minor revisions in a local newspaper, and providing guidance for posting notice of minor revisions for public inspection. The Federal regulations at 30 CFR 788.12 do not require that public notice be made for the filing of a permit revision involving less than significant alterations in the approved permit.

t. A revision to Rule 2.08.4(5)(c)(ii) to delete the phrase, "30 days" and to replace it with the phrase, "10 days." The revision also relieves the Division of the requirement of publishing minor revisions in a local newspaper, and provides guidance for posting notice of minor revisions for public inspection. The revisions are not inconsistent with Federal regulations.

u. A revision to delete Rule 2.08.4(5)(c)(iii) which established opportunity for the filing of public comments and the holding of a public hearing regarding minor permit revisions. 30 CFR 788.12 does not require public notice and opportunity for a public hearing or comment for permit revisions that are minor in nature.

v. A revision to Rule 3.02.1(5)(b) to require bonding information and schedules for each incremental area to be covered by bond including sequences of anticipated release phases, and also to require that bond for the first increment shall include the full reclamation cost of the initial area being affected. The revision is consistent with 30 CFR Subchapter J.

w. A revision to Rule 3.05.1(1)(a) to delete "1.04(21)" and replace it with "1.04(22)."

x. A revision to Rule 3.05.1(7) to delete "60 days" and replace it with "180 days." The approved Colorado program provides for the filing of a "Statewide bond" for coal exploration. Rule 3.05.1(7) requires the filing of activity reports by those conducting exploration activities. The revision being approved requires the activity reports to be filed for each 180 day period instead of each 60 day period. The revision is not inconsistent with Federal regulations covering coal exploration.

y. A revision to Rule 4.05.2(2), requiring that sedimentation ponds and treatment facilities for surface drainage be maintained until the herbaceous cover of the revegetated area is at least 90% of the cover of the reference area or other standard approved pursuant to 4.15.7(2), and the untreated drainage from the disturbed area ceases to contribute additional suspended solids above the natural conditions. The untreated drainage must meet applicable State and Federal water quality standards, if any, for receiving streams. The revision to Rule 4.05.2(2) is consistent with 30 CFR 816.46(u) governing removal of sedimentation ponds.

z. A revision to Rule 4.05.3(6)(a) to delete the requirement that riprap be designed so that 90 percent of the rock size would be greater than 12 inches in diameter and no single rock larger than 25 percent of the width of the ditch. The revised Rule 4.05.3(6)(a) requires that channel linings, including channel riprap, shall be designed using standard engineering practices to pass safely the design velocities. By policy, riprap may be sized based upon an applicable riprap equation. Revised Rule

4.05.3.(6)(a) is consistent with 30 CFR 816.43(f).

aa. A revision to Rule 4.05.4, clarifying the title and including the following phrase: "and stream channel reconstruction."

bb. An addition to Rule 4.05.6(3)(c) to include the word "maximum" in the sentence, "The dewatering device shall not be located at a lower elevation than the maximum sediment storage volume." This provision is consistent with 30 CFR 816.46(d).

cc. The addition of Rule 4.05.6(9) establishing requirements to be met before sedimentation ponds can be removed during the reclamation process. These requirements are consistent with 30 CFR 816.46(u).

dd. A revision to Rule 4.06.5, deleting the word "redistributed" in the second sentence. Under the revision soil tests conducted to determine necessary nutrients or other soil amendments may be conducted on topsoil prior to redistribution over the reclaimed area. 30 CFR 816.25 does not specify when soil tests are to be performed and the revision is therefore consistent with the Federal requirement for soil tests.

ee. A revision to Rule 4.15.7(2)(d) to delete the word "plan" and replace it with the word "plant".

ff. A revision to Rule 4.15.8(7) to require that methods for substantial mitigation of adverse impacts approved by the Division in consultation with the U.S. Fish and Wildlife Service and Colorado Division of Wildlife must be included in the reclamation plan whenever predominantly woody vegetation is to be replaced with herbaceous vegetation.

gg. A revision to Rule 4.15.8(8) to delete the word "annual" and thereby require that the permittee only demonstrate that increases in woody plant cover and/or height have occurred.

hh. A revision to Rule 4.16.2(1) to clarify the basis for determination of the post mining land use for land that has been previously mined. The revision is consistent with 30 CFR 816.133(b) requiring comparison to land uses if the land had not been previously mined and had been properly managed.

ii. A revision to Rule 4.21.2(1) to delete the phrase: "250 tons or more," and to replace it with the phrase, "250 tons or less." This revision renders the provision consistent with 30 CFR Part 815 which establishes performance standards for coal exploration.

jj. A revision to Rule 4.21.2(2) to delete the phrase: "250 tons or more," and to replace it with the phrase: "more than 250 tons." This revision is consistent with 30 CFR Part 815.

kk. Colorado adopted amendments to Rule 4.05.3(5) to add specific provisions for reestablishing ephemeral streams that had been temporarily diverted. The new language requires the channel to be reestablished to functionally blend with the undisturbed drainage above and below the area to be reclaimed. The amendment is consistent with 30 CFR 816.44(d) pertaining to restoration of stream channels after temporary diversion and is therefore approved.

ll. Colorado adopted amendments to Rule 5.03.6 to accomplish the result by condition (mm), regarding the award of costs and expenses in administrative proceedings. The amendments are consistent with 43 CFR Part 4 as far as they go and are approved.

However, the amendments do not include provisions for:

(1) Costs and expenses regarding discrimination acts, pursuant to 30 CFR Part 830, as in 43 CFR 4.1294(a)(2);

(2) Costs and expenses from the State to a citizen as in 43 CFR 4.1294(b);

(3) Expert witness fees, and costs and expenses in seeking the award as in 43 CFR 4.1295; and

(4) The administrative appeal of a decision as in 43 CFR 4.1296.

As to the second omission, Colorado is presently one of the parties to a petition to OSM seeking to eliminate the requirement for the award of all such costs and expenses from the State and the Secretary is therefore granting Colorado an extension of time until May 20, 1983, to meet this portion of condition (mm). As indicated in Finding 2, the Secretary is deferring a decision on the other portions of condition (mm).

4. The Secretary has not completed his review of the remaining proposed regulation revisions, submitted by Colorado on January 11 and February 25, 1982. the Secretary will announce his decision on these State program amendments at a later date. These revisions involve the Colorado rules 2.07.6(3) and 4.05.2(7).

Public Comments

The Citizens Mining Project, Environmental Policy Institute; Colorado Open Space Council; National Audubon Society; Public Lands Institute of the Natural Resources Defense Council; Rocky Mountain Chapter of the Sierra Club; and the Western Colorado Congress made the following comments on the material submitted by Colorado:

1. A commenter stated that the approval of the Colorado program has automatically terminated pursuant to 30 CFR 732.13(i)(4) because the State has failed to correct certain deficiencies in its program, as enumerated in comments below, by the date required, June 1, 1982.

The Secretary disagrees with this conclusion. First, the State has submitted material in good faith to satisfy all 45 conditions of program approval well in advance of the applicable date. Second, the Secretary has not concluded that any of the material so submitted does not correct any deficiency. Third, Colorado still has the opportunity to submit additional material regarding the above-listed conditions, which the Secretary is still reviewing. Finally, the Secretary may extend the date by which any condition must be met if he finds the material submitted is inadequate to satisfy that condition.

2. A commenter stated that Colorado has failed to comply with condition (a). Many of the Federal rules involved, 30 CFR 780.25(f), 784.25(f), 816.46 (q) and (t), 817.46 (q) and (t), 816.49 (a)(5) and (f), and 817.49 (a)(5) and (f), set standards for plans or performance for ponds that are 20 feet or higher or impound 20 acre-feet of water. Colorado changes these criteria so that the standards for plans and performance apply only to reservoirs with a capacity of 1,000 acre-feet or a dam or embankment in excess of 10 feet measured from the bottom of the channel to the bottom of the spillway. Thus, Colorado sets a pond capacity 50 times that provided in the Federal Rule. Further, Colorado fails to require a stability analysis for ponds consistent with 30 CFR 780.25 and 784.25; fails to set performance standards for ponds consistent with 30 CFR 816.46(q); and fails to require inspection of ponds four times per year as required by 30 CFR 816.46(t).

The Secretary notes that Colorado Rule 2.05.3[8][a][iii] requires, for structures meeting or exceeding the size criteria of 30 CFR 77.216(a), that the permittee comply with the applicable requirements of MSHA provisions at 30 CFR 77.216 (1) and (2). The MSHA size criteria are a storage volume of 20 acre-feet or more, and a height of 20 feet or more. Requiring compliance with the requirements of MSHA therefore brings the same size structures covered by Federal regulations into compliance under the Colorado program. Coverage by the MSHA requirements also ensures conformity with Federal regulations pertaining to stability analysis, performance standards and pond inspection. See finding 1(a).

3. A commenter stated that in condition (f), OSM invited Colorado to develop specific design criteria for fills for submission to and evaluation by OSM. The State has failed to do so, merely repeating the argument previously rejected by OSM.

The Secretary has reevaluated the State's original alternative provisions relative to design standards for certain operations and found them acceptable under terms of the revised standard for approval of State programs. See Finding 1(f).

4. A commenter stated that Colorado has not amended its permitting standards pursuant to condition (h); rather, the State has amended only the performance standards for returning coal processing wastes to underground mines. Further, other performance standards for which OSM requires compliance with MSHA standards were not changed by the State.

The Secretary notes that Colorado submitted amended Rule 2.05.3(4)(a)(iii) which requires that plans for sediment ponds and impoundments comply with the applicable requirements of 30 CFR 77.216 (1) and (2). In addition, Rule 4.11.3 has been added which incorporates MSHA requirements pertaining to underground mine workings. See Finding 1(h) above noting that these amendments correct deficiencies in the State program and satisfy condition (h).

5. A commenter noted that Colorado has failed to promulgate rules to define the terms "operator" and "surface mining operations," and has failed to satisfy conditions (n) and (o).

The Secretary refers the commenter to Findings 1(n) and (o) above, noting that Colorado has promulgated Rules 1.04(80) and 1.04(132), defining these terms and has, therefore, corrected these deficiencies.

6. A commenter stated that Colorado has added a provision to its rules that provides an exception from the requirement of 30 CFR 808.12(c) that liability under a bond extend to the entire permit area, and has thus failed to comply with condition (w).

The Secretary notes that 30 CFR 808.12(c) has been suspended because it required that liability on a bond increment extend to the entire permit area and was thus ruled inconsistent with the incremental bonding system. Colorado has preserved its incremental system of bonding while assuring that bond liability extends to all lands disturbed. The Secretary is removing the second part of condition (w) related to 30 CFR 808.12(c) as a condition of approval. See Finding 1(w) above.

7. A commenter stated that while Colorado amended its rules to provide bond forfeiture criteria as required by condition (dd), it has added certain conditions on bond forfeiture where the permittee has violated the terms of the bond or has failed to conduct its operation in accordance with the program. These additional conditions are inconsistent with 30 CFR 808.13(a) (1) and (2), and Colorado has thus failed to comply with condition (dd).

The Secretary refers the commenter to Finding 1(dd) above. Colorado has adopted criteria for bond forfeiture under Rule 3.04.1 which are the same as the forfeiture criteria found in 30 CFR 808.13(a).

8. A commenter noted that as a condition on approval of its program, Colorado was required to amend its program to provide protection for government employees in accordance with Section 704 of SMCRA. Rather than complying with this requirement, Colorado has noted that current Colorado law imposes sanctions against persons who obstruct government operations. Colorado has made no showing, however, that the sanctions imposed by Colorado law are as stringent as those imposed under Section 704 of the Federal Act. Colorado has thus failed to comply with the requirements of condition (nn).

The Secretary points out that, as noted above, on June 17, 1982, OSM published final rules which eliminated the requirement that State programs contain a provision comparable to SMCRA Section 704 (47 FR 26356–26367). The Secretary is therefore removing condition (nn) as a condition of approval.

9. A commenter stated that pursuant to condition (qq), Colorado was required to amend Rule 4.05.6(8)(h), which sets a minimum top width for embankments, so that it would be consistent with 30 CFR 816.46(1) and 817.46(1). Colorado has adopted the standards of the Federal rules, but provides a wide-open exemption for embankments that meet the size criteria of Rule 4.05.6(10). Aside from the fact that Rule 4.05.6(10) establishes no size criteria, the exception essentially swallows the rule.

The Secretary notes that Colorado Rule 4.05.6(8)(h) establishes minimum top width criteria for embankments of structures that do not meet the size criteria of Rule 4.05.6(10). The size criteria are a pond capacity of more than 1000 acre feet, or an embankment in excess of 10 feet. The State's criteria for top width for embankments is the same as that established by 30 CFR 816.46(1) and 817.47(1). For these reasons, the Secretary finds that Colorado has satisfied condition (gg).

10. A commenter stated that pursuant to condition (ff), Colorado was required to amend its rules to require that where Board review results in a penalty increase, the additional amount will be forwarded to the Division within 15 days as is required by 30 CFR 845.20(d). Colorado has refused to comply with this condition, claiming that Rule 5.04.4(5) already requires such action.

The Secretary notes that Rule 5.04.4(3)(b) provides that where Board review results in a penalty increase, the additional amount will be forwarded within 30 days. For the reasons set forth in Finding 1(ff) above, Rules 5.04.4(5) and 5.04.4(3)(6) are consistent with 30 CFR 845.20(d), including the same or similar procedural requirements. The Colorado rule, therefore, corrects deficiency (ff).

11. A commenter stated that pursuant to condition (rr), Colorado was required to amend its statute to provide for notice to all interested persons of hearings on various enforcement actions as required by Section 521(a)(4) and 525(a) of SMCRA. Colorado has amended its statute to provide for such notice only to those persons expressing an interest. Colorado's law thereby insures that those persons who are affected by the hearing but unaware of its occurrence will be deprived of notice.

For the reasons set forth above, the Secretary finds the Colorado statute to be consistent with SMCRA and, therefore, corrects deficiency (rr).

12. A commenter stated that it is entirely unclear from the materials Colorado has submitted exactly what changes to its program the State proposes to make other than those necessary to meet the conditions of approval.

The Secretary also had some difficulty and, for this reason, reopened the public comment period on June 16, 1982, to insure that the public would have ample opportunity to comment on all proposed changes to the Colorado program (47 FR 25979–25981). The State has been advised that no amendments can be approved that do not appear in either the February 25 or June 16, 1982, **Federal Register** notices.

13. A commenter noted that pursuant to condition (i), OSM required the State to amend Rule 2.16.6(2)(h) to provide for a description of the area of prime farmland adjacent to the area proposed for mining. The State proposed to amend this rule in its July 16, 1980, resubmission but failed to do so. The State has noted, however, that its approved program contains a requirement at Rule 2.06.6(2)(g) for current estimated or actual yields of adjacent areas of unmined prime farmland for each soil map unit from the U.S. Department of Agriculture for each crop to be used in determining revegetation success. The commenter continued that rather than correct the defect in its program, Colorado has created another one. The use of the term

"adjacent area" in Rule 2.06.6(2)(g) is confusing and inappropriate, and appears to make the rule inconsistent with 30 CFR 785.17(b)(8). The current estimated yield requirement under the Federal rule is based on soil map units for crops to be used in determining revegetation success. Thus, while OSM appears to have acquiesced in Colorado's use of the "adjacent area" concept (45 FR 82183), its relevance is unclear.

The Secretary believes that the commenter fails to understand the use of the term "adjacent area." As noted above, the Secretary found that Colorado substituted the term "adjacent area" for the term "immediate vicinity" in Rule 2.06(2) as required under the terms of condition (i). For this reason, the Secretary has found that Colorado meets the terms of condition (i).

30 CFR 785.17(b) establishes application contents for permit applications which include prime farmlands. 30 CFR 785.17(b)(5) requires, where applicable, data that supports the use of other suitable materials, instead of the A, B, or C soil horizon, to obtain, on the restored area, equivalent or higher levels of yield as non-mined prime farmlands in the "surrounding area." 30 CFR 785.17(b) also uses the term "surrounding area" in establishing requirements for soil productivity. The Secretary finds the use of the term "adjacent area" for similar provisions in the Colorado program to be no less effective than 30 CFR 785.17.

With regard to the commenter's concern that Colorado has limited the permit information on yields for each soil map unit to adjacent areas, the Secretary believes it is the adjacent area that is of major concern.

14. A commenter noted that pursuant to condition (y), Colorado was required to amend the bond release percentages of Rule 3.03.1(4) so that they were consistent with 30 CFR 807.12. Colorado has refused to comply with this condition because of its unsubstantiated claim that the Federal bond release percentages fail to reflect reclamation costs in Colorado.

For the reasons stated in Finding 1(y) above, the Secretary finds the Colorado Rule to be no less effective than the Federal rule and, therefore, corrects deficiency (y).

15. A commenter observed that condition (mm) required Colorado to amend its regulations to provide for awards of costs and expenses, including attorneys' fees, consistent with 43 CFR Part 4. This commenter argued that Colorado had refused to comply with condition (mm) and acknowledged that its rules, in certain respects, were inconsistent with the Federal rules.

For the reasons stated in finding (ll) above, the Secretary finds Colorado's Rule 5.03.6 to be no less effective than the Federal rules with the four exceptions noted in that finding. In addition, the Secretary grants Colorado an extension of time until May 20, 1983 to comply with the remainder of condition (mm).

Approval of Amendments To Satisfy Conditions and Additional Program Amendments

Accordingly, conditions a, b, e, f, g, h, i, j, k, m, n, o, q, s, t, u, v, w, x, y, z, aa, bb(1), bb(2), cc, dd, ff, gg, hh, ii, jj, kk, ll, nn, pp, qq, and rr are hereby removed, and Colorado is granted an extension of time until May 20, 1983, to meet the portion of condition (mm) pertaining to costs and expenses from the State to a citizen. In addition, revisions to the following Colorado rules are approved pursuant to 30 CFR 732.17: Rules 1.03.3(2), 1.03.4(2)(a), 2.02.2(3), 2.03.4(3), 2.05.3(6), 2.05.4(2)(c), 2.05.6, 2.05.6(3)(a), 2.05.6(3)(c), 2.05.6(4), 2.05.6(6)(f)(iii), 2.06.12, 2.06.5(l), 2.06.6(2)(j), 2.06.8(3)(b), 2.06.8(5), 2.08.4(l)(f), 2.08.4(5)(b)(ii), 2.08.4(5)(c), 3.02.1(5)(b), 3.05.1(1)(a), 3.05.1(7), 4.05.2(2), 4.05.3(6)(a), 4.05.4, 4.05.6(3)(c), 4.05.6(9), 4.06.5, 4.15.7(2)(d), 4.15.8(7), 4.15.8(8), 4.16.2(1), 4.21.2(1), 4.21.2(2), 4.05.3(5) and 5.03.6. 30 CFR 906 is amended to indicate removal of the conditions and approval of the program amendments. The removal of the conditions of approval of the Colorado permanent program and the approval of the additional amendments to the program are effective December 16, 1982.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this approval. 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 actions taken to approve or conditionally approve state regulatory programs, actions, or amendments. Therefore, these program amendments are exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Section 702(d) of SMCRA, 30 U.S.C. 1292(d), provides that approval of State programs, pursuant to Section 503(b), 30 U.S.C. 1253(b), shall not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(c). OMB has designated this rulemaking as a categorical exclusion from the NEPA process. Thus, OSM is exempt from the requirement of preparing an Environment Assessment (EA), Environmental Impact Statement (EIS), or FONSI for this rule.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On April 22, 1982, the Environmental Protection Agency transmitted its written concurrence on the Colorado program amendments.

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 24, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 906—COLORADO

Accordingly, Part 906 of Title 30 is amended as follows:

1. 30 CFR 906.10 is revised to read as follows:

§ 906.10 State regulatory program approval.

The Colorado State program as submitted on February 29, 1980, and amended and clarified on June 11, 1980, was conditionally approved, effective December 15, 1980. Beginning on that date, the Colorado Department of Natural Resources was deemed the regulatory authority in Colorado for surface coal mining and reclamation operations and for coal exploration operations on non-Federal and non-Indian lands. Copies of the approved program are available for review at:

(a) Department of Natural Resources, 1313 Sherman Street, Denver, Colorado 80203.

(b) Office of Surface Mining, 219 Central Avenue, N.W., Albuquerque, New Mexico 87102.

(c) Office of Surface Mining, Administrative Record Room, 1100 L Street, N.W., Washington, D.C. 20240.

§ 906.11 [Amended]

2. 30 CFR 906.11 is amended as follows:

a. By removing and reserving paragraphs (a), (b), (e), (f), (g), (h), (i), (j), (k), (m), (n), (o), (q), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (bb 1), (bb 2), (cc), (dd), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (nn), (pp), (qq), and (rr);

b. By revising paragraph (mm) to read as follows:

* * * * *

(mm)(1) The Secretary will initiate steps to terminate the approval found in § 906.10 on June 1, 1982, unless Colorado submits to the Secretary by that date copies of fully implemented regulations containing provisions for:

(i) Costs and expenses regarding discriminatory acts, pursuant to 30 CFR Part 830, as in 43 CFR 4.1294(a)(2);

(ii) Expert witness fees, and costs and expenses in seeking the award as in 43 CFR 4.1295; and

(iii) The administrative appeal of a decision as in 43 CFR 4.1296.

The Secretary will initiate steps to terminate the approval found in § 906.10 on May 20, 1983, unless Colorado submits to the Secretary by that date copies of fully implemented regulations containing provisions for costs and expenses from the State to a citizen as in 43 CFR 4.1294(b).

3. 30 CFR Part 906 is amended by adding a new § 906.15 to read as follows:

§ 906.15 Approval of amendments to state regulatory programs.

The following amendments are approved effective December 16, 1982:

Revisions submitted on January 11, 1982, and February 25, 1982, to Colorado Rules 1.03.3(2), 1.03.4(2)(a), 2.02.2(3), 2.03.4(3), 2.05.3(6), 2.05.4(2)(c), 2.05.6, 2.05.6(3)(a), 2.05.6(3)(c), 2.05.6(4), 2.05.6(6)(f)(iii), 2.06.12, 2.06.5(1), 2.06.6(2)(j), 2.06.8(3)(b), 2.06.8(5), 2.08.4(1)(f), 2.08.4(5)(b)(ii), 2.08.4(5)(c), 3.02.1(5)(b), 3.05.1(1)(a), 3.05.1(7), 4.05.2(2), 4.05.3(6)(a), 4.05.4, 4.05.6(3)(c), 4.05.6(9), 4.06.5, 4.15.7(2)(d), 4.15.8(7), 4.158(8), 4.16.2(1), 4.21.2(1), 4.21.2(2), 4.05.3(5), and 5.03.6.

[FR Doc. 82-34067 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122, and 127

Amendment or Removal of Obsolete Regulations

AGENCY: Treasury Department.

ACTION: Final rule.

SUMMARY: The Department of the Treasury is revoking or amending certain regulations which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations to be revoked pertain to gold and silver and emergency banking regulations. These regulations are out of date and their revocation will reflect current practice.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Jordan A. Luke, Assistant General Counsel (Enforcement and Operations), Department of the Treasury, Room 2310, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. (202) 566-5404.

SUPPLEMENTARY INFORMATION: The amendments to Title 31 of the CFR are intended to eliminate regulations which have become obsolete because of changes in the underlying statutory authority. The reasons for the changes are explained in greater detail as follows:

Part 53 implements the order of the Secretary of the Treasury dated January 15, 1934, as amended, concerning the delivery of wrongfully withheld gold coins and bullion. The January 15, 1934 order required the delivery of gold coin and gold bullion to the Treasurer of the United States by January 17, 1934.

Part 53.1 provides that with respect to gold delivered after the January 17, 1934 deadline, the Treasury shall pay for gold coins at their face amount and for gold bullion at the price of $20.67 an ounce.

Public Law 93-110, as amended by Public Law 93-373, removed all restrictions of U.S. citizens purchasing, holding, selling or otherwise dealing in gold, thereby superseding the January 15, 1934 order requiring delivery of privately held gold to the Treasury and rendering obsolete Part 53, which implemented the order.

Part 55 contains President Roosevelt's Proclamation 2072, January 31, 1934, 48 Stat. 1730, which fixed the weight of the gold dollar at 15 $\frac{5}{21}$ grains nine-tenths fine, corresponding to a price of $35 per ounce. The proclamation was issued pursuant to authority granted the President by section 43(b)(2) of the Act of May 12, 1933 (48 Stat. 52). The President's authority to change the gold content of the dollar expired on June 30, 1943 (55 Stat. 396), after which time only Congress, by statute, could establish the value of the dollar in terms of gold.

On March 31, 1972, Pub. L. 92-268 (86 Stat. 116), the Par Value Modification Act, established a new par value for the dollar equal to one thirty-eighth of a fine troy ounce of gold, thereby superseding Proc. 2072. On September 21, 1973, Pub. L. 93-110 (87 Stat. 352), amending the Par Value Modification Act, changed the par value of the dollar to equal "0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollar per fine troy ounce of gold".

The par value of the dollar, established by section 2 of the Par Value Modification Act, was repealed by section 6 of Pub. L. 94-564 (90 Stat. 2660). Under section 9 of that Act, the repeal became effective "upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in resolution numbered 31-4 of the Board of Governors of the Fund" *i.e.*, adoption by the IMF of the proposed Second Amendment to the Articles of Agreement of the IMF. Under the amended IMF Articles of Agreement, which became effective April 1, 1978, the United States has no legal obligation to establish and maintain a par value for the dollar.

Part 81 establishes procedures for the receipt of newly-mined silver by the Treasury Department and related record keeping requirements, pursuant to sections 104 and 107 of the Act of July 23, 1965. That Act requires the Secretary to purchase at a price of $1.25 an ounce any silver mined after July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of $1.25 an ounce, there presently does not exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly-mined silver at the statutory price. In light of the above, Part 81 is being repealed.

Part 90 prescribes policies regulations and charges of the Mints and assay offices for the acceptance and treatment of silver deposited for purchase under the provisions of the Newly-Mined Domestic Silver Regulations of 1965, the regulations of the (defunct) Office of Domestic Gold and Silver Operations (Parts 81 and 93 of 31 CFR) and title 31 of the United States Code. This part also provides a table of charges for special assays of gold or silver bullion samples and assays of ores. Those sections relating to the acceptance of silver are being repealed. Section 104 of the Act of July 23, 1965, requires the Secretary to purchase at a price of $1.25 an ounce, any silver mined after 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of $1.25 an ounce, there presently does not exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly mined silver at the statutory price. In regard to the remainder of Part 90, which deals with the assaying of bullion, metals and ores, it has been determined that this function can be adequately performed by the private sector. The provision of this service is a

relic of times when U.S. coinage contained precious metals and citizens were authorized to present bullion to the Mint for exchange into bars. Currently, with the administrative termination of the exchange activity in 1970 (See 35 FR 15922 (1970)), no governmental purpose is served by continuing the special assays. The private assaying function of the Mint is in competition with commercial firms offering the same service and diverts Mint employees and facilities from the Mint's primary missions. Acordingly, all of Part 90 is being repealed.

Part 92 prescribes procedures for the receipt of "newly mined domestic silver" as provided by Parts 81 and 93 and for the redemption of U.S. coin. Part 92 also enumerates Mint practices in regard to the manufacture and sale of medals, and proof and uncirculated coins. Finally, this part details the practice governing disclosure of Mint records, pursuant to 5 U.S.C. 301 and 552.

Sections 92.1 and 92.2 are being repealed, inasmuch as there does not presently exist sufficient interest on the part of potential silver sellers to warrant continuation of the procedures detailed therein. (For detailed explanation, see discussion on Part 81). Section 92.3(a) is being repealed as there is little interest in the present or expected market, for redeeming gold coin at face value, or if the gold coin is worn or mutilated, at $20.67+ per ounce of fine gold. Section 92.3(b) is also being repealed as it merely refers to Part 100 for rules governing redemption of silver and minor coins. (We note further that redemption of silver and silver coins at face value is still authorized pursuant to 31 CFR 100.3). Section 92.4, "Sale of Silver" merely cross references the reader to Part 56, and accordingly is being deleted. The last sentence of section 92.5, dealing with application to the Director of the Mint for the manufacture of national medals designated by Congress, should be deleted as it is obsolete and meaningless. Congressional approval is necessary for the minting of national medals and application to the Director of the Mint cannot replace such approval.

The subsections of section 92 are renumbered appropriately in light of these revisions.

Part 93 establishes procedures for the purchase of newly-mined silver by the Treasury Department, pursuant to section 104 of the Act of July 23, 1965. That Act requires the Secretary to purchase at a price of $1.25 an ounce any silver mined after July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of $1.25 an ounce, there does not presently exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly-mined silver at the statutory price.

Part 120 consists of Presidential Proclamations and Executive Orders concerning the 1933 bank holiday. These enactments have been obsolete for many years, but have never been specifically repealed. Part of the authority under which they were issued was the Trading With the Enemy Act of 1917, which empowered the President to declare national emergencies in periods other than wartime. The 1977 amendments to the Trading With the Enemy Act provided that the President can declare national emergencies under the Trading With the Enemy Act only in time of war. (The International Emergency Economic Powers Act, 50 U.S.C. App. 1701–1706, provides that the President can declare national emergencies with respect to threats which have their sources in whole or substantial part outside the United States.) The 1977 amendments also provided that all declared national emergencies in effect at the time of their enactment (1977) terminated in two years, unless extended. Because these emergencies were not extended, they lapsed in 1979.

Authority to issue these enactments was also derived from the Emergency Banking Act, 12 U.S.C. 95, which remains in effect. However, the Emergency Banking Act only states what powers the President may invoke during a national emergency with respect to banks which are members of the Federal Reserve System—it does not give the President authority to declare a national emergency for purely domestic reasons.

Because the President's powers to declare national emergencies in peacetime have been restricted by the 1977 amendments to the Trading With the Enemy Act and the International Emergency Economic Powers Act, enactments promulgated under the national emergencies which have terminated pursuant to the 1977 amendments have also terminated.

Part 121 contains the Emergency Banking Regulations issued under the Trading With the Enemy Act, the Emergency Banking Act and Procs. 2039 and 2049. This Part, like Part 120, became inapplicable when the 1977 amendments to the Trading With the Enemy Act were enacted and is being revoked.

Part 122 contains the general license to transact normal banking business for banks which are members of the Federal Reserve System. The general license was issued under Executive Order 6073, as amended. Proclamation 2725 (1947) excluded Federal Reserve member banks from the application of E.O. 6073, except with respect to gold transactions, and E.O. 11825 removed from E.O. 6073 the provisions pertaining to gold. The 1977 amendments to the Trading With the Enemy Act eliminated the statutory authority for E.O. 6073. Therefore, Part 122 is being eliminated.

Part 127 consists of the text of Executive Order 6560 of 1934 (§§ 127.0 to 127.7), regulating transactions of foreign exchange, transfers of credit and export of coin and currency, and specific prohibitions relating to countries occupied by axis forces during World War II (§§ 127.9–127.17). The authority for the Executive Order is based upon the Trading With the Enemy Act, 12 U.S.C. 95a, and E.O. 6260. The 1977 amendments restricted the scope of the President's authority to invoke the extraordinary powers contained therein, and eliminated the existing national emergencies. E.O. 6260 was revoked by E.O. 11825 (1974). Thus the statutory authority for E.O. 6560 and Part 127 no longer exists. The prohibitions contained in Sec. 127.9–127.17 are no longer applicable since they refer only to the World War II era. For these reasons, Part 127 is being revoked.

On June 14, 1982, the Treasury Department published its notice of proposed amendment or removal of regulations in the **Federal Register** (47 FR 25543). Interested parties were given sixty days to submit comments on the proposal. No comments were received. Accordingly, the Treasury Department is adopting the regulatory amendments as initially proposed.

List of Subjects

31 CFR Parts 53 and 55

Currency, Gold.

31 CFR Part 81

Silver.

31 CFR Parts 90 and 93

Gold, Silver.

31 CFR Part 92

Currency, Gold, Silver.

31 CFR Parts 120, 121 and 122

Banks, banking.

31 CFR Part 127

Banks, banking, Currency.

Executive Order 12291

It has been determined that this final rule does not meet the criteria for "major rules", set forth in Executive Order 12291 (February 17, 1981) in that it will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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 final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule 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. Accordingly, the Secretary of the Treasury has certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal authors of this document were:

John G. Murphy, Jr., Attorney/Adviser, Office of the General Counsel, Department of the Treasury, Room 2014, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220 (202) 566-8184.

Kenneth B. Gubin, Counsel, Bureau of the Mint, Room 1033, 501 13th Street, N.W., Washington, D.C. 20220 (202) 376-0564

However, personnel from other Treasury offices participated in its development.

Amendment of Regulations

Parts 53, 55, 81, 90, 92, 93, 120, 121, 122, and 127, Treasury Regulations (31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122, and 127) are amended or removed as set forth below.

Dated: December 10, 1982.

Peter J. Wallison,

General Counsel.

The text of the amendments is as follows:

PART 53—[REMOVED]

1. Part 53 is removed.

PART 55—[REMOVED]

2. Part 55 is removed.

PART 81—[REMOVED]

3. Part 81 is removed.

PART 90—[REMOVED]

4. Part 90 is removed.

5. Part 92 is revised to read as follows:

PART 92—BUREAU OF THE MINT OPERATIONS AND PROCEDURES

Sec.

Authority: 5 U.S.C. 301.

§ 92.1 Manufacture of medals.

With the approval of the Director of the Mint, dies for medals of a national character designated by Congress may be executed at the Philadelphia Mint, and struck in such field office of the Mints and Assay Offices as the Director shall designate.

§ 92.2 Sale of "list" medals.

Medals on the regular Mint list, when available, are sold to the public at a charge sufficient to cover their cost, and to include mailing cost when mailed. Copies of the list of medals available for sale and their selling prices may be obtained from the Director of the Mint, Washington, D.C.

§ 92.3 Manufacture and sale of "proof" coins.

"Proof" coins, i.e., coins prepared from blanks specially polished and struck, are made as authorized by the Director of the Mint and are sold at a price sufficient to cover their face value plus the additional expense of their manufacture and sale. Their manufacture and issuance are contingent upon the demands of regular operations. Information concerning availability and price may be obtained from the Director of the Mint, Treasury Department, Washington, D.C. 20220.

§ 92.4 Uncirculated Mint Sets.

Uncirculated Mint Sets, i.e., specially packaged coin sets containing one coin of each denomination struck at the Mints at Philadelphia and Denver, and the Assay Office at San Francisco, will be made as authorized by the Director of the Mint and will be sold at a price sufficient to cover their face value plus the additional expense of their processing and sale. Their manufacture and issuance are contingent upon demands of regular operations. Information concerning availability and price may be obtained from the Director of the Mint, Treasury Department, Washington, D.C. 20220.

§ 92.5 Procedure governing availability of Bureau of the Mint records.

(a) *Regulations of the Office of the Secretary adopted.* The regulations on the Disclosure of Records of the Office of the Secretary and other bureaus and offices of the Department issued under 5 U.S.C. 301 and 552 and published as Part 1 of this title, 32 FR No. 127, July 1, 1967, except for § 1.7 of this title entitled "Appeal," shall govern the availability of Bureau of the Mint records.

(b) *Determination of availability.* The Director of the Mint delegates authority to the following Mint officials to determine, in accordance with Part 1 of this title, which of the records or information requested is available, subject to the appeal provided in § 92.6: The Deputy Director of the Mint, Division Heads in the Office of the Director, and the Superintendent or Officer in Charge of the field office where the record is located.

(c) *Requests for identifiable records.* A written request for an identifiable record shall be addressed to the Director of the Mint, Washington, D.C. 20220. A request presented in person shall be made in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue, NW, Washington, D.C., or in such other office designated by the Director of the Mint.

§ 92.6 Appeal.

Any person denied access to records requested under § 92.5 may file an appeal to the Director of the Mint within 30 days after notification of such denial. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the date of the original request and its denial.

PART 93—[REMOVED]

6. Part 93 is removed.

PART 120—[REMOVED]

7. Part 120 is removed.

PART 121—[REMOVED]

8. Part 121 is removed.

PART 122—[REMOVED]

9. Part 122 is removed.

PART 127—[REMOVED]

10. Part 127 is removed.

[FR Doc. 82-34163 Filed 12-15-82; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 11 82-01]

Anchorage Grounds, Los Angeles and Long Beach Harbors, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations revise the anchorage regulations for Los Angeles and Long Beach Harbors, California. The affected area lies along the Terminal Island shoreline between Fish Harbor light number "4" and the Naval Base Mole light number "2". The construction of a rock dike to contain dredged spoils from the Los Angeles Harbor Deepening Project has created the need to reflect the shoreline changes in the anchorage regulations. The associated extension of a sewer outfall from the Terminal Island Sewage Treatment Plant has produced a need to create a new nonanchorage area to protect the sewer line. Also, to improve administration of General Anchorage "O" (33 CFR 110.214), the Coast Guard is placing a portion of the anchorage under the jurisdiction of the city of Los Angeles and incorporating the remainder into Commercial Anchorage "B" (33 CFR 110.214).

EFFECTIVE DATE: The amendments are effective January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Louis S. Stanton, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822. Phone Number: 213-590-2301.

SUPPLEMENTARY INFORMATION: On August 30, 1982 the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (47 FR 38152). Interested persons were requested to submit comments and two comments were received.

Drafting Information

The principal persons involved in drafting the proposal are: LTJG Jeffrey A. Gabrielson, Vessel Management Officer, Coast Guard Marine Safety Office LA-LB and LT Catherine M. McNally, Project Attorney, District Legal Office, Eleventh Coast Guard District.

Discussion of Comments

One comment endorsed the proposed rulemaking. The other comment from NOAA pointed out an apparent typographical error in a longitude coordinate in the General Anchorage "O" designation. The final rule reflects the proper coordinate.

Economic Assessment and Certification

These regulations are considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Their economic impact is expected to be minimal. The rules revise the boundaries of anchorages to reflect shoreline changes and place administration of an anchorage under the jurisdiction of a local agency desiring to control the anchorage. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these rules will not have a significant economic impact on a substantial number of small entities. Also, the regulations have been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and have been determined not to be major rules under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

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

PART 110—[AMENDED]

§ 110.214 [Amended]

1. By revising § 110.214(a)(2) to read as follows:

(a) * * *

(2) *Commercial Anchorage B (Los Angeles and Long Beach Harbors).* An area enclosed by a line beginning at the southwestern corner of Reservation Point at latitude 33°43'18.0" N., longitude 118°16'00.2" W.; thence east southeasterly to latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'00.9" N., longitude 118°13'11.2" W.; thence northwesterly to the southern edge of the eastern extension of the Naval Base Mole at latitude 33°44'32.3" N., longitude 118°13'24.3" W.; thence southwesterly along the Naval Base Mole to Naval Base Mole Light 2 at latitude 33°44'25.5" N., longitude 118°13'49.0" W.; thence northwesterly along the Naval Base Mole to latitude 33°44'37.1" N., longitude 118°14'34.0" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the east end of breakwater extension of the south containment dike, latitude 33°44'07.8" N., longitude 118°14'45.7" W.; thence southwesterly along the southern edge of the south containment dike to Fish Harbor Channel Light #3 at latitude 33°43'48.8" N., longitude 118°15'52.7" W.; thence west southwesterly along the southern edge of Fish Harbor west jetty until it intersects Reservation Point; thence along the eastern and southern shoreline of Reservation Point to the beginning point.

* * * * *

2. By revising § 110.214(a)(11) to read as follows:

(a) * * *

(11) *General Anchorage O (Los Angeles Harbor).* An area enclosed by a line beginning at the east end of the south containment dike breakwater extension, latitude 33°44'07.8" N., longitude 118°14'45.7" W.; thence southwesterly to the intersection of the south and east containment dikes, latitude 33°44'04.6" N., longitude 118°14'56.9" W.; thence northwesterly along the east containment dike to the Terminal Island shoreline, latitude 33°44'37.9" N., longitude 118°15'10.9" W.; thence along the Terminal Island shoreline to latitude 33°44'37.1" N., longitude 118°14'34.0" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchorage, mooring, and boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

* * * * *

3. By revising § 110.214(a)(14) to read as follows:

(a) * * *

(14) *Nonanchorage U (Los Angeles Harbor).* An area enclosed by a line beginning at latitude 33°44'00.0" N., longitude 118°15'12.2" W.; thence southerly to latitude 33°43'48.7" N., longitude 118°15'06.4" W.; thence easterly to latitude 33°43'49.7" N., longitude 118°15'03.9" W.; thence northerly to latitude 33°44'01.1" N.,

longitude 118°15'09.2" W.; thence along the south containment dike to the beginning point.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1)(A), 80 Stat 937 (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g) (1) and (2))

A. P. Manning,

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

[FR Doc. 82-34224 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-783; RM-3939; RM-4069]

FM Broadcast Stations in McPherson and Lindsborg, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 240A to Lindsborg, Kansas, as its first FM assignment in response to a request from Bethany College. A conflicting proposal filed by Dean Curfman for a second FM assignment to McPherson, Kansas, was denied.

DATE: Effective February 11, 1983.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

Adopted: November 30, 1982.

Released: December 13, 1982.

1. The Commission has before it for consideration the Further Notice of Proposed Rule Making, 47 FR 20158, published May 11, 1982, proposing the assignment of FM Channel 240A to either McPherson or Lindsborg, Kansas. The Commission initially proposed the assignment to McPherson, Kansas,[1] in response to a petition filed by Dean Curfman ("Curfman"). In response, McPherson Broadcasting, Inc. filed a counterproposal on behalf of Bethany College ("Bethany") proposing the assignment of 240A to Lindsborg, Kansas. The proposals are jointly considered here since the spacing restrictions of § 73.207 [2] of the Commission's Rules preclude the assignment of Channel 240A to both communities. Curfman and Bethany have filed comments in which each reaffirmed its intention to apply for the channel, if assigned to their respective community.

2. McPherson, a community of 11,753 [3] is located in McPherson County (population 26,855), approximately 80 kilometers (50 miles) north of Wichita, Kansas. It is presently served by two aural broadcast services, daytime only AM Station KNEX and Station KNEX-FM (Channel 244A). Curfman submitted additional supporting comments stating that its proposal for a second FM assignment could provide the citizens of McPherson with an alternate source of news/public affairs and could be a competitive influence for the continued growth of McPherson County.

3. Lindsborg, a community of 3,155 is also located in McPherson County, approximately 96 kilometers (60 miles) north of Wichita, Kansas. It is currently devoid of any local aural broadcast service. In response to the Further Notice, Bethany College, the proponent of the Lindsborg assignment, has submitted comments clarifying its intention to seek a commercial channel for its proposed FM operation.

4. Curfman submitted preclusion information regarding the McPherson proposal. However, in view of the Commission's adoption of the *Second Report and Order* in BC Docket No. 80-130, *Revisions of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer needed. That proceeding established new priorities to be used in making FM channel assignments. We have, therefore, evaluated the proposals using these priorities as set forth below:

(1) First full-time aural service.
(2) Second full-time aural service.
(3) First local service.
Other public interest matters.

McPherson is currently served by two aural broadcast services whereas Lindsborg is devoid of local aural broadcast service. Thus the priorities provide a clear choice—the assignment of Channel 240A to Lindsborg. Further, we do not believe that Curfman has demonstrated an overriding need for a second FM assignment and a third aural service in the community of McPherson. This determination is consistent with the mandate of section 307(b) of the Communications Act, as amended, to provide a fair, efficient and equitable distribution of radio services among the various communities and is in accord with our assignment priorities as set forth in the *Second Report and Order*, as well as our traditional assignment principles.[4]

5. In this decision, the Commission has also taken into account the other arguments raised by petitioner, including its assertion that Channel 256 and 294 could be assigned to Lindsborg under the rules proposed in BC Docket No. 80-90.[5] The Commission believes that it would be inappropriate to base present actions on future speculative possibilities. We must make our decisions on the basis of the regulatory scheme as it exists today. At this time, there is no other channel which could be assigned to Lindsborg. However, if the BC Docket No. 80-90 proposals are ultimately adopted, petitioner could then assess what assignment options are available at Lindsborg and McPherson.

6. In view of the foregoing, the Commission believes that the public interest would be served by assigning Channel 240A to Lindsborg, Kansas, since it would provide the community with its first FM assignment and first local aural broadcast service. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the rules.

7. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective February 11, 1983, the FM Table of Assignments (§ 73.202(b) of the Rules) is amended with respect to the community listed below:

City	Channel No.
Lindsborg, Kansas	240A

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

[1] *Notice of Proposed Rule Making*, 46 FR 58715, published December 3, 1981.

[2] Section 73.207 requires a 104 kilometer (65 mile) separation between co-channel Class A assignments. The communities are only 23 kilometers (14 miles) apart.

[3] All population figures taken from the 1980 U.S. Census, Advance Reports.

[4] See also *Wiggins and Lumberton, North Carolina*, 50 R.R. 2d 32 (1981); *South Pittsburg, Tennessee and Stevenson, Alabama*, 35 R.R. 2d 605 (1975), *recons. den.* 37 R.R. 2d 121 (1976); *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520, 524 (1974); *Third Report, Memorandum Opinion and Order in Docket 14185*, 40 F.C.C. 747 (1963).

[5] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (1980). Proposals made in that docket would also permit the use of Class A facilities on Class B/C channels.

9. For further information concerning the above, contact D. David Weston, Broadcast Bureau (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-34110 Filed 12-15-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-155; RM-3660; RM-3708; RM-3858; RM-4073; RM-4074]

FM Broadcast Stations in Bend, Coos Bay, North Bend, Coquille, Oregon; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C FM Channel 293 for Channel 288A and Channel 254 for Channel 252A at Coos Bay, Oregon; Channel 235 for Channel 265A at North Bend, Oregon, and Channel 247 for Channel 272A at Coquille, Oregon, and modifies the licenses of Stations KYNG–FM, KICR, KOOS and KSHR–FM to specify operation thereon in response to separate requests from Southwest Broadcasters, Inc., Bay Radio Corporation, and SGB Broadcasting, Inc.

DATE: Effective February 11, 1983.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bend, *Coos Bay, North Bend,*[1] *Coquille, Oregon*) [1]; BC Docket No. 81–155, RM–3660, RM–3708, RM–3858, RM–4073, RM–4074.

Second Report and Order (Proceeding Terminated)

Adopted: November 30, 1982.

Released: December 13, 1982.

1. A Further Notice of Proposed Rule Making and Order to Show Cause in this proceeding was published in the Federal Register on December 29, 1981 (46 FR 62878). The *Notice* proposed to substitute Class C FM Channels 239 and 247 for Class A Channels 252A and 288A at Coos Bay, Oregon. The licensees of Stations KYNG–FM (Channel 288A) and KICR (Channel 252A) were ordered to show cause why their licenses should not be modified to specify operation on Channel 247 and Channel 239, respectively.[2]

2. Comments were filed by SGB Broadcasting, Inc. ("KYNG"), the original petitioner and licensee of Station KYNG–FM, Coos Bay, Oregon (Channel 288A) (RM–3858); and by Intercontinental Ministries ("KICR"), licensee of Station KICR, Coos Bay, Oregon (Channel 252A). Comments and counterproposals were filed by Bay Radio Corporation ("KOOS"), licensee of FM Station KOOS, North Bend, Oregon (Channel 265A) (RM–4073), and by Southwest Broadcasting, Inc. ("KSHR"), licensee of Station KSHR–FM, Coquille, Oregon (Channel 272A) (RM–4074). Reply comments were filed by KOOS and KSHR.

3. Basically this case involves four stations each of which seeks to upgrade their operation from a Class A to a Class C channel in three separate communities. The stations argue that it is necessary for each to expand coverage in order to remain competitive in what they describe as a commmon market.

4. The cities and stations involved are Coos Bay (KYNG–FM and KICR); North Bend (KOOS); and Coquille (KSHR–FM). North Bend is located approximately 2.5 miles north of Coos Bay. Coquille is located approximately 15 miles south of Coos Bay. KOOS states that North Bend and Coos Bay are closely integrated as a common market and Stations KOOS and KICR use the same transmitter tower location. The required 3.16 mV/m city of license coverage contour is provided by Station KOOS to Coos Bay and by the Coos Bay stations to North Bend. KSHR states that Coquille and Coos Bay also form a unified market, with stations in each providing service to the other and relying to a great extent upon the same source of advertiser revenues.

5. We conclude on the basis of the showings submitted that there is a need for upgraded service so that each of the four Class A stations can provide coverage to a significantly wider area. The basic problem here is finding a combination of four Class C channels which could be used in those communities in compliance with the requirements of our rules. Parties herein have proposed various combinations, each of which has defects. We also note that in another proceeding involving Medford, Oregon, BC Docket No. 82–308, we have proposed to modify the license of Station KBOY–FM from Channel 237A to Class C Channel 239. Thus, Channel 239 which has been suggested by some of the parties as a possible new assignment here is no longer available. Rather we have determined that the best arrangement of channel assignments is as follows:

City	Channel No.	
	Present	Proposed
Coos Bay (KYNG)	288A	293
Coos Bay (KICR)	252A	254
North Bend (KOOS)	265A	235
Coquille (KSHR)	272A	247

6. Each of the parties has commented on, and therefore is aware of these possible new channels for its respective community. While each licensee seems to have a preference, none voiced an objection to any of the specified channels which we have set forth above. Thus we perceive no obstacles to the modifications to these channels. Specifically the substitution of Channel 254 for Channel 252A for Station KICR will require minimum transmitter and antenna changes. The substitution of Channel 293 for Channel 288A for Station KYNG–FM will allow relocation to Station KICR's antenna site. There appears to be no adverse impact for the other channel substitutions.

7. Since no other parties have come forward to express an interest in the Class C channels in response to the Further Notice of Proposed Rule Making, the licensee of each of the stations herein can be modified to specify operation on a Class C channel pursuant to policy set forth in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

8. The matter of reimbursement is also at issue. KYNG states that it would, if required, pay the cost of converting Station KICR's operating frequency inasmuch as both stations are in the same community. KOOS states that the cost of converting its operating frequency should also be reimbursed by KYNG, since upgrading KYNG and KICR, and not KOOS, would leave KOOS at a competitive disadvantage in North Bend. KYNG opposes reimbursement to KOOS on the ground that it is not in the same community as KYNG.

[1] These communities have been added to the caption. Previously in a *First Report and Order*, two other rule making petitions (RM–3660 and RM–3708) to assign Class C channels to Bend, Oregon, were granted.

[2] The licensee of Station KYNG has requested the assignment of Class C Channel 289. To avoid the conflict with channel assignments at Bend, Oregon, (fn. 1, *supra*), we proposed the assignment of Channel 247.

9. Since the date these comments were received, we have taken action in BC Docket 80–130, *Second Report and Order, Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982). That action eliminates the issue of intermixture in these rule making cases. As a result, we no longer have policy objectives in proposing to upgrade other Class A stations in a given community in order to avoid intermixture and therefore we see no need for reimbursement in order to fairly treat stations affected by this former policy.

10. Accordingly, pursuant to authority contained in §§ 4(i), (5)(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective February 11, 1983, the FM Table of Assignments, § 73.202(b) of the Rules is amended with respect to Coos Bay, North Bend, and Coquille, Oregon, as follows:

City	Channel No.
Coos Bay, Oregon	254, 293
Coquille, Oregon	247
North Bend, Oregon	235

11. It is further ordered, That pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, the license for each of the following stations is modified to specify operation on the channel indicated: Station KYNG–FM, Coos Bay, Oregon, Channel 293: Station KICR, Coos Bay, Oregon, Channel 254; Station KOOS, North Bend, Oregon, Channel 235; and Station KSHR–FM, Coquille, Oregon, Channel 247

12. It is further ordered, That the modification of each of the said licensees is subject to the following:

(a) At least 30 days before operating on the channel specified the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on the channel specified, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1201 of the Commission's rules.

13. It is further ordered, That this proceeding it terminated,

14. It is further ordered, That the Secretary of the Commission SHALL SEND a copy of this *Report and Order* to the following parties:

1. SGB Broadcasting, Inc., P.O. Box 1009, Ross, California 94958.

2. Intercontinental Ministeries c/o 5600 N.E. Hassalo, Portland, Oregon 97213.

3. Bay Radio, Inc., P.O. Box 180, Coos Bay, Oregon 97420.

4. Southwest Broadcasting, Inc., P.O. Box 250, Coquille, Oregon 97423.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–34111 Filed 12–15–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. RAR–2, Notice No. 6]

Adjustment of Monetary Threshold for Reporting Accidents/Incidents

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule increases the reporting threshold from $3,700 to $4,500 for railroad accidents/incidents involving property damage that occur during the calendar year 1983. This action is needed to insure that the FRA reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed in 1980.

EFFECTIVE DATE: This rule becomes effective on January 1, 1983.

FOR FURTHER INFORMATION CONTACT:

(1) *Principal Program Person*: Frank V. Fanelli, Office of Safety, (RRS–24), FRA, Washington, D.C. 20590. Phone (202) 426–9178.

(2) *Principal Attorney*: Lawrence I. Wagner, Office of Chief Counsel, (RCC–30), FRA, Washington, D.C. 20590. Phone (202) 426–8836.

SUPPLEMENTARY INFORMATION:

Background

Section 225.19(c) of 49 CFR provides that the dollar figure that constitutes the reporting threshold for railroad accidents will be adjusted every two years, in accordance with the procedures outlined in Appendix A to Part 225, to reflect cost increases.

New Reporting Threshold

Two years have passed since the accident/incident reporting threshold was last revised. Consequently, the FRA has recomputed the threshold as required by § 225.19(c) based on increased costs for labor and material. The FRA has determined that the current reporting threshold of $3,700 should be increased to $4,500. Accordingly, §§ 225.5 and 225.19 are being amended to require railroads to report accidents/incidents resulting in more than $4,500 in damages.

Appendix A has also been amended to reflect the most recent calculations used to determine the new threshold. In addition, the FRA has substituted a new source document for fringe benefit surcharges.

The existing regulation makes reference in paragraph (3) of Appendix A to an agreement concerning fringe benefit surcharges between the Federal Highway Administration (FHWA) and the Association of American Railroads (AAR). The agreement prescribed procedures under which FHWA would reimburse a State government for costs incurred for railroad work on Federal-aid highway projects.

This agreement was terminated by a final rule issued by FHWA on August 5, 1982 (47 FR 33953). FRA has, therefore, utilized another source to obtain the data previously obtained from FHWA. The new source is the Railroad Cost Index prepared annually by the Interstate Commerce Commission (ICC) under the provisions of 49 CFR Part 1102.

Regulatory Impact

This proposal has been evaluated in accordance with existing regulatory policies. It will not have an adverse or significant economic impact on any entity, including small entities, because it does not place any new requirements or burdens on the public. Accordingly, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (Pub. L. 95–354, Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an Environmental Impact Statement is not required. The proposal does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. Moreover, costs associated with the rule are

minimal and do not warrant a regulatory evalation.

Notice and Public Procedure

Since the amendment merely adjusts the reporting threshold for accidents/incidents in accordance with procedures specified in a long standing regulation (49 CFR 225.19(c)) and imposes no additional burden on any person, the FRA finds in accordance with the Administrative Procedure Act that notice and public procedure are not necessary and are impractical due to time constraints.

Additionally, to assure the uniformity and comparability of accident/incident data reported to and compiled by FRA for calendar year 1983, this amendment shall become effective in less than 30 days on January 1, 1983.

List of Subjects in 49 CFR Part 225

Investigations, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For reasons set out in the preamble, Part 225 of Chapter II of Title 49 of the Code of Federal Regulations is amended, effective January 1, 1983, as follows:

PART 225—[AMENDED]

1. By amending § 225.5 by revising paragraph (b)(2) to read as follows:

§ 225.5 Definitions.

As used in this part—

* * * * *

(b) "Accident/Incident" means:

* * * * *

(2) Any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in more than $4,500 in damages to railroad on-track equipment, signals, track, track structures, and roadbed;

* * * * *

2. By amending § 225.19 by revising the second sentence of paragraph (b) and by revising the first, third and fifth sentences of paragraph (c) to read as follows:

§ 225.19 [Amended]

* * * * *

(b) *Group I—Rail—Highway Grade Crossing.* * * * In addition, whenever a rail-highway grade crossing accident/incident results in more than $4,500 damages to railroad on-track equipment, signals, track, track structures, and roadbed, that accident/incident must be reported to the FRA on Form FRA F6180.54. * * *

(c) *Group II—Rail Equipment.* Rail equipment accident/incidents are collisions, derailments, fires, explosions, acts of God, and other events involving the operation of railroad on-track equipment (standing or moving) that result in more than $4,500 in damages to railroad on-track equipment, signals, track, track structures, and roadbed, including labor costs and all other costs for repair or replacement in kind. * * * If the property of more than one railroad is involved in an accident/incident, the $4,500 threshold is calculated by including the damages suffered by all of the railroads involved. * * * The $4,500 reporting threshold will be reviewed periodically and will be adjusted in increments of $100 every 2 years in accordance with the procedures outlined in Appendix A of this part.

* * * * *

3. By revising Appendix A to read as follows:

Appendix A—Procedure for Determining Reporting Threshold

1. Wage figures used for track direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees," for Group III Maintenance of Way Structures Employees. This information appears in the most recent annual edition (Year 1981) of "Statement A300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States."

2. Wage figures used for mechanical direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees" for Group IV Maintenance of Equipment and Stores Employees. This information appears in the most recent annual edition (Year 1981) of "Statement A300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States."

3. Fringe benefit surcharges will be added to the average straight time rates for mechanical and track employees based on the Railroad Cost Index of the Interstate Commerce Commission developed under the provisions of 49 CFR Part 1102. This information was published in summarized form in the September 29, 1982 edition of the **Federal Register** (47 FR 42186).

4. To calculate the index number for mechanical labor, divide the present (1982) mechanical wage rate of $16.34 by the previous (1980) mechanical wage rate of $12.75. The result is a mechanical labor index number of 1.28 for 1982.

5. The track labor index number is calculated by dividing the present (1982) track wage rate of $15.24 by the previous (1980) track wage rate of $11.83. The result is a track labor index number of 1.29 for 1982.

6. Calculation of the labor index number is as follows: (track labor index number) 1.29×.20+(mechanical labor index number) 1.28×.80=labor index number of 1.28 for 1982.

7. The mechanical material index number is calculated by first totaling the present (1982) cost of the following mechanical materials:

Quantity	Description	1980	1982
8	33" CS wheels	$2,176	$1,960
8	6 by 11" roller bearings	1,240	1,488
4	Roller bearing axles	1,968	2,160
4	6 by 11" roller bearing truck sides (750 lbs).	3,308	3,568
2	6 by 11" truck bolsters (1,060 lbs).	2,456	2,567
2	E couplers	706	612
4	Brake beams	324	324
1	AB cylinder	96	96
1	AB reservoir	249	340
1	ABD control valve	1,010	1,323
500 lbs	Steel bar	345	450
1,000 lbs	Steel sheets	690	900
1,000 lbs	Steel plates	690	900
8	Brake shoes	56	56
8	Roller bearing adapters	168	160
24	Outer coil springs	264	240
800	Board feet hardwood lumber	296	296
1	Traction motor	25,250	32,150
60 ft	1¼" brake pipe	61	74
1	Hand brake	197	196
Total mechanical material		$41,550	$49,869

The mechanical material index number is determined by dividing the present (1982) total cost for these mechanical materials ($49,869) by the previous (1980) total cost for mechanical materials ($41,550). The result is 1.20.

8. The track material index number is calculated by first totaling the present (1982) cost of the following track materials:

Quantity	Description	1980	1982
4,500	Ties, wooden	$77,940	$73,755
250 tons.	Rail	104,707	119,375
90 tons	Tie plates	41,685	44,764
27,000	Spikes (5.8 tons)	3,856	4,002
800	Joint bars (25.4 tons)	19,479	20,589
2,000	Track bolts	995	1,164
1	Frog	3,860	4,060
1	Switch	3,504	3,704
Total track material		$256,026	$271,433

The track material index number is determined by dividing the present (1982) total cost for these track materials ($271,433) by the previous (1980) total cost for track materials ($256,026). The result is 1.06.

9. Calculation of the material index number is as follows: (track material index number) 1.06×.20+(mechanical material index number) 1.20×.80=material index number of 1.17 for 1982.

10. Calculation of the threshold index number is as follows: (labor index number) 1.28×.40+(material index number) 1.17×.60=threshold index number of 1.22 for 1982.

11. In order to calculate the new reporting threshold, multiply the existing reporting threshold ($3,700) by the threshold index number of 1.22. The result is $4,514. This result, when rounded to the nearest $100.00, is the new accident/incident reporting threshold figure of $4,500.

(Secs. 11144 and 11145, subtitle IV of Title 49 (49 U.S.C. 11144 and 11145); Secs. 1 and 6,

Accident Reports Act (45 U.S.C. 431 and 437); Sec. 6(e) and (f), Department of Transportation Act (49 U.S.C. 1655(e) and (f)); Sec. 1.49(g) and (m), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g) and (m))

Issued in Washington, D.C. on December 2, 1982.

Robert W. Blanchette,

Administrator.

[FR Doc. 82-34217 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1249

[No. 38858]

Revision to the Annual Report of Motor Carriers of Household Goods, Form M-H

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is reducing the reporting burden presently required of Class I and II motor carriers of household goods by eliminating certain schedules in Annual Report Form M-H. The Commission has concluded that a number of supporting schedules contained in Form M-H are no longer used on a regular basis. Similar schedules were previously eliminated from the annual report of motor carriers of property. Elimination of these annual report schedules will result in a significant reduction in reporting burden for the carriers involved.

DATES: This action is to be effective for the reporting year beginning January 1, 1982.

ADDRESS: Copies of this rule may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423, (202) 289-4357—D.C. Metropolitan Area, (800) 424-5403—toll free for outside D.C. area.

Comments are due 45 days from the date of publication in the Federal Register. An original and 10 copies, if possible, should be sent to: Bureau of Accounts, Room 3148, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason, (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Act authorizes the Commission to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers is needed to fulfill the regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, mergers, acquisitions, abandonments and discontinued service.

Based on a review of its annual reporting requirements, the Commission has determined that certain supporting schedules contained in Form M-H are no longer used on a regular basis. In keeping with our policy to require only information that is used on a regular basis in fulfilling our regulatory responsibilities (May 7, 1979, 44 FR 27537), we are eliminating these schedules from Form M-H (See Appendix).

The reduction in reporting burden for Household Goods Carriers is substantial. There are presently about 188 Class I and II household goods carriers filing Form M-H. The provisions of this final rule will relieve these carriers from approximately 4,000 hours of reporting burden.

The Commission recognizes that a number of supporting schedules contained in the Form M-H are used by parties outside of the Commission. However, the Commission has the responsibility to require only information necessary to regulate properly the motor carrier industry. In addition, because of recent budget cuts, the Commission can no longer afford to act as a data collection agent for various private interests.

On March 5, 1982, the Commission published a final rule which eliminated a number of supporting schedules from Form M, (Docket No. 38568, Revision to Annual Motor Carrier Reporting Requirements, 44 FR 9468). This reduction in reporting was implemented after receiving unanimous support from the industry in a notice of proposed rulemaking. We expect that the reduction in Form M-H will be supported by the household goods carrier industry.

The Commission finds that a notice of proposed rulemaking, as defined under the Administrative Procedure Act, 5 U.S.C. 553(b), is not required to adopt this revision because it involves a reduction in accounting and reporting burden. However, in keeping with our belief that this rule can benefit from public scrutiny, we are requesting that the public study the rule and report, within 45 days, any suggested changes. If the Commission concludes, after reviewing the comments, that it is necessary to reconsider this rule, a further notice will be published in the Federal Register. Otherwise, the provisions of this final rule will be in effect for the reporting year ending December 31, 1982.

Regulatory Flexibility Act Analysis

This final rule will have a significant economic impact on a substantial number of small entities. It directly affects 188 Household Goods Carriers. Although no Class III carriers will be affected by this rule, it reduces accounting and reporting burden by approximately 4,000 hours annually for carrier's affected. No new accounting and reporting requirements for these or other regulated carriers are introduced in this proceeding. The effect of this final rule will be to reduce the expense and burden of filing annual reports with the Commission.

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1249

Motor carriers, Reporting requirements.

Accordingly, we adopt the changes to annual report Form M-H described in Appendix A for the reporting year ending December 31, 1982.

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

Decided: December 9, 1982.

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

Agatha L. Mergenovich,

Secretary.

Appendix A

The Commission is eliminating the following items from the annual reporting requirements for motor carriers of household goods, under 49 CFR 1249—Reports of Motor Carriers.

(1) The following schedules are eliminated from Form M-H:

Schedule 300—Compensating Balances and Short-Term Borrowing Arrangements.

Schedule 310—Receivables From Affiliates.

Schedule 320—Transactions With Officers, Stockholders, and Employees.

Schedule 400—Leases:

(A) Rental Expense of Lessee.

(B) Minimum Rental Commitments.

(C) Lessee Disclosure.

(D) Lease Commitments—Present Value.

Schedule 500—Other Intangible Property and Accumulated Amortization.

Schedule 510—Investments and Advances—Affiliated Companies.

Schedule 520—Undistributed Earnings From Certain Investments in Affiliated Companies.

Schedule 530—Other Investments and Advances.

Schedule 540—Payables to Affiliated Companies—Current and Long Term.

Schedule 610 C—Transactions Between Noncarrier Subsidiaries of Respondent and Other Affiliated Companies or Persons for Services Received or Provided.

Schedule 610 D—Other Transactions Between Noncarrier Subsidiaries of Respondent and Other Affiliated Companies or Persons.

Schedule 710—Commodities Transported in Intercity Service by Tank or Hopper Type Vehicles.

Schedule 800—Compensation of Officers, Directors etc.

Schedule 900—Competitive Bidding—Clayton Antitrust Act.

(2) The Annual Report Supplement on Corporate Disclosure.

[FR Doc. 82-34149 Filed 12-15-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

Importation or Shipment of Injurious Wildlife: Raccoon Dog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service amends 50 CFR Part 16 by adding the raccoon dog (*Nyctereutes procyonoides*), a nonindigenous predatory mammal of the Family Canidae, to the list of injurious mammals, thereby prohibiting import into, acquisition and transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States. This action is necessary to protect native fish and wildlife resources from potential adverse effects which may result from introduction into and subsequent establishment of the raccoon dog in the United States.

EFFECTIVE DATE: January 17, 1983.

ADDRESS: Division of Wildlife Management; U.S. Fish and Wildlife Service; Mail Code 355, 1717 H Street, NW., Room 512; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Wildlife Management; Telephone: (202) 632-7463; Address: see above.

SUPPLEMENTARY INFORMATION: On May 20, 1982 (47 FR 21892), under authority of the Lacey Act (18 U.S.C. 42), the Service proposed to amend 50 CFR Part 16 to add the raccoon dog (*Nyctereutes procyonoides*) to the list of injurious wildlife as the means to prohibit importation of live animals. Reasons for the apparent need to list the species as injurious and background on initial Service involvement with the raccoon dog were provided in the proposed rule along with information on natural history of the species.

Summary and Analysis of Comments and Action Taken: The proposed rule invited comments for 45 days ending July 6, 1982. Copies of the notice were sent to all State wildlife conservation agencies and to over 65 individuals, organizations, and Federal agencies which were considered to have knowledge of raccoon dogs or a vested interest in the proposed rule. The mailing included zoos having raccoon dogs, a zoo association, fur industry associations, professional wildlife management associations, universities, and the U.S. Departments of Health and Human Resources, Agriculture, and Interior. Written comments were received from 52 respondents as follows: State Governments—25 (all support); Provincial Governments—1 (support); Fur Industry—3 (1 support, 1 oppose, 1 no comment); Zoological Parks and Associations—9 (2 support, 7 oppose); Universities—4 (all support); Professional Wildlife Associations—6 (all support); Other Organizations—1 (support); Indian Nation—1 (support); Individuals—2 (both support). Of all respondents, 43 supported the rule, 8 opposed it, and 1 offered no opinion. After reviewing the comments along with the best available information, the Service has determined that the rule is warranted. The basis for such decision and a discussion of the comments received are given below:

Natural History Factors: Several characteristics of the raccoon dog indicate that it would readily adapt to most habitats within the United States. From 1929 to 1955, nearly 9,000 raccoon dogs were introduced into temperate forests of the western and central Soviet Union and Siberia in efforts to establish the species for fur harvest. These introductions were successful and the species migrated extensively into neighboring countries. Much of North America is temperate forest where average temperatures and precipitation are similar to those in areas where the raccoon dog is already well established and thriving. Raccoon dogs favor protected waterways, forest patches with ponds, and areas occupied by man. These areas occur in large expanses in the United States including the Great Lakes region, where some animals presently exist on fur farms. Raccoon dogs are capable of surviving at fairly high altitudes, and are the only canids known to hibernate during harsh winters.

As emphasized in the proposed rule, studies have shown this animal to be capable of eating a wide variety of foods. In fact, one authority believes it is the most omnivorous of all canids. Raccoon dogs have a high reproductive rate which acts to maintain large numbers that lead to range expansion through emigration. Additionally, both sexes protect young pups thus enhancing survival. Like many canids, adult animals occupy dens during the breeding season and harsh winters. They frequently use dens of other animals even though they are able to dig their own.

When out in the open, the slow moving raccoon dog is relatively easy prey to predators. However, the species usually hides along river vegetation, rocky outcroppings, brush, and the like, and is largely nocturnal.

All factors considered, the raccoon dog is adaptable to a wide variety of habitats and climates and many parts of North America include areas where this animal could survive.

Competition with Native Wildlife: Some respondents to the proposed rule felt there was no sound biological data indicating that raccoon dogs pose a threat to native wildlife. Reasons for this view include: (1) The raccoon dog's niche is already filled by several native species, (2) North American predators would likely prevent or eliminate any firm establishment or spread, and (3) experience in Russia has shown that the potential of establishment in the U.S. is slight because thousands of animals purposely released over an extended period of time were necessary for the species to become incorporated into the temperate regions of central and western Russia.

Although some respondents to the rule emphasized that the raccoon dog's niche is presently filled in North America, this does not preclude released or escaped animals from competing successfully for that niche. The raccoon dog is known to be aggressive and can readily compete for survival in a variety of habitat and climatic types. Raccoon dogs in Russia and eastern Europe compete with foxes (*Vulpes* spp.), badgers (*Meles meles*), mink (*Mustela vison*), muskrats (*Ondatra zibethica*), and some birds for territory, breeding sites, or food. From 1958–1962, raccoon dogs displaced 60%

of known badger den sites in the Latvian Republic of the U.S.S.R. In this same region, raccoon dogs increased from 100 in 1948 to 10,000 in 1963. One respondent pointed out that the northern raccoon (*Procyon lotor*), a would-be competitor in North America against raccoon dogs, is considerably larger than the exotic canid. Competition between species does not necessarily imply direct physical competition between individual animals for contested resources. Instead differences in fecundity, survival, and mobility determine the nature of the competition involved. For example, early in U.S. history, the opossum (*Didelphis marsupialis*) occurred only in the southern and central eastern United States but has since expanded its range northward into southeastern Canada. It has also been successfully introduced west of the Great Plains and Rocky Mountains where it previously never occurred. The expansion of the opossum, which, like the raccoon dog, is omnivorous, extremely prolific, tolerant of man, and prefers riparian habitat and hollow trees for dens, occurred in regions where northern raccoons have historically lived. This indicates that the northern raccoon did not offer much ecological resistance to the smaller opossum's spread. Similar analogies of exotic species filling occupied native niches can be drawn from review of the introductions of house sparrows (*Passer domesticus*), starlings (*Sturnus vulgaris*), and nutria (*Myocastor coypus*). All of these species are aggressive and adapt readily to a variety of habitat and climatic conditions.

Some respondents contended that North American predators such as bobcats (*Lynx rufus,*), coyotes (*Canis latrans*), and great horned owls (*Bubo virginianus*) would prevent the establishment of raccoon dogs. Raccoon dogs released into Russia were exposed to predation but it did not prevent them from becoming firmly established throughout central and western Russia. Neither did it prevent their expansion into Finland, Sweden, Romania, Hungary, Czechoslovakia, Poland, East and West Germany, Austria, Bulgaria, and Greece, a substantial area of diverse habitats, numerous predators and a wide range of climatic conditions.

Contrary to one respondent's view, the existence of only a small number (50 minimum on fur farms and zoos) of these animals in the U.S. has little bearing on the rule. The purpose now is to prevent future importations. Otherwise, greater numbers probably would be brought to the U.S. thereby increasing the likelihood of escape and introduction. The danger in this potential is illustrated by the Russian experience. The Russian introductions were widespread covering 40 regions, territories, and autonomous republics encompassing millions of square miles of territory. The species apparently had little difficulty becoming established there and began expanding its range except in Siberia where it was limited by cold temperature. The introductions extended over a 25 year period because there was great interest in the raccoon dog as a harvestable fur resource, not because there were difficulties in establishment. The multiple introductions simply accelerated its population growth and expansion. This is what this rule seeks to prevent.

In a similar vein, one respondent mentioned that European ferrets (*Mustela putorius*) have been sold as pets in the U.S. and over the years numerous animals have been released or escaped without establishing a wild self-sustaining population. This point was intended to illustrate that the Service and rule proponents are probably overly concerned about dangers of the raccoon dog. In response however, it must be noted that the occasional release/escape of a pet ferret, an animal that when domesticated is quite tame and unaggressive, at widely scattered places and times cannot be expected to result in a viable wild population. On the other hand, the release or escape of a number of breeding pairs of aggressive raccoon dogs from a fur farm into one area poses a definite threat of fixing a small breeding nucleus potentially capable of expansion. The probability of escape of some fur farm raccoon dogs to some extent is proportional to their abundance in captivity. It can occur, as was shown by an animal that escaped recently in northern Minnesota and lived several weeks in the wild until struck by a car.

Other Potential Impacts of Introduction and Establishment: Several other factors bear on the potential release or escape of raccoon dogs into the U.S. The species reportedly feeds on muskrats and other small rodents, and is particularly fond of, and destructive to, ground nesting birds and their eggs. This would be expected to have a great effect on regions such as the prairie pothole area of North Dakota where large numbers of waterfowl and other migratory birds breed. Additionally, the muskrat, which is an important furbearer, and other small rodents form a prey base for native predators. In the absence of this, native wildlife would suffer. Raccoon dogs might also become urban pests because of their affinity to areas of human habitation. The potential of the species to act as a disease vector is clearly pronounced, based on accounts of the animals in Europe.

Raccoon dogs are known to carry rabies and preserve the rabies virus during winter hibernation. Wolves, foxes, and raccoon dogs in Europe are direct carriers of parasitic worms which can cause appreciable damage to livestock, and which may lead to human infection. For example, the nematode parasite *Trichinella psuedospiralis*, found in Russian raccoon dogs and capable of infecting laboratory primates, is very similar to *T. spiralis* which infects humans. The overall disease threat is even more evident in the raccoon dog because of its tolerance of humans. Reports from Finland show that once the animal is well established, it is impossible to significantly reduce or eliminate. Several respondents favoring the rule also felt that all animals now in fur farms in the U.S. should be eliminated to preclude any chance for establishment.

Economic Consideration: The impact that an established population of raccoon dogs might have on the U.S. economy could be significant. The value of potential establishment of this species must be weighed against the income or other values that might be lost through detrimental impacts to native furbearers, prey species, game species, and habitat quality. Previous experience with inadvertent but successful introductions of unwanted exotic wildlife clearly demonstrates that man is economically stressed by the destruction or reduction in livelihoods, industries, and recreational opportunities (e.g., trapping, crop damage, and sport fishing, respectively).

Other Considerations: Some respondents suggested that this rule was being considered largely to satisfy a request from the Canadian Government for cooperative efforts to prevent introduction of this species into North America.

Although initially approached by the Canadian Government, we subsequently analyzed the potential problem and fully agreed to cooperate. We are convinced that our joint efforts are essential to prevent this species from potentially damaging native North American wildlife species. All State wildlife conservation agencies commenting on this rule are opposed to this species being introduced. Control of this species in one State will be difficult if it becomes fixed in adjacent States or Provinces. Without Federal assistance from both the U.S. and Canada, State or

Provincial restrictions on raccoon dogs would be in vain.

One respondent remarked that the raccoon dog should not be singled out because there are numerous other animals that probably would qualify as injurious that should also be considered. Notwithstanding the veracity of this argument, The Service is attempting to fulfill the intent of the Lacey Act by acting swiftly in restricting import and movements of raccoon dogs because there appears to be some demand for them and the threat of accumulating greater numbers is pressing. An effort to consider all potential injurious wildlife would significantly delay necessary action on the raccoon dog, thereby compromising necessary protection for certain native species.

Conclusion: The need for the rule is based on currently available biological evidence which suggests that importation and introduction of the raccoon dog into the natural ecosystems of the United States or any territory or possession of the United States would pose a threat to migratory waterfowl, upland game birds, and other native wildlife species. This threat results from potential predation, interspecific competition for food and den sites, and introduction of exotic diseases and parasites. Adverse impacts from raccoon dog introductions would transcend State lines and become regional or national in scope. The extent to which introduced raccoon dogs could or would supplant native wildlife cannot be demonstrated except through examples from Europe and Asia. Nonetheless, these data seem adequate to support the Service's determination that importation and subsequent release of raccoon dogs into ecosystems of the United States, whether accidental or intentional, would be injurious or potentially injurious to the welfare and survival of some species of native wildlife. Addition of the raccoon dog to the list of injurious mammals in 50 CFR Part 16 is the only means to provide long-term protection to native wildlife from raccoon dog competition.

Required Determinations: An assessment of the environmental effects of this rule has been prepared as required by the National Environmental Policy Act of 1969. A determination has been made that this rulemaking action is not a major Federal action significantly affecting the quality of the human environment.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The basis for the determination was presented in the proposed rule.

The Environmental Assessment and the Determination of Effects of Rule are available for public inspection, as are all supporting documents, during regular business hours (7:45 am to 4:15 pm) at the address presented above.

Information Collection: This rule does not contain information collection requirements which require approval from the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* Once the raccoon dog is listed, any person that proposes to import, acquire, or transport raccoon dogs may not do so except for educational, zoological, scientific, or medical research purposes provided one obtains a permit under 50 CFR Part 16, Subpart C, which has been approved by OMB and assigned clearance number 1018–0022 under 44 U.S.C. 3501 *et seq.* Service experience indicates that probably no more than two permits may be annually applied for representing a paperwork burden of about 20 minutes per applicant.

This rule was prepared by Steve Funderburk, Wildlife Biologist, Division of Wildlife Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

List of Subjects in 50 CFR Part 16

Import, Transportation, Wildlife, Animal diseases, Fish, Freight.

PART 16—INJURIOUS WILDLIFE

In consideration of the foregoing, Part 16, Subpart B, Chapter I of Title 50, Code of Federal Regulations is amended as follows:

In § 16.11, paragraph (a) is revised to read as follows:

§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of: (1) Any species of so-called "flying fox" or fruit bat of the genus *Pteropus;* (2) any species of mongoose or meerkat of the genera *Atilax, Cynictis, Helogale, Herpestes, Ichneumia, Mungos,* and *Suricata;* (3) any species of European rabbit of the genus *Oryctolagus;* (4) any species of Indian wild dog, red dog, or dhole of the genus *Cuon;* (5) any species of multimammate rat or mouse of the genus *Mastomys;* and (6) any raccoon dog, *Nyctereutes procyonoides:* Provided, that the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in § 16.22.

* * * * *

Dated: November 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-34092 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 47, No. 242
Thursday, December 16, 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.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 543

[No. 82-792]

Amendments Relating to Grandfathering of State Authority by Institutions Converting to Federal Charters

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") proposes to issue a new regulation applicable to the grandfathering of rights enjoyed as state mutual savings banks by institutions converting to federal charter, whether those institutions retain their Federal Deposit Insurance Corporation ("FEIC") insurance coverage, or obtain insurance of accounts from the Federal Savings and Loan Insurance Corporation. Any converting institution would be allowed to retain its state mutual savings bank authority, and any federal association subsequently acquiring that converted institution by merger or consolidation would likewise be able to enjoy those grandfathered rights. Grandfathered rights could be transmitted through merger on an indefinite basis, as long as the disappearing institution had converted to a federal savings bank, and could not be defeated by the non-occurrence of a statutory condition precedent to their use at the time of conversion. This regulation is proposed pursuant to statutory changes made to section 5(i) of the Home Owners' Loan Act of 1933 by Public Law 97-320, the Garn-St Germain Depository Institutions Act of 1982.

DATE: Comments must be received by January 17, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20952. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Randall H. McFarlane, Legislative Counsel, Office of General Counsel (202/377-6449) Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: The Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630, amended section 5(a) of the Home Owners' Loan Act of 1933 ("HOLA") (12 U.S.C. 1464(a)) to authorize the Board, on a limited basis, to grant federal mutual savings bank charters. These charters were available only to institutions converting from the state mutual savings bank ("MSB") form. Because state-chartered MSBs often had powers exceeding those allowable to federal associations under the HOLA, the amendments to section 5(a) contained authorization for limited "grandfathering" of state authority. A federal MSB was permitted to carry on any activities it was engaged in on December 31, 1977, and to retain or make any investment of a type it held on that date, except that its equity, corporate bond, and consumer loan investments could not exceed the average ratio of such investments to total assets for the five-year period immediately preceding the filing of its application for conversion. Regulations regarding section 5(a) grandfathering authority were issued August 22, 1980 *45 FR 56033), and may be found at 12 CFR 578.2 (1982).

As part of its substantial enhancement of the investment and other authority available to federal thrift institutions, the Garn-St Germain Depository Institutions Act of 1982, Public Law 97-320, has substantially broadened the grandfathering possibilities available to federal associations which formerly were state MSBs. These rights are available whether the conversion to federal charter took place under old section 5(a) of the HOLA, or under new sections 5(i) or 5(o). Under new section 5(i)(5)(A) of the HOLA, any activity or investment available under state law at the time of conversion from a state MSB may continue to be made by that institution as a federal association, to the extent authorized by the Board. In addition, under new section 5(i)(5)(B), any federal association that merges with a federal savings bank enjoying grandfathered rights acquires those rights itself and, provided it first converts to a federal savings bank, if it does not already enjoy that status, may pass them on in turn to a federal association that absorbs it.

The 1980 regulations are clearly inadquate to address the new authorization. The Board therefore is proposing a new regulation setting forth in detail its interpretation of the appropriate extent of authority provided by section 5(i)(5). However, in order to allow current processing of charter conversions pursuant to final regulations promulgated by the Board today in companion Resolution No. 82-791, applicants otherwise eligible for approval will be permitted to apply for grandfather rights consistent with the Board's proposed regulation upon the condition that newly-chartered institutions so approved will be required to conform with the Board's final rule, if any, or other Board action in further consideration of this area.

Proposed section 543.11-1 sets forth in paragraph (a) the general standard applicable to grandfathering. As proposed, federal association that at one time was a state MSB may exercise as a federal association any authority it had under state law at the time it ceased to be a state MSB. Such grandfathered authority may be exercised, however, only to the degree permitted under state law, except to the extent that such authority may be enjoyed by federal associations not enjoying grandfathered rights. Thus, in a hypothetical situation where state law allowed up to 20 percent of an institution's assets to be invested in commercial loans, subject to a more restrictive single-borrower limit than that applicable under federal law, a converted federal association could make commercial loans up to the 10-percent-of-assets limit applicable to federal associations in accordance with the more liberal federal loans-to-one-borrower statute, and comply with the state law requirement only for commercial loans made in excess of the federal percentage-of-assets ceiling. In addition, explicit authorization is provided in paragraph (a) to allow converted institutions to continue to follow state law and regulation regarding grandfathered authority, except as otherwise provided by the Board.

Proposed paragraph (b) deals with the passing on of grandfathered rights through merger or consolidation. Any federal association that acquires, by merger or consolidation, a federal savings bank enjoying grandfathered rights also acquires those grandfathered rights. Those rights may be transmitted and retransmitted indefinitely to other federal associations in the same manner, assuming the disappearing association was a federal savings bank at the time of the merger or consolidation.

Proposed paragraph (c) clarifies that grandfathering does extend to authority under state law that may be exercised only in accordance with the occurrence of a condition precedent, such as the occurrence of a future date, or the attainment of a specified level of net worth. Thus, if a savings bank under state law is allowed to make particular investments as long as it has 10 percent net worth, it is permitted to make those investments as a federal association, provided it meets that net-worth requirement. The fact that the condition precedent has not yet occurred at the time of conversion does not defeat grandfathering.

Finally, proposed paragraph (d) clarifies that grandfathering is not to be construed as a device for allowing institutions more liberal authority than is allowed under the most liberal construction of state or federal law. For instance, if a state allows 20 percent of assets to be invested in a particular category and the HOLA allows 10 percent, a converted institution may not, as a result of grandfathering, be allowed to invest 30 percent of its assets in that category. Such a construction would be an overly generous interpretation of the statute.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. ch. 6) the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to FSLIC-insured or federally-chartered institutions.

3. *Overlapping or conflicting Federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

4. *Alternatives to the proposed rule.* The proposal would allow certain institutions converting to federal charters to retain attractive state investment and other authority, and for that authority to be passed to other federal associations through merger. Small associations would be able to enjoy this right to the same extent as large institutions, and the proposal would thus be beneficial to them, by providing more organizational, investment and other flexibility. There is no disproportionate negative effect on small institutions. Because the proposal would authorize use of what currently appears to be the most liberal grandfathering interpretation available under the statute, it would not be possible to modify the proposal to increase the benefits available under it to small institutions.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to allow thrift institutions greater flexibility in their investment, organizational and other decision-making, the Board has limited the comment period to 30 days.

List of Subjects in 12 CFR Part 543

Savings and loan associations.

Accordingly, the Board proposes to amend Part 543, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Add a new § 543.11-1, as follows:

§ 543.11-1 Grandfathered authority.

(a) To the extent authorized by the Board, a Federal savings bank formerly chartered or designated as a mutual savings bank under state law may exercise any authority it was authorized to exercise as a mutual savings bank under state law at the time of its conversion from a state mutual savings bank to a Federal or other state charter. Except to the extent such authority may be exercised by Federal associations not enjoying grandfathered rights hereunder, such authority may be exercised only to the degree authorized under state law at the time of such conversion, as determined by the Board. Unless otherwise determined by the Board, an association, in the exercise of grandfathered authority, may continue to follow applicable state laws and regulations in effect at the time of such conversion.

(b) To the extent authorized by the Board, a Federal association that acquires a Federal savings bank by merger or consolidation may itself exercise any grandfathered rights enjoyed by the disappearing institution, whether such rights were obtained directly through conversion or through merger or consolidation.

(c) This section shall not be construed to prevent the exercise by a Federal association enjoying grandfathered rights hereunder of authority that is available under the applicable state law only upon the occurrence of specific preconditions, such as the attainment of a particular future date or specified level of net worth, which have not occurred at the time of conversion from a state mutual savings bank, provided they occur thereafter, as determined by the Board.

(d) This section shall not be construed to permit the exercise of any particular authority on a more liberal basis than is allowable under the most liberal construction of either state or federal law or regulation, as determined by the Board.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR 1943-1948 Comp., p. 1071)

Dated: December 8, 1982.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-34195 Filed 12-15-82; 8:45 am]

BILLING CODE 6720-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. 0030]

Money Market Deposit Account With Unlimited Transfers for Those Not Eligible To Maintain NOW Accounts

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rulemaking.

SUMMARY: The Committee is requesting comment on an amendment to the Money Market Deposit Account authorized by the Committee, effective December 14, 1982, at 12 CFR § 1204.122, that would remove the restrictions on the number of transfers of funds for those accounts held by depositors that are not eligible to maintain NOW accounts.

DATE: Comments must be received by February 1, 1983.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed amendment to Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1058, Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220. All material submitted should include the Docket Number 0030 and will be available for inspection and copying upon request, except as provided in § 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT: Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447–1880); Joseph DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202/389–4147); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377–6446); Robert G. Ballen, Attorney, Board of Governors of the Federal Reserve System (202/452–3265); or Elaine Boutilier, Attorney-Adviser, Treasury Department (202/566–8737).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 ("DIDA") (Title II of Pub. L. 96–221, 12 U.S.C. 3501 *et seq.*) established the Committee to provide for the orderly phaseout and ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions as rapidly as economic conditions warrant. Section 327 of the Garn-St Germain Depository Institutions Act of 1982 requires the Committee to authorize a new insured deposit account that "shall be directly equivalent to and competitive with money market funds."

The Committee established this new account, the Money Market Deposit Account ("MMDA"), effective December 14, 1982 (12 CFR 1204.122). The MMDA is an insured deposit account with the following principal characteristics: (1) An initial balance and average balance requirement of no less than $2,500; (2) no minimum maturity; (3) no interest rate ceiling on deposits satisfying the initial and average balance requirements; and (4) a maximum of six preauthorized, automatic or third party transfers per month, of which no more than three can be checkd. Any depositor is eligible for the MMDA account.

The Committee subsequently, pursuant to its authority under the DIDA, established a new rule for the payment of interest on NOW accounts that have a minimum initial and average balance of $2,500. A depository institution may pay any rate of interest on such accounts if it also meets certain conditions that apply to the MMDA (12 CFR 1204.108(b)). NOW accounts generally are available only to individuals, certain nonprofit organizations operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and governmnental units (12 U.S.C. 1832(a)(2).

The Committee requests comment on a proposed modification to the MMDA that would permit commercial banks, mutual savings banks, and savings and loan associations to offer the MMDA to depositors that are not eligible to maintain NOW accounts with no restriction as to the number of transfers of funds from the account. In this regard, the General Counsel to the Committee has concluded that the Committee may modify the MMDA to provide for unlimited transfers for all categories of depositors given that Congress did not restrict the Committee's authority to add other characteristics that would make the account "directly equivalent to and competitive with money market mutual funds" and provided that the account be available to all customers. The Committee is particularly interested in comments on the impact of this proposed modification to the MMDA account on: (1) The flow of funds into and out of, and between accounts within, institutions; (2) the earnings of institutions; and (3) the funding of institutions in light of the differing degree of regulation on accounts with different maturities.

The Committee has considered the potential effect on small entities of the proposal to modify the MMDA, as required by the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*). In this regard, the Committee's action, in and of itself, would not impose any new reporting or recordkeeping requirements. Consistent with the Committee's statutory mandate to eliminate deposit interest rate ceiling, this proposal would enable all depository institutions to compete more effectively in the marketplace for short-term funds. Depositors that are not eligible to maintain NOW accounts generally should benefit from the Committee's proposal, since the new instrument would provide them with another investment alternative that pays a market rate of return. If low-yielding deposits shift into the new account, depository institutions might experience increased costs as a result of this action. However, their competitive position vis-a-vis nondepository competitors would be enhanced by their ability to offer a potentially more attractive competitive short-term instrument at market rates. The new funds attracted (or the retention of deposits that might otherwise have left the institution) could be invested at a positive spread and would therefore at least partially offset the higher costs associated with the shifting of low-yielding accounts.

List of Subjects in 12 CFR Part 1204

Banks, banking.

By order of the Committee, December 14, 1982.

Mark Bender,

Acting Executive Secretary.

[FR Doc. 82-34270 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 82-ANM-19]

Proposed Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend Jet Route No. 12 from its current beginning at Salt Lake City, UT, to Seattle, WA. This extension would provide an arrival route to Seattle via Ephrata, WA, in order to improve traffic flow in the terminal area for aircraft inbound from the east and southeast. This action would aid flight planning, reduce en route delays, and decrease controller workload.

DATE: Comments must be received on or before January 17, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 82–ANM–19, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division,

Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ANM–19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J–12 from Salt Lake City, UT, to Seattle, WA, via Ephrata, WA. A preferred en route arrival route is required to manage jet aircraft inbound from Salt Lake City to destinations in the Seattle terminal area. The Ephrata VORTAC would be the feeder fix for arrival aircraft from the east and southeast. This action would improve traffic flow in the Salt Lake City and Seattle terminal areas, aid flight planning, and reduce controller workload. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

J–12 [Revised]

Jet Route No. 12 From Seattle, WA, via Ephrata, WA; McCall, ID; Twin Falls, ID; Salt Lake City, UT; Fairfield, UT; to Grand Junction, CO.

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

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

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

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 34076 Filed 12–15–82 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 120, 121, and 135

[Docket No. 22480; Notice No. 82–13B; SFAR 38]

Air Transportation Regulation; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the comment period for Notice of Proposed Rulemaking (NPRM) No. 82–13 (47 FR 41486; September 20, 1982). That notice proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which would implement a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO). A preliminary review of public comments indicates that the scope of the concept is such that the public and aviation industry should be afforded additional time to review the proposals to determine its impact on operations. Additionally, this extension will allow the FAA time to develop advisory circulars detailing acceptable methods of complying with the safety objectives and outlining procedures for using the RBO system and to make these advisory circulars available to the public for review and comment concurrent with the NPRM comment period.

DATE: Comments must be received on or before May 20, 1983.

ADDRESS: Comments on the proposals contained in Notice No. 82–13 may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 22480, 800 Independence Avenue SW., Washington, D.C. 20591 or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 22480. Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Dan Beaudette, Assistant Manager, Air Transportation Division (AFO–201), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8166.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in Notice 82–13 are invited. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals may be changed in

the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22480." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of Notice No. 82–13 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Because of the ever-changing operating environment, the proposals contained in Notice No. 82–13 consider replacing traditional "how to" regulations with the safety objectives they are intended to achieve. This will allow each affected operator to assess its operations and seek more effective and efficient methods of complying with safety objectives while maintaining the highest level of safety.

Regulation by objective has three major goals:

(1) To continue the high level of safety that has made United States aviation regulatory standards a model for almost every aviation regulatory body in the world;

(2) To provide regulatory flexibility so that the aviation industry will not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives; and

(3) To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing existing regulations.

Numerous public comments submitted in response to Notice No. 82–13 indicated that the scope and complexity of these proposals is compounded by the absence of proposed advisory circulars (AC's) pertaining to the acceptable methods of complying with the safety objectives of Part 120. These AC's will contain an administrative section that will explain the procedures for using the RBO system. They also will outline the process for changing methods of compliance, either on an individual basis for a particular operator or on a general basis for all operators. The FAA is developing these AC's and will make them available to the public for review and comment.

The FAA recognizes that this proposal contains some significant changes to the method under which air carriers have been regulated historically. The agency also understands that there may be questions about this proposal. To that end, the agency has scheduled two public meetings to provide this information and to obtain comments on the proposal. However, a large public meeting may not be the best forum for questions which may exist concerning the concept or the practical means by which a proposal of this magnitude will be implemented or how it will affect an individual party. Accordingly, the agency would be receptive to requests from industry and other interested groups or individuals to discuss the proposal. Therefore, to afford such groups the maximum opportunity to understand fully the impact of the proposal, the FAA will schedule meetings based upon availability of agency resources, upon request. The FAA is prepared to hold these meetings between January 10, and April 20, 1983. Any interested person who wishes to arrange a mutually agreeable time for such a meeting should write or call the person identified under "FOR FURTHER INFORMATION CONTACT." A record of each meeting will be placed in the public docket and will be considered before promulgating any future rulemaking. Any suggestions about such meetings should be submitted to the docket by January 5, 1983.

Extension of comment period

The FAA has determined it is in the public interest to extend the comment period for Notice No. 82–13 to allow the agency time to develop appropriate advisory material and to afford the public and aviation industry the opportunity to review this material concurrent with proposed Part 120.

Accordingly, the comment period for Notice No. 82–13 is extended to close on May 20, 1983.

List of Subjects in 14 CFR Part 120

Acceptable method of compliance, Air carriers, Air taxi, Air transportation, Air traffic control, Aircraft, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Airworthiness, Alcohol, Aviation safety, Baggage, Beverages, Cargo, Chemicals, Children, Common carriers, Drugs, Flammable materials, Flight operations personnel, Handicapped, Hazardous materials, Helicopters, Hours of work, Mail, Narcotics, Operating document, Pilots, Safety, Smoking, Transportation, Weapons.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—This document extends the comment period on a notice of proposed rulemaking to afford the public maximum opportunity to review and respond to a proposed new regulatory concept. Therefore, this document imposes no regulatory or economic burden on the public or industry. For these reasons, I certify that this document will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA has determined that this notice involves an action which is not a major rule under Executive Order 12291. However, because of the new regulatory concept proposed in Notice No. 82–13, that notice is considered a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for Notice No. 82–13 is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82–33844 Filed 12–9–82; 1:36 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–252–81]

Deductibility of Employee Awards

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that provide rules governing the deductibility by employers of expenses for awards to employees. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 14, 1983. The amendments relating to the Economic Recovery Tax Act of 1981 are proposed to be effective for taxable years ending on or after August 13, 1981. The clarifying changes contained in this notice are proposed to be effective for taxable years ending after December 31, 1962, but only in respect of periods after such date.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–252–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Robert H. Ginsburgh of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 274 (b) of the Internal Revenue Code of 1954. These amendments are proposed to conform the Income Tax Regulations to section 265 of the Economic Recovery Tax Act of 1981 (95 Stat. 265). The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

General Information

Section 274 (b) was added to the Code by the Revenue Act of 1962. Basically, section 274 (b) provides that a deduction for business gifts is disallowed to the extent that the total expense for gifts given during the taxable year exceeds $25 with respect to any person. The term "gift," for purposes of section 274 (b), has, in general, the same meaning as that term has under section 102 of the Code. In addition, three exceptions to the term "gift' are provided in section 274 (b) (*i.e.*, although an item is a gift under section 102, that item, for purposes of section 274 (b), is not treated as a gift and hence may be deductible).

Explanation of Proposed Regulations

The proposed regulations reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (*i.e.*, the exception within certain dollar limitations for awards of tangible personal property). The 1981 Act expanded the purposes for which excepted awards may be given to include productivity awards, and it provided more generous dollar limitations on the deduction for "qualified plan awards." In addition, the 1981 Act raised from $100 to $400 the maximum amount deductible for an award other than a qualified plan award and provided for the deduction of the maximum amount in cases in which the maximum is exceeded.

A qualified plan was an item of tangible personal property that is awarded by an employer to an employee by reason of the employee's length of service, productivity, or safety achievement. Furthermore, that item must be awarded as part of a permanent, written award plan or program that does not discriminate as to eligibility or benefits in favor of employees who are officers, shareholders, or highly compensated employees. However, for purposes of section 274(b), an item that qualifies as a qualified plan award is not treated as a qualified plan award to the extent that its cost exceeds $1,600. In addition, if the average cost of all items awarded by a taxpayer during a taxable year under any plan described in section 274(b)(3)(A) exceeds $400 then none of those items is treated as a qualified plan award.

In addition, the proposed regulations clarify the existing regulations under section 274(b) by excluding from the term "tangible personal property" any award of cash, of a gift certificate, or of a right to choose among 5 or more different items, and by providing that an award from an employer to an employee must be given by reason of the employee's achievement.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be made available for public inspection and copying. A public hearing will be held upon written request of any person who has submitted written comments.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1980. Accordingly, a Regulatory Impact Analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations is Robert H. Ginsburgh of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.61–1 Through 1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

Proposed Amendments to the Regulations

PART 1—[AMENDED]

The proposed amendments to 26 CFR Part 1 amend § 1.274–3 as follows:

(1) Paragraph (b)(2) is amended by revising subdivision (iii), by inserting immediately thereafter a new subdivision (iv), and by inserting three new sentences at the beginning of the flush material that follows new subdivision (iv), to read as set forth below.

(2) Paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g) respectively.

(3) New paragraph (d) is inserted to read as set forth below.

§ 1.274–3 Disallowance of deduction for gifts.

* * * * *

(b) *Gift defined.* * * *

(2) *Items not treated as gifts.* The term "gift," for purposes of this section, does not include the following:

* * * * *

(iii) In the case of a taxable year of a taxpayer ending on or after August 13, 1981, an item of tangible personal property which is awarded to an employee of the taxpayer by reason of the employee's length of service (including an award upon retirement), productivity, or safety achievement, but only to the extent that—

(A) The cost of the item to the taxpayer does not exceed $400; or

(B) The item is a qualified plan award (as defined in paragraph (d) of this section); or

(iv) In the case of a taxable year of a taxpayer ending before August 13, 1981, an item of tangible personal property having a cost to the taxpayer not in excess of $100 which is awarded to an employee of the taxpayer by reason of the employee's length of service or safety achievement.

For purposes of subdivision (iii) and (iv) of this subparagraph, the term "tangible personal property" does not include cash, any gift certificate, or any award of a right to choose among 5 or more different items. For this purpose, minor differences in items do not make them different items. For example, the right to choose among various television sets is not a right to choose among different items whereas a right to choose between a diamond ring and a diamond pin is such a right. * * *

* * * * *

(d) *Qualified plan award.*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph the term "qualified plan award," for purposes of this section, means an item of tangible personal property that is awarded to an employee by reason of the employee's length of service (including retirement), productivity, or safety achievement, and that is awarded pursuant to a permanent, written award plan or program of the taxpayer that does not discriminate as to eligibility or benefits in favor of employees who are officers, shareholders, or highly compensated employees. The "permanency" of an award plan shall be determined from all the facts and circumstances of the particular case, including the taxpayer's ability to continue to make the awards as required by the award plan. Although the taxpayer may reserve the right to change or to terminate an award plan, the actual termination of the award plan for any reason other than business necessity within a few years after it has taken effect may be evidence that the award plan from its inception was not a "permanent" award plan. In the event that a written award plan is terminated, the taxpayer should promptly notify the district director, stating the circumstances that led to its termination. Whether or not an award plan is discriminatory shall be determined from all the facts and circumstances of the particular case. An award plan may fail to qualify because it is discriminatory in its actual operation even though the written provisions of the award plan are not discriminatory.

(2) *Items not treated as qualified plan awards.* The term "qualified plan award," for purposes of this section, does not include an item qualifying under paragraph (d)(1) of this section to the extent that the cost of the item exceeds $1,600. In addition, that term does not include any items qualifying under paragraph (d)(1) of this section if the average cost of all items (whether or not tangible personal property) awarded during the taxable year by the taxpayer under any plan described in paragraph (d)(1) of this section exceeds $400. The average cost of those items shall be computed by dividing (i) the sum of the costs for those items (including amounts in excess of the $1,600 limitation) by (ii) the total number of those items.

(e) *Gifts made indirectly to an individual.* * * *

(f) *Special rules.* * * *

(g) *Cross references.* * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-34103 Filed 12-13-82; 11:57 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 443; Re: Notice No. 405]

Madera Viticultural Area; Public Hearing

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of hearing.

SUMMARY: This notice announces the time and location the Bureau of Alcohol, Tobacco and Firearms (ATF) will hold a public hearing to gather additional information and testimony on the proposed Madera viticultural area. Notice No. 405 was published in the Federal Register on January 26, 1982 (47 FR 3564) wherein ATF proposed the establishment of a viticultural area in the Central San Joaquin Valley of California to be known as "Madera." The proposal was issued as a result of a petition submitted by Mr. David B. Ficklin, president, Ficklin Vineyards, for the establishment of Madera as a viticultural area.

DATES: Hearing Date: January 18, 1983, at 9:30 a.m. (an evening session will be held if necessary at 7:00 p.m.).

Requests to Testify: Requests to testify must be received on or before January 12, 1983. If individuals are unable to appear and present oral testimony, they may submit written testimony which will be read and entered into the hearing record.

ADDRESSES: Requests to testify or written testimony submitted in lieu of a personal appearance must be submitted to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385. (ATTN: Notice No. 443).

Hearing Location: Madera County Library, Blanche Galloway Room, 121 N. "G" Street, Madera, California.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. (202-566-7626).

SUPPLEMENTARY INFORMATION

Background

On January 26, 1982, ATF published a notice of proposed rulemaking, No. 405, in the **Federal Register** (47 FR 3564) proposing the "Madera" viticultural area. The 45-day comment period ended on March 12, 1982. However, written comments and supplementing comments submitted after this date were accepted since final consideration on the notice had not been initiated.

Seven comments were submitted regarding the Madera proposal. Five of the comments fully supported the Proposed name and boundaries. A comment submitted by Mr. Robert L. Smith, representing Vina del Rio, Vina del Oso and Banducci Vineyards objected to the proposed boundaries, stating that the boundaries should be expanded to encompass the remaining western portion of Madera County. The amended area would extend the southern and western boundaries approximately 15 miles west to the Madera/Fresno County line along the San Joaquin River. The northern boundary would be extended west along the Madera/Merced county line to the intersection of Madera/Fresno County line. The amended area includes approximately 250-300 square miles which would nearly double the size of the proposed area. The amended area contains approximately 5,000 acres of new and proposed plantings of wine grapes, primarily located in the southwestern corner of the county, east of the City of Firebaugh. This area has only recently cultivated wine grapes, having been reclaimed by leaching out alkaline from the soil through irrigation. Mr. Smith claimed that the amended area exhibits the same viticultural and climatic conditions as the proposed area.

Another comment submitted by the Portuguese Government, through their Washington, D.C., Embassy, objected to the proposed name "Madera." The Portuguese Government stated that ATF

already recognizes "Madeira" and "Port" as semi-generic foreign designations of geographic significance, which are also the designations for specific classes and types of wines (§ 4.24(b)(2) of 27 CFR). As such, any American winery producing either of these wines is required to label the wine with an American appellation disclosing the true place of origin. As applied to the proposed viticultural name, examples of labels would read: Madera-Madeira or Madera-Port. The Portuguese Government claimed that approval of Madera as an appellation of origin would be confusing and misleading to the consumer and unfair to the Portuguese wine industry.

Public Hearing and Requests To Testify

ATF believes that a public hearing on the proposed Madera viticultural area is essential in order to obtain and evaluate additional information and allow all interested parties an opportunity to give oral testimony. Persons desiring to testify should submit a written request containing the name, address, and telephone number of the individual who will testify. The request should also contain the time of day which would be most convenient to testify. To the extent possible, ATF will honor preferences. Persons asking to testify should include an outline of the topics on which they will speak. Oral comment will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons asking to comment should be prepared to respond to questions concerning their comments, their topic outlines, or any matter relating to written comments they may have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of the hearing, if time permits.

ATF will notify all persons asking to comment and will confirm their scheduled time of presentation. An agenda listing the speakers will be available at the hearing.

Copies of the petition and all written comments will be available at the hearing for public inspection. This public hearing is open to the public and will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3).

ATF specifically request comments concerning:

(a) Alternative names for the proposed viticultural area, in particular, the name "Madera of California" or derivations thereof.

(b) Whether use of the name "Madera" as an approved viticultural area appellation would be misleading or confusing to the consumer since the name may also be used in wine labeling and advertising as a county appellation, "Madera County", indicating that 75 percent of the grapes came from the designated county appellation as opposed to 85 percent for viticultural appellations?

(c) Whether use of the name "Madera" as an approved American appellation of origin would be misleading or confusing to the consumer when used on a label in conjunction with a distinctive name of foreign geographic significance; such as, Madera-Madeira or Madera-Port? and

(d) Alternative boundaries:

(1) Should the proposed boundaries be amended to encompass the remaining western portion of Madera County? or

(2) Should the proposed boundaries be amended to encompass only areas currently cultivating wine grapes in the western portion of Madera County? If so, identify the amended boundary lines; or

(3) Should the proposed boundaries be approved, as petitioned, on the basis that: (i) They define a delimited grape-growing area which is distinguishable from surrounding areas, and (ii) amendments would define an area with dissimilar geographical characteristics and historical evidence?

Evidence obtained at the hearing along with all written comments previously submitted will be used to determine whether final regulations should be issued approving the petition as proposed, or as amended.

Drafting Information: The author of this document is Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority—This notice of hearing is issued under the authority of 27 U.S.C. 205.

Signed: November 17, 1982.

W. T. Drake,

Acting Director.

Approved: December 6, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-34122 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 81-067]

Chesapeake Bay and Tributaries, Maryland; Regulated Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the Regulated Navigation Area Regulations to establish an "Ice Navigation Season" Regulated Navigation Area (RNA) on the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. The regulations for this Regulated Navigation Area would be placed in effect and terminated at the direction of the Captain of the Port, Baltimore. The purpose of this Regulated Navigation Area is to enhance the safety of navigation in the affected waters. It would require operators of certain vessels to be aware, during the duration of their vessel's transit of the Regulated Navigation Area, of currently effective Ice Navigation Season Captain of the Port Orders issued by the Captain of the Port, Baltimore, Maryland.

DATE: Comments must be received on or before January 31, 1983.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspections and copying at the Office of the Executive Secretary, Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593 between the hours of 8 A.M. and 4 P.M. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ensign Randy Strobridge, Project manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593 (202) 426-4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this rulemaking by submitting written views, data or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81-067, give the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed postcard or envelope. This proposed rule may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before the final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make

oral presentations will be beneficial to this rulemaking.

DRAFTING INFORMATION: The principal persons involved in drafting this rulemaking are Lieutenant Commander J. G. KOTECKI, Port Safety Branch, Fifth Coast Guard District, Portsmouth, VA, Ensign Randy Strobridge, Office of Marine Environment and Systems, Coast Guard Headquarters and Lieutenant Walter J. Brudzinski, Project Counsel, Office of Chief Counsel, U.S. Coast Guard Headquarters Washington, DC 20593.

DISCUSSION OF THE PROPOSED REGULATION: This proposed rule would establish a Regulated Navigation Area (RNA) for those navigable waters of the United States which are part of the Chesapeake Bay, its tributaries, and the Chesapeake and Delaware Canal, which are within the Baltimore Marine Inspection Zone and Captain of the Port (COTP) Zone as established by 33 CFR 3.25–15. The regulations for this RNA would become effective at the direction of the Captain of the Port (COTP) Baltimore, usually in December of each year to the following March (Ice Navigation Season) when ice presents a hazard to navigation on these waters.

The purpose of this proposed RNA would be to enhance the safety of navigation on these waters during this Ice Navigation Season by requiring operators of certain vessels to contact the Coast Guard and request the latest COTP Ice Orders. These COTP Orders are issued as the need arises, and are based upon information available concerning the ice and weather conditions at hand, or likely to be present in the near future. They also contain an assessment of the hazard that this ice may present to vesssel traffic.

Currently, COTP Orders issued during the Ice Navigation Season have been publicized through issuance in a Broadcast Notice to Mariners and, when possible, through local radio and television announcements. A recorded telephone message containing information regarding current COTP Orders is also provided by the COTP Baltimore through the Marine Safety Office, Baltimore, Maryland. Also, other Coast Guard units in the area may have information regarding currently effective orders. However, dissemination of COTP Orders through these various means does not ensure that vessel operators will have knowledge of up-to-date orders prior to commencing, or at any time during their transit. Further, while the requirment exists (33 CFR 160.121) for each person who has notice of an order to comply with that order, the circumstances associated with the issuance of COTP Orders for the Ice Navigation Season render it virtually impossible to provide either individual notice to each person likely to be affected by that order, or even to provide effective local distribution to the various reaches of the affected waters. Therefore, transits over the affected waters have been made irrespective of, or contrary to, the restrictions imposed by currently effective COTP Orders.

It is the problem of lack of notice and failure to comply with COTP Orders issued during the Ice Navigation Season that this proposed rule is intended to correct.

Specifically, the vessels which have been claiming lack of notice and have been failing to comply with COTP Orders have been commercial vessels and vessels carrying certain cargoes in bulk. Therefore, this proposal would apply only to those vessels defined under subpargraph (3) of section 5 of the Port and Tanker Safety Act, 92 Stat 1482 (46 U.S.C. 391a) and section 4(1) through (3) of the Vessel Bridge-to-Bridge Radiotelephone Act, 80 Stat. 164. (33 U.S.C. 1203(A) (1) through (3). Under the applicable section of the Port and Tanker Safety Act these regulations would apply to any vessel regardless of tonnage, size, or whether self-propelled or not; which operates on or enters the navigable waters of the United States within the RNA, and which carries oil or any hazardous materials in bulk as cargo or in residue.

The section of the Vessel Bridge-to-Bridge Radiotelephone Act to which this proposal would apply encompasses every power-driven vessel of three hundred gross tons and upward; every vessel of one hundred gross tons and upward carrying one or more passengers for hire; and every towing vessel of twenty-six feet or over in length.

This proposal would require specifically that, during the time the regulations for the Regulated Navigation Area are in effect, operators of vessels described above check with COTP Baltimore upon entering or getting underway in the Baltimore COTP Zone and request the current COTP Orders issued for this RNA. The method of checking shall be by the most rapid means available. Navigation in compliance with these orders is required by 33 CFR 160.121. A vessel whose operator cannot meet this requirement shall not be navigated in this RNA. Once the regulations for this RNA are placed in effect, affected vessel operators can comply by calling the COTP Baltimore recorded telephone announcement containing the latest COTP Orders. The Marine Safety Office telephone number in use for recorded announcements concerning effective COTP Orders, and the schedule for broadcast of the orders is published in the Fifth Coast Guard District's Local Notice to Mariners prior to the outset of the Ice Navigation Season, and periodically throughout the season.

Although by its own terms, the regulations for this RNA will be in effect at the direction of the COTP, usually in intervals from December of each year to the following March, notice of the establishment of the RNA regulations will be published in the **Federal Register** and the Fifth Coast Guard District Local Notice to Mariners (LNM). It will be republished periodically in the LNM throughout the Ice Navigation Season. Additionally, local notice of the establishment of the RNA regulations will be made available through other public notice methods such as the COTP newsletters and news broadcasts.

Paragraph (a) of the proposed rule describes the boundaries and the general time period in which COTP Baltimore will establish the regulations for the Regulated Navigation Area. It will also describe how notice of the RNA's regulations will be made. Paragraph (b) specifies the requirement for operators of certain vessels to inform themselves of currently effective COTP Orders affecting their vessel's transit of this Regulated Navigation Area. Paragraph (d) establishes requirements for vessel operators unable to comply with currently effective Ice Season COTP Orders.

Regulated Navigation Areas were formerly in Part 128. These regulations have been recodified and published as a new Part 165 entitled Regulated Navigation Areas and Limited Access Areas. (CGD 79–034 July 8, 1982, 47 FR 29659).

Evaluation

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined to be nonmajor. In addition, these proposed regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80).

A draft economic evaluation has not been prepared since the impact of this proposed regulation is expected to be minimal. The costs of complying with this proposal are not quantifiable to any extent practicable. Some vessel operators may opt to use their radios to contact the Captain of the Port, Baltimore. This method will not result in

additional costs. However, other vessel operators may use the telephone to contact the COTP and request the current COTP Orders. The costs of placing a brief long distance telephone call compared with the overall operational costs of the vessel's transit through the Regulated Navigation Area are insignificant. Further, these costs will be incurred only in those instances where the vessel's operation requires transit through the Regulated Navigation Area during the Ice Navigation Season. These insignificant costs are outweighed substantially by the benefits of having up-to-date information on ice conditions, the avoidance of ice concentrations, the lessened risk of becoming ice bound, and the lessened risk of vessel damage.

In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities, for the reasons set forth above.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Waterways, Security measures, Navigation (water), Barges, Vessels.

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding new § 165.503 to read as follows:

§ 165.503 Chesapeake Bay Ice Navigation Season.

(a) The following is a Regulated Navigation Area (RNA)—the waters within the boundary of a line which starts at the intersection of the Delaware-Maryland boundary and the coastline and follows the Delaware-Maryland boundary west and north to the Pennsylvania boundary but includes the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; then due west along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence south and eastward along the Maryland-West Virginia boundary to the Virginia boundary; thence southwestward along the Virginia-West Virginia boundary to a point 39°06′N. latitude, 78°30′W. longitude; thence to a point 38° 19.5′N. latitude, 77°25.2′W. longitude; thence to a point 37°55′N. latitude, 76°28.2′W. longitude; thence to a point 37°55′N. latitude 76°16.8′W. longitude; thence to a point 37°56.5′N. latitude, 76°10.5′W. longitude; thence to a point 37°57.2′N. latitude, 76°03′W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea.

The regulations in paragraphs (b) and (c) for this Regulated Navigation Area will be placed in effect and terminated by the Captain of the Port, Baltimore by notice in the **Federal Register.** Notice will also be given in the Fifth Coast Guard District Local Notice to Mariners, and other available public notice means such as COTP newsletters and news broadcasts. This Regulated Navigation Area will normally be placed in effect and terminated between December and March of the following year.

(b) This Regulated Navigation Area applies to:

(1) Operators of those vessels defined under subparagraph (3) of section 5 of the Port and Tanker Safety Act, 92 Stat. 1482 (46 U.S.C. 391a), which includes any vessel—

(i) Regardless of tonnage, size, or manner of propulsion;

(ii) Whether self-propelled or not; and

(iii) Which carries oil or any hazardous materials in bulk as cargo or in residue;

(2) Operators of those vessels defined under section 4, subparagraphs (1) through (3) of the Vessel Bridge-to-Bridge Radio-telephone Act, 85 Stat. 164 (33 U.S.C. 1203(a)(1)–(3)), which includes—

(i) Every power-driven vessel of three hundred gross tons and upward;

(ii) Every vessel of one hundred gross tons and upward carrying one or more passengers for hire; and

(iii) Every towing vessel of twenty-six feet or over in length.

(c) Upon entering or getting underway in this Regulated Navigation Area when the regulations in this section are in effect, operators of vessels described in paragraph (b) shall check with the Captain of the Port, Baltimore, by the most rapid means available, and request the current COTP Orders issued for this Regulated Navigation Area. Operators of affected vessels that cannot meet this requirement shall not navigate their vessels in the RNA described in (a) above.

(d) If unable to comply with a currently effective COTP Order, operators of vessels described in paragraph (b) above shall not navigate their vessels in the RNA and shall notify COTP Baltimore by the most rapid means available. Such notification shall include:

(1) The name of the vessel;

(2) The vessel's location; and

(3) That provision of the currently effective order with which the vessel cannot comply.

(Sec. 2, 92 Stat. 1472, 1477 (33 U.S.C. 1223, 1231); 49 CFR 1.46(n)(4))

Dated: December 3, 1982.

B. F. Hollingsworth,

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

[FR Doc. 82-34225 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35 and 130

[WH-FR 2268-T]

Water Quality Planning and Management; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On Tuesday, October 19, 1982, at 47 FR 46668, the Environmental Protection Agency published a proposed revision to the regulation governing the water quality planning and management activities outlined in sections 106, 205(g), 208, 303 and 305 of the Clean Water Act. The original comment period closed on November 18, 1982. The comment period on this proposed regulation is being extended until January 27, 1983.

DATE: Comments must be submitted on or before January 27, 1983.

ADDRESS: Comments may be mailed to Carl F. Myers, Environmental Protection Agency, WH–554, Room 811E, Washington, D.C. 20460. Copies of the proposed regulation may be obtained by writing Mr. Myers at the above address or telephoning him at (202) 382–7080.

FOR FURTHER INFORMATION CONTACT: Carl F. Myers (202) 382–7080.

SUPPLEMENTARY INFORMATION: In response to numerous requests, the comment period is being extended until January 27, 1982, to allow commenters to comment simultaneously on both the proposed Water Quality Planning and Management regulation and the proposed Water Quality Standards regulation published earlier at 47 FR 49234. The extension will allow additional comments and result in increased coordination of water quality activities in the final regulations.

Dated: December 3, 1982.

Rebecca W. Hammer,

Assistant Administrator for Water (WH-556).

[FR Doc. 82-34221 Filed 12-15-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 439, 455, and 467

[WH-FRL 2268-2]

Effluent Guidelines and Standards; Aluminum Forming, Pharmaceuticals, Pesticides Manufacturing Point Source Categories; Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of hearings open to the public to discuss and receive comments on pretreatment standards recently proposed in the Federal Register. These hearings will be to elicit additional comments on the regulations. These comments will be used to further assist the Agency in finalizing technically sound and cost effective final regulations.

Anyone wishing to make an oral statement or submit written testimony at the hearings should contact Mr. Harold B. Coughlin and indicate which session of the hearing they plan to attend.

The proposal dates are as follows:

Proposal date	Category
Nov. 22, 1982 (47 FR 52626)	Aluminum forming.
Nov. 26, 1982 (47 FR 53584)	Pharmaceuticals.
Nov. 30, 1982 (47 FR 53994)	Pesticides manufacturing.

DATE: The public hearings have been scheduled for January 17, 1983.

ADDRESS: The public hearings will be held at the following address: Skyline Inn, South Capitol and I Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harold Coughlin, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), (202) 382-7115, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

SUPPLEMENTARY INFORMATION: This public hearing is being held in accordance with Section 307(b) of the Clean Water Act, 33 U.S.C. 1317(b). Registration for the hearing will be held from 8:00 to 8:30 a.m. Oral testimony will be presented as follows: 9:00 to 11:00 a.m.—Pesticides Manufacturing; 11:00 a.m. to 1:00 p.m.—Aluminum Forming; and 2:00 to 4:00 p.m.—Pharmaceuticals. Following the registration period there will be a brief presentation by an EPA offical on the development of these pretreatment standards. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the question and answer session which will conclude the presentations of oral testimony for each category. A court recorder will be present at the public hearing. Official transcripts will be available upon request.

Dated: December 7, 1982.

Rebecca W. Hammer,

Assistant Administrator for Water.

[FR Doc. 82-34222 Filed 12-15-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 47, No. 242
Thursday, December 16, 1982

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

DEPARTMENT OF AGRICULTURE

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., January 18, 1983, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning including the Coronado National Forest Plan and EIS, and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–629–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Larry S. Allen,

Acting Forest Supervisor.

December 9, 1982.

[FR Doc. 82–34205 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–11–M

Inyo National Forest Grazing Advisory Board; Meeting

The Inyo National Forest Grazing Advisory Board will meet at 10 a.m. on January 11, 1982, in the Inyo National Forest Conference Room in Bishop, California. The purpose of the meeting is:

Introduction of Elected Board Members
Discussion of purpose of Grazing Advisory Board
FY 83 and 84 Range Management Budgets
Grazing Advisory Board recommendations
Establishment of sub-committees
Establishment next meeting date.

The meeting will be open to the public. Persons who wish to attend may notify Inyo National Forest—telephone (619) 873–5841. Written statements may be filed with the committee before or after the meeting. Members of the public wishing to speak at the meeting will be recognized by the committee chairman at the appropriate time.

Dated: December 8, 1982.

James L. Cooper,

Acting Forest Supervisor.

[FR Doc. 82–34206 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–11–M

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 9:30 a.m., January 27, 1983, at the New Mexico School for the Visually Handicapped, 1900 North White Sands Boulevard, Alamogordo, New Mexico. The purpose of the meeting is to provide grazing permittees of the Lincoln National Forest means for offering advice and recommendations concerning:

- Management Plans
- Range Improvements
  (a) Range Betterment Funds
  (b) Permit Modifications.

Another item to be discussed is Land Management Planning.

The meeting will be open to the public. Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico (Telephone: 505–437–6030). Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbott,

Forest Supervisor.

December 10, 1982.

[FR Doc. 82–34207 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–11–M

Northern California Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Northern California subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 11:00 a.m. on Friday, January 14, 1983. The meeting will be held in the conference room, Shasta-Trinity National Forests Headquarters. 2400 Washington Avenue, Redding, California.

The purpose of the meeting is to discuss organized volunteerism for the Pacific Crest Trail, support facilities for the Trail, water needs for the Trail users, and compatibility of uses on the Trail. other policy matters concerning the Trail may also be considered.

The meeting will be open to the public. Persons who wish additional imformation should contact Dick Benjamin, Recreation Staff. Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco. California 94111. Phone (415) 556–6983.

Dated: December 7, 1982.

Richard E. Montague,

Acting Regional Forester, Pacific Southwest Region.

[FR Doc. 82–34204 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–11–M

Southern California Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Southern California Subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 9:30 a.m. on Thursday, January 27, 1983. The meeting location will be the 2nd floor conference room, Angeles National Forest Headquarters, 150 South Los Robles Street, Pasadena, California.

The purpose of the meeting is to discuss organized volunteerism for the Pacific Crest Trail, compatibility of uses on the trail, and other matters relating to completion of the trail.

The meeting will be open to the public. Persons who wish additional information should contact Dick Benjamin, Recreation Staff, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111. Telephone number (415) 556–6986.

Dated: December 8, 1982.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 82–34203 Filed 12–15–82; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-005]

Carbon Steel Bars and Structural Shapes From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada. The review covers the only manufacturer covered by the finding, Western Canada Steel Limited, for the period September 1, 1980 through August 31, 1981, and three 1978 shipments by Western Canada Steel excluded from the last administrative review. It also covers the five other known exporters of bars and structural shapes manufactured by Western Canada Steel for consecutive periods from October 1, 1972 through August 31, 1981. The review indicates the existence of dumping margins for certain firms in certain periods.

As a result of the review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated difference between United States price and foreign market value on each of their shipments during the periods of review. Where no information was received, the Department used the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On April 22, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 17318) the final results of its last administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada (29 FR 13319, September 25, 1964) and announced its intent to conduct the next administrative review by the end of September 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated (TSUSA), manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The review covers Western Canada Steel for the period September 1, 1980 through August 31, 1981 and three 1978 shipments by Western Canada Steel excluded from the last review. The review also covers the five other known exporters of this merchandise for consecutive periods from October 1, 1972 through August 31, 1981. Western Canada Steel failed to respond to our questionnaire. Therefore, we used the best information available to determine the assessment and estimated antidumping duty cash deposit rates for that firm. The best information available is a combination of the rate on the 1978 entries covered in our last review and the rate on the three 1978 shipments covered by the current review. All five of the other exporters provided adequate responses. One of the five, Tudor Sales Ltd., sold in both markets and therefore could be reviewed independently of Western Canada Steel. However, for the four others, since they only sold to the U.S. and their supplier, Western Canada Steel, was non-responsive for the last year reviewed, we used the best information available to determine their estimated duty cash deposit rates. The best information available for three of the four is the most recent rate for Tudor Sales. For the fourth firm, Cam Chain, we used its most recent rate.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, since all sales were made to unrelated purchasers in the United States, or to unrelated exporters to the United States, prior to the date of exportation or importation, as appropriate. Purchase price was based on delivered prices with deductions, where applicable, for foreign and U.S. inland freight, insurance, U.S. customs duties, and commissions to unrelated parties. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Adjustments were made, where applicable, for inland freight and commissions to unrelated parties, in accordance with § 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of Untied States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Western Canada Steel Ltd.	09/01/80-08/31/81	40.64
Western Canada/A.J. Forsyth Co., Ltd.	10/01/72-08/31/77	[1]0.00
	09/01/77-08/31/80	[1]0.00
	09/01/80-08/31/81	[1]0.00
Western Canada/Mitsubishi	10/01/72-08/31/78	[1]0.00
	09/01/78-08/31/80	[1]0.00
	09/01/80-08/31/81	[1]0.01
Western Canada/Mitsui & Co. (Canada) Ltd.	10/01/72-08/31/78	[1]0.00
	09/01/78-08/31/80	[1]0.00
	09/01/80-08/31/81	[1]0.01
Western Canada/Tudor Sales Ltd.	10/01/72-08/31/76	[1]0.00
	09/01/76-08/31/78	0.00
	09/01/78-08/31/79	0.02
	09/01/79-08/31/80	0.02
	09/01/80-08/31/81	0.01
Western Canada/Cam Chain Co., Ltd.	10/01/72-08/31/79	[1]0.00
	09/01/79-08/31/80	1.33
	09/01/80-08/31/81	1.33

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication of the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment

instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required on all shipments of Canadian carbon steel bars and structural shapes from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the most recent margins for A.J. Forsythe Co., Ltd., Mitsubishi Canada, Ltd., Mitsui & Co. (Canada) Ltd., and Tudor Sales Ltd. are less than 0.5 percent, and therefore *de minimis*, the Department shall waive the deposit requirement for these firms. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: December 10, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34167 Filed 12-15-82]

BILLING CODE 3510-25-M

Greige Polyester/Cotton Printcloth From the People's Republic of China; Postponement of Antidumping Preliminary Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Antidumping Determination.

SUMMARY: The preliminary determination of greige polyester/cotton printcloth from the People's Republic of China is being postponed, until not later than March 3, 1982.

EFFECTIVE DATE: December 16, 1982

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-2613.

SUPPLEMENTARY INFORMATION: On August 25, 1982, we announced the initiation of an antidumping investigation to determine whether greige polyester/cotton printcloth from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value. The notice of initiation stated that if the investigation proceeded normally we would issue a preliminary determination on or before January 12, 1983.

Section 733(c) of the Tariff Act of 1930, as amended (the Act), provides that the Department of Commerce may postpone its preliminary determination if it concludes that the parties involved are cooperating in the investigation, if it determines that the case is extraordinarily complicated, and if additional time is necessary to make the preliminary determination. We find these factors to exist for this case. We have determined the PRC to be a state-controlled economy country under section 773(c) of the Act with respect to printcloth. We have also determined this case to be extraordinarily complicated under section 733(c)(1)(B) of the Act. Specifically, a novel issue is presented in that we must select and secure the cooperation of a non-state-controlled economy country to act as a surrogate for the PRC with respect to printcloth. We intend to issue a preliminary determination not later than March 3, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: December 9, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34157 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-25-M

[A-423-074]

Perchlorethylene From Belgium; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On October 5, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on perchlorethylene from Belgium. The review covers the only known exporter of this merchandise to the United States and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 18, 1979, the Treasury Department published in the **Federal Register** a dumping finding with respect to perchlorethylene from Belgium (T.D. 79-150, 44 FR 29045-6). On October 5, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 43991) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

The imports covered by the review are shipments of perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the one known exporter of Belgian perchlorethylene to the United States, Solvay & CIE, and the period May 1, 1981 through April 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 150 percent shall be required on all shipments of Belgian perchlorethylene entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administative review. The Department intends to conduct the next administrative review by the end of May 1984. 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 during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: December 9, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34166 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-25-M

Shop Towels of Cotton From the People's Republic of China; Postponement of Antidumping Preliminary Determination

AGENCY: International Trade Administration, Commerce

ACTION: Postponement of preliminary antidumping determination

SUMMARY: The preliminary determination of shop towels of cotton from the People's Republic of China is being postponed, until not later than March 2, 1982.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-2613.

SUPPLEMENTARY INFORMATION: On September 13, 1982, we announced the initiation of an antidumping investigation to determine whether shop towels of cotton from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. The notice of initiation stated that if the investigation proceeded normally we would issue a preliminary determination on or before January 31, 1983.

Section 733(c) of the Tariff Act of 1930, as amended (the Act), provides that the Department of Commerce may postpone its preliminary determination if it concludes that the parties involved are cooperating in the investigation, if it determines that the case is extraordinarily complicated, and if additional time is necessary to make the preliminary determination. We find these factors to exist for this case. We have determined the PRC to be a state-controlled economy country under section 773(c)(1)(B) of the Act. Specifically, a novel issue is presented in that we must select and secure the cooperation of a non-state-controlled economy country to act as a surrogate for the PRC with respect to shop towels. We intend to issue a preliminary determination not later than March 22, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: December 9, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34158 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Carbon Steel Pipe and Tube Products From South Africa; Postponement of Countervailing Duty Preliminary Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Countervailing Duty Preliminary Determination.

SUMMARY: The countervailing duty preliminary determination involving certain carbon steel pipe and tube products from South Africa is being postponed because the investigation has been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determination no later than March 7, 1983.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-3965.

Postponement

On October 29, 1982, we published the initiation of a countervailing duty investigation to determine whether producers, manufacturers or exporters of certain pipe and tube products from South Africa receive benefits which constitute bounties or grants within the meaning of the countervailing duty law (47 FR 49057). The notice of initiation of countervailing duty investigation states that if the investigation proceeds normally we will issue a preliminary determination on or before December 30, 1982.

On November 26, 1982, we amended the scope of the investigation adding new products not covered by our notice of initiation (47 FR 53440). Because this required responses to the questionnaire which we sent out to be amended, and because new parties are likely to be identified, we have extended the time for responding to the Department's questionnaire to January 21, 1983. We need to determine the extent to which particular subsidies are used by individual manufacturers, producers and exporters and to know the number and identity of firms whose activities must be investigated. The government of South Africa and the South African firms involved in this investigation need more time to develop this information due to the fact that we amended the scope of investigation. We have determined that the parties concerned are cooperating, and that additional time will be necessary to make the countervailing preliminary determination. For these reasons we find that these cases are extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended (the "Act"), and we have postponed the countervailing duty preliminary determination to not later than March 7, 1983. We have granted the 65 day period extension because we think that the inclusion of these additional products, firms and utilization of benefits may require the full time for us to obtain and analyze a complete response. We will try to issue the preliminary determination prior to March 7, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: December 10, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34159 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Detrmination; Certain Iron-Metal Construction Castings From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufactures, producers, or exporters in Mexico of certain iron-metal construction castings, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is 40.53 percent ad valorem. This rate is based on the use of the petitioners allegations as best information available because the Mexican government was unable because of technical difficulties to reply to our questionnaire in time for this preliminary determination. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise

which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated net bounty or grant. If this investigation proceeds normally, we will make our final determination by February 17, 1982.

EFFECTIVE DATE: December 16, 1982.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Julia E. Hathcox, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377–1273 or 377–0184.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufactures, producers, or exporters in Mexico of certain iron-metal construction castings, as described in the "Scope of Investigation" section of this notice.

Case History

On September 10, 1982, we received a petition from counsel on behalf of 11 domestic manufacturers of certain iron-metal construction castings. Those manufacturers are: Alhambra Foundry, Allegheny Foundry Company, Campbell Foundry Company, E.B. Moritz Foundry, East Jordan Iron Works, Inc., LeBaron Foundry Company, Memphis Machine Works, Neenah Foundry Company, Pinkerton Foundry Company, U.S. Foundry and Manufacturing Corporation, and Vulcan Foundry, Inc. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on September 30, 1982, we initiated a countervailing duty investigation. We stated that we expected to issue a preliminary determination on or before December 6, 1982.

Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Because the subject merchandise is nondutiable and there is no "international obligation" within the meaning of section 303(a)(2) of the Act which requires an injury determination for nondutiable merchandise from Mexico, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

On October 8, 1982, we presented a questionnaire concerning the allegations to the government of Mexico in Washington, D.C. To date, we have received no response to this questionnaire, and, therefore, our preliminary determination must be made on the basis of the best available information.

Scope of Investigation

The merchandise covered by this investigation is certain iron-metal construction castings, including manhole covers, rings and frames, catch basin frames and grates, cleanout covers and grates, meter boxes, and value boxes. These castings are called municipal or public works castings and are used for access and/or drainage for public utility, water and sanitary systems. Manhole covers, rings and frames currently are classifiable under item number 657.0950 of the *Tariff Schedules of the United States Annotated* (TSUSA) and catch basin frames and grates, cleanout covers and grates, and meter boxes and value boxes currently are classifiable under TSUSA item number 657.0990. These products enter the United States duty-free. The period for which we are measuring subsidization is from January 1, 1982 to September 30, 1982.

Analysis of Programs

The government of Mexico has not yet provided a response to our countervailing duty questionnaire. On November 22, we received a letter from the Mexican government stating that the lack of a response was due to technical difficulties in gathering the required information and not due to a lack of cooperation. Our preliminary determination, therefore, must be made on the basis of the best information available pursuant to section 776(b) of the Act and § 355.39 of Commerce Regulations (19 CFR 355.39). In this case, the best information available is information from the petition, information from a November 29, 1982 submission from the petitioners' counsel relating to the alleged benefits received through the programs under investigation, and the benefit rates set in other countervailing duty cases involving products from Mexico. Based on this information, we preliminarily determine the following:

I. Programs Preliminarily Determined To Confer Bounties Or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings covered by this investigation under the programs discussed below.

A. *Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).* The Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions which establish contracts for lines of credit with manufacturers and exporters.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. Using best information available, we preliminarily determine the net amount of the benefit for FOMEX loans granted for pre-export financing to be 4.76 percent *ad valorem* and the net amount of the benefit for export financing to be 11.16 percent *ad valorem*, for a total bounty or grant of 15.92 percent *ad valorem*. This rate reflects the highest rate found by the Department for the FOMEX program in any countervailing duty case involving products from Mexico and was taken from the preliminary affirmative countervailing duty determination on toy balloons (including punchballs) and playballs (47 FR 46874).

B. *Certificados de Promocion Fiscal (CEPROFI).* In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits, which are called Certificates of Fiscal Promotion (CEPROFI), are used to promote the NIDP goals, which include increased

employment, regional decentralization, industrial development, and the promotion of small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes. CEPROFI certificates are granted for carrying out investments in "priority" industrial activities. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investment in new plants and equipment, or the value of the purchase of capital goods produced in Mexico.

The Department preliminarily determines that the government of Mexico is providing bounties or grants to its manufacturers, producers, and exporters of certain iron-metal construction castings under this program. Using the best information available, we preliminarily determine the estimated net amount of the benefit provided under the CEPROFI program to be 4.91 percent *ad valorem.* This represents the highest rate found by the Department for the CEPROFI program in any countervailing duty case involving products from Mexico and was taken from the preliminary affirmative countervailing duty determination on polypropylene film (47 FR 42015).

C. *Mexican Credit Insurance Company (COMESEC).* Petitioners allege that Mexican manufacturers receive through COMESEC commercial risk insurance at preferential rates for exports. The Department preliminarily determines that the government of Mexico is providing bounties or grants to exporters of certain iron-metal construction castings under this program. Using as best information available the benefit rate contained in the petitioners' November 29, 1982 submission, we preliminarily determine the net amount of the bounty or grant provided under the COMESEC program to be 1 percent *ad valorem.*

D. *Fund for Industrial Development (FONEI).* Petitioners allege that Mexican manufacturers receive through FONEI, a specialized financial development fund, long-term preferential credit for the creation, expansion, or modernization of businesses capable of exporting or providing substitutions for imports. Using best information, the Department preliminarily determines that the government of Mexico is providing bounties or grants to manufacturers, producers or exporters of certain iron-metal construction castings under this program. Using the benefit rate contained in the petitioners' November 29, 1982 submission, we preliminarily determine the net amount of the bounty or grant provided under the FONEI program to be 7.1 percent *ad valorem.*

E. *Mexican Foreign Trade Institute (IMCE).* Petitioners allege that IMCE promotes the exportation of Mexican products by organizing trade fairs, providing market information to buyers and exporters, and providing free technical assistance to exporters. In the absence of information that the Mexican exporters benefiting from these activities reimburse the government for expenses incurred, the Department preliminarily determines that this program does provide bounties or grants to manufacturers, producers or exporters of certain iron-metal castings. Using as best available information the benefit rate contained in the petitioners' November 29, 1982 submission, we preliminarily determine the net amount of the bounty or grant provided under the IMCE program to be 1 percent ad valorem.

F. Further, the Department preliminarily determines, based on the allegations in the petition and in the absence of a response to the questionnaire, the manufacturers, producers or exporters of certain iron-metal construction castings from Mexico have received bounties or grants under the following programs at the respective net benefits as alleged in the petitioners' November 29, 1982 submission:

- Import duty reductions on machinery and equipment for companies demonstrating the likelihood of an increase in volume and value of exports, and exemptions from import duties on temporary imports of machinery and equipment, and spare parts and tools if such items are not available in Mexico and are used in the production of exports (0.6 percent ad valorem)
- Discounts on industrial energy supplies and basic petrochemicals for firms constructing new industrial installations (9 percent ad valorem) (We are assuming this is a countervailable program since we have no information as to whether this program is non-selective or selective in its availability.)
- Land provided on favorable terms to companies locating in industrial parks (1 percent ad valorem)

II. Programs Preliminarily Determined Not To Confer Bounties Or Grants

We preliminarily determine that the following programs do not provide bounties or grants, as alleged by the petitioners, to manufacturers, producers, or exporters of certain iron-metal construction castings from Mexico:

A. *Government-Financed Facilities.* Petitioners allege that government-financed facilities developed to attract labor to the United States-Mexican border area provides a benefit to industries located in this area. In the absence of any information indicating that government-financed facilities provided to certain laborers decrease wage demands and thus indirectly benefit the employing industries, we preliminarily determine that no bounty or grant is conferred by such a program.

B. *Import Duty Exemptions.* Petitioners allege that exemptions from import duties on temporary imports of raw materials and auxiliary materials not available in Mexico and used in the production of exports provide a benefit to Mexican companies. We preliminarily determine that no bounty or grant is conferred by such import duty exemptions as the materials involved are used or consumed in the production of exported products.

C. *Dual Level Currency Exchange System.* Although a dual exchange rate could provide a bounty or grant for products benefitting from a more beneficial exchange rate, it is our understanding that certain iron-metal construction castings and the imported products used to produce such merchandise do not benefit from a more favorable exchange rate. We understand that only foodstuffs currently are imported into Mexico at the more beneficial exchange rate, and that the regular exchange rate applicable to exports is generally available. Therefore, we preliminarily determine the dual level currency exchange system does not currently constitute a bounty or grant to manufacturers, producers, or exporters of iron-metal construction castings in Mexico.

III. Programs Preliminarily Determined To Be Suspended And Not Used Recently

Certificado de Devolucion de Impuestos Indirectos (CEDI)

The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOM) documentation with respect to each individual shipment of qualifying exports. SECOM processes the application and, instructs the Ministry of Treasury to issue the CEDIs in the amount specified. The CEDIs are non-

transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

We preliminarily determine that the CEDI program is countervailable. The government of Mexico notified us that as of August 25, 1982, it has discontinued the eligibility of all products for the CEDI program. Because the CEDI program has been suspended, the Department preliminarily determines that it is not being used. If this program is reactivated, the Department would review its application in any annual review under section 751 of the Act, should this investigation result in the issuance of a countervailing duty order.

IV. Programs For Which Additional Information Is Needed

We preliminarily determine that additional information is needed for the following programs alleged by petitioners to provide bounties or grants to manufacturers, producers, or exporters in Mexico of the products subject to this investigation. The petitioners' did not provide quantitative information on these programs. If the respondents do not provide information as to whether manufacturers, producers, or exporters of certain iron-metal construction castings received benefits under these programs, we will, for our final determination, seek information on these programs and calculate a benefit rate for each program determined to be countervailable.

A. *FOMEX Loan Guarantees.* Petitioners allege the FOMEX program provides for protection against political risk of up to 90 percent on export loans.

B. *Industry Specific Incentives.* Petitioners allege that specific Mexican industires receive special incentives, such as favorable tax treatment.

C. *State Tax Incentives.* Petitioners allege that business entities may receive partial or total exemption from state taxes, or free or low-priced land as incentives for establishing or expanding industry.

D. *Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN)* Operating under the Nacional Financiera, this program is aimed at the development of industrial parks and cities. Under FIDEIN, manufacturers may purchase land, rent or lease machinery or choose other options.

E. *Guarantee and Development Fund for Medium and Small Industries (FOGAIN).* Administered by the Nacional Financiera, FOGAIN attempts to meet the loan and guarantee requirements of small and medium-sized businesses. Under this program, certain businesses may receive preferential loans with the rates being dependent upon the type of industrial activity and the location of such activity.

F. *National Fund For Industrial Development (FOMIN).* Operating as a trust fund, FOMIN provides funding to certain companies through either stock acquisition or the provision of convertible loans granted at rates below those of commercial lending institutions.

G. *National Preinvestment Fund for Studies and Projects (FONEP).* Administered by the Nacional Financiera, S.A., FONEP, among other activities, provides loans at interest rates lower than those commercially available and conducts industry feasibility studies.

H. *Benefits to In-Bond Processing Companies.* Petitioners allege that 100 percent foreign-owned companies located in the free zones of Baja California and Sonora may move merchandise or equipment into and from these zones without the payment of import duties. Petitioners further alleged that such companies located outside these border area may temporarily import machinery, equipment, materials, and parts duty-free so long as these items are re-exported or used in the production of exports. Petitioners provided no quantification for benefits which might be received under this program. We will continue to seek information on this program.

I. *Government Control of Mexican Iron and Steel Industries.* Petitioners claim that all benefits or grants provided by the government to the iron and steel industry of Mexico confer a benefit to the iron-metal construction castings industry as the iron and steel industry may produce such castings or provide material input into the merchandise under investigation. We will continue to seek information regarding this allegation.

J. *Benefits Provided By National Financiera, S.A.* Petitioners allege Mexican manufacturers may receive benefits from the National Financiera, S.A., a government-owned development bank. Petitioners allege these benefits include the operation of service and trust funds providing such forms of assistance as feasibility studies, direct investment in capital stock, and long-term financing.

Follow-Up Request To Respond To Questionnaire

We will once again request the government of Mexico to respond to our questionnaire. If the respondent does not submit information in response to our questionnaire by December 27, 1982, we will be unable to verify any information submitted after that date. Where information is not furnished, or is furnished too late to verify, we may use the best information available for our final determination. The analysis and verification of the Mexican government's response could substantially change the *ad valorem* benefit as calculated for our preliminary determination for certain iron-metal construction castings from Mexico.

Verification

In accordance with section 776 (a) of the Act, we will verify all data used in making our final determination, unless, in the absence of a response, we continue to use best information available.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain iron-metal construction castings. This suspension of liquidation applies to all merchandise subject to this investigation entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated bounty or grant of 40.53 percent ad valorem.

This suspension will remain in effect until further notice.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m., January 12, 1983, at the U.S. Department of Commerce, Room 6802, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address and telephone number; (2) The number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Seretary by January 5, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 C.F.R. 355.43, within 30 days of

this notice's publication, at the above address and in at least 10 copies.

Dated: December 6, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34160 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program (NVLAP); Report of Laboratory Accreditation Actions for November 1982

AGENCY: National Bureau of Standards, Commerce.

ACTION: Announcement of Laboratory Accreditation Actions.

SUMMARY: The National Bureau of Standards (NBS) announces the accreditation of laboratories competent to perform specific tests on solid fuel room heaters, under the National Voluntary Laboratory Accreditation Program (NVLAP). The accreditations are effective through December 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Manager, Laboratory Accreditation, TECH B141, National Bureau of Standards, Washington, DC 20234, (301) 921-3431.

SUPPLEMENTARY INFORMATION: The laboratories identified below conform to the general and specific criteria described in the NVLAP Procedures (15 CFR 7a.19-7a.30).

New Accreditation Actions for November 1982

Six laboratories were accredited in November 1982 in the Solid Fuel Room Heaters Laboratory Accreditation Program (Stove LAP). The name and address of each laboratory for which accreditation has been granted is listed below. The test methods for which accreditation was granted are listed in Table 1. In each case accreditation expires on December 31, 1983, except that the accreditation may be revoked before the expiration date in the event of violation of the criteria or other conditions of the laboratory's accreditation, or otherwise terminated at the request of the laboratory.

Accredited for the Physical/Fire Test Group, the Mobile Home Test Group and the Electrical Test Group:

Arnold Greene Testing Laboratories, Inc., Attn: Robert J. Halliday, 2 Millbury Street, Auburn, MA 01501, (617) 235-7330

Energy Systems, Inc., Attn: Neil Tyson, 1705 Pumphrey Avenue, Auburn, AL 36830, (205) 821-9400

Energy Testing Laboratory of Maine [1] Attn: J. Douglas Brownrigg, Southern Maine Vocational Technical Institute, Fort Road, South Portland, ME 04106, (207) 799-7303

PFS Corporation, Attn: Ed Starostovic, 2402 Daniels Street, Madison, WI 53704, (608) 221-3361

Underwriters Laboratories, Inc., Attn: Steve Mazzoni, 333 Pfingsten Road, Northbrook, IL 60062, (312) 372-8800

Underwriters Laboratories, Inc.—Santa Clara, CA, Attn: Steven Roll, 1655 Scott Boulevard, Santa Clara, CA 95050, (408) 985-2400

Underwriters Laboratories is also accredited for thermal insulation materials and carpet testing.

Accredited Laboratories

Including the laboratories identified in this notice, a total of ninety-nine laboratories are currently accredited under NVLAP. NVLAP accreditation does not relieve the laboratories from the necessity of observing and being in compliance with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operations of the laboratory, including consumer protection and antitrust laws. For a list of NVLAP accredited laboratories, contact the NVLAP Manager at the address shown above.

Dated: December 13, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

TABLE 1

NVLAP code	Short title	Section [1]	Section [2]
	Physical/Fire Test Group		
04/F01	Test Installation	8	8.
04/F02	Temperature Measurement.	9	9.
04/F03	Smoke Spillage (visual observation).		11.
04/F04	Radiant Fire Test	11	12 & 12A.
04/F05	Coal Fire Test		11A.
04/F06	Brand Fire Test	12	13 & 13A.
04/F07	Flash Fire Test	13	14.
04/F08	Strength Tests	15	15.
04/F09	Stability Test	16	16.
04/F10	Glazing Test	14	17.
	Mobile Home Test Group		
04/M01	Test Installation	17	18.
04/M02	Toxic Gas	17	18.
04/M03	Drop Test	17	18.
	Electrical Test Group		
04/E01	Test Voltages	33	35.
04/E02	Temperature Measurements, Electrical Components.	34	36.
04/E03	Input Test	35	37.
04/E04	Temperature Test, Electrical Components.	36	38
04/E05	Leakage Current	38	40.
04/E06	Dielectric Withstand	37	39.
04/E07	Locked rotor (Stalled Motor) temperature.	39	41.
04/E08	Power Cord Strain Relief.	40	25.4.

[1] Accredited only for the Physical/Fire Test Group.

[1] Section of UL 737 5th Edition (Mar. 1, 1982).
[2] Section of UL 1482 1st Edition (Aug. 9, 1979) with revision pages through Aug. 31, 1981.

[FR Doc. 82-34189 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Anchovy Subpanel; Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Anchovy subpanel which will meet to discuss a proposed amendment to the Northern Anchovy Fishery Management Plan (FMP). The proposed amendment would change current methods for annually estimating the anchovy spawning biomass and deriving optimum yield and harvest quotas based on the biomass estimate. Information developed at this meeting will enable the Subpanel to formulate a recommendation to the Council preparatory to releasing the proposal for public review.

DATES: The public meeting will take place on Friday, January 7, 1983, at 10 a.m., at the Federal Customs Building, Main Conference Room, Room 2032, 300 South Ferry Street, Terminal Island, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 SW. Mill Street, Portland, Oregon 97201, telephone (503) 221-6352.

Dated: December 13, 1982.

Joe P. Clem,

Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 82-34210 Filed 12-15-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the

provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration
Title: Special Adjustment Assistance Application
Form number: Agency—ED–540; OMB—1610–0058
Type of request: Extension
Burden: 60 respondents; 315 reporting hours
Needs and uses: Special adjustment assistance is provided under EDA's Sudden and Severe Dislocation (SSED) Program. Because the SSED's Program responds to sudden and severe disruptions to a local economy, specific new information is needed to identify the problem to be addressed. Data collected is designed to assess the problem.
Affected public: State, city, non-profit organizations, a consortium of political subdivisions (e.g., cities, counties), and Indian tribes.
Frequency: On occasion
Respondent's obligation: Required to obtain or retain benefit
OMB desk officer: Timothy Sprehe, 395–4814

Agency: Economic Development Administration
Title: Midland Steelworkers
Type of request: New
Burden: 200 respondents; 100 reporting hours
Needs and uses: The information collected will be used to evaluate the impact of a private-sector job search club set up to assist displaced steelworkers. The Department of Commerce is exploring the policy potential of such clubs.
Affected public: Workers who were permanently laid off by a major steel plant in Midland, Pennsylvania
Frequency: Nonrecurring
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814

Agency: Economic Development Administration
Title: Public Works Application, Including Employment Plan
Form number: Agency—ED–101A; OMB—0610–0011
Type of request: Reinstatement
Burden: 200 respondents; 18,000 reporting hours
Needs and uses: Used by state and local governments to apply for public works grants under the Public Works and Economic Development Act of 1965, as amended. Needed to assure that applicants meet statutory and program requirements, and for program administration.
Affected public: State and local governments, public authorities, non-profit organizations
Frequency: On occasion
Respondent's obligation: Required to obtain or retain benefit
OMB desk officer: Timothy Sprehe, 395–4814

Agency: Minority Business Development Agency (MBDA)
Title: Technology Commercialization/ Growth Industry Report
Form Number: Agency—MBE 134; OMB—None
Type of Request: New
Burden: 10 respondents; 960 reporting hours
Needs and uses: The Technology Commercialization Report is used by MBDA Technology Centers to collect information, exchange data and monitor the project development of new technological innovations and opportunities that can be commercialized by a minority business enterprise into a new business acquisition.
Affected public: Currently ten technology centers identify specific applications or processes and monitor its development to the point of application and commercialization for business
Frequency: Monthly
Respondent's obligation: Required to obtain or retain benefit
OMB desk officer: Timothy Sprehe, 395–4814

Agency: Minority Business Development Agency
Title: WHO'S WHO Resource File
Form number: Agency—None; OMB—None
Type of Request: New
Burden: 100 respondents; 2,400 reporting hours
Needs and uses: The WHO'S WHO Resource File identifies individuals with the local Standard Metropolitan Statistical Area (SMSA) of the reporting Minority Business Development Centers that are actively involved in minority business enterprise and that promote and advocate the needs and concerns of minority business enterprise.
Affected public: Minority Business Development Centers conduct quarterly advocacy conferences within their SMSA and identify WHO'S WHO candidates
Frequency: Quarterly
Respondent's obligation: Required to obtain or retain benefit
OMB desk officer: Timothy Sprehe, 395–4814

Agency: National Oceanic and Atmospheric Administration
Title: Interview Log, Atlantic Bluefin Tuna Sport Fishing Survey
Form number: Agency—NOAA 88–917; OMB—0648–0048
Type of request: Extension
Burden: 1,000 respondents; 160 reporting hours
Needs and uses: The data are used in statistical analyses to explain and quantify changes in current biological abundance. The resulting information, submitted by the National Marine Fisheries Service annually to the International Commission for the Conservation of Atlantic Tunas, is the basis of stock management strategies promulgated by the Commission.
Affected public: Recreational fishermen
Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen, 395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 82–34168 Filed 12–15–82; 8:45 am]

BILLING CODE 3510–CW–M

Senior Executive Service Performance Awards

Pursuant to Section 5 U.S.C. 5384, the Department of Commerce announces that the following career members of the Senior Executive Service are recipients of SES performance awards (bonuses) for individual and organizational accomplishments during FY 1982. Bonus percentages and amounts are listed after each recipient's name.

Payment Date: Dec. 22, 1982

National Bureau of Standards

Robert Mehrabian, Director, Center for Materials Science, (19%) $11,115
Edward O. Pfrang, Chief, Structures and Materials Division, (16%) $9,360
Curt W. Reimann, Director, Center for Analytical Chemistry, (15%) $8,775
Peter L. Heydemann, Associate Director, for Programs, Budget and Finance, (14%) $8,190
John W. Lyons, Director, National Engineering Laboratory, (11%) $6,435
Donald R. Johnson, Deputy Director for Resources and Operations, NML, (11%) $6,435
John A. Simpson, Director, Center for Mechanical Engineering and Process Technology, (11%) $6,435
Guy W. Chamberlin, Jr., Director of Administration, (11%) $6,435

Glenn R. Ingram, Associate Director for Computing, Center for Applied Mathematics, (11%) $6,435
Robert J. Hocken, Chief, Automated Production Technology Division (ES–1), (11%) $6,264
Judson C. French, Director, Center for Electronics and Electrical Engineering (11%) $6,435
Stanley I. Warshaw, Director, Office of Product Standards Policy, (11%) $6,435
Robert P. Blanc, Director for Computer Systems Engineering, (11%) $6,435
Edward L. Brady, Associate Director for International Affairs, (11%) $6,435
Richard N. Wright III, Director, Center for Building Technology (11%) $6,435

National Oceanic and Atmospheric Administration

John McElroy, Assistant Administrator for Satellites, (16%) $9,360
Jay Johnson, Assistant General Counsel for Fisheries, (16%) $9,360
C. Gordon Little, Director, Wave Propagation Laboratory, ERL, (11%) $6,435
Alexander Malahoff, Chief Scientist, National Ocean Survey, (11%) $6,435
Jerry C. McCall, Director, NOAA Data Buoy Office, (11%) $6,435
Neil L. Frank, Director, National Hurricane Center, (9%) $5,265
Hazen H. Bedke, Director, Western Region, National Weather Service, (9%) $5,265
Izadore Barrett, Director, SW Center National Marine Fisheries Service, (7%) $4,095
Ned A. Ostenso, Deputy Assistant Administrator, Research and Development, (5%) $2,925

Office of Economic Affairs

Frederick Knickerbocker, Executive Director, Economic Affairs, (18%) $10,540
C. Louis Kincannon, Deputy Director, Bureau of the Census, (16%) $9,360
Shirley Kallek, Associate Director for Economic Fields, Census, (11%) $6,435
Stanley D. Matchett, Chief, Geography Division, Bureau of the Census, (11%) $6,435
Roger A. Herriot, Chief, Population Division, Bureau of the Census, (11%) $6,435
Carol S. Carson, Chief, Current Business Analysis Division, BEA, (11%) $6,435
O. Bryant Benton, Assistant Director for Administration, Bureau of the Census, (9%) $5,265

Patent and Trademark Office

Bradford R. Huther, Assistant Commissioner for Finance and Planning, (20%) $11,130
James O. Thomas, Examining Group Director, Group 140, (16%) $9,360
Robert F. White, Examining Group Director, Group 170, (11%) $6,435
Kenneth L. Cage, Examining Group, Director, Group 220, (10%) $5,850
Samith N. Zaharna, Examining Group Director, Group 160, (10%) $5,580

International Trade Administration

Allen J. Lenz, Director, Office of Trade and Investment Analysis, (12%) $7,020
Majory E. Searling, Director, Office of International Sector Policy, (10%) $5,850
John B. Roose, Deputy to the Deputy Assistant Secretary for Export Development, (10%) $5,850

Assistant Secretary for Administration

Hugh Brennan, Director, Office of Organization and Management Systems, (18%) $10,530
Charles F. Treat, Director, Office of Program Planning and Evaluation, (11%) $6,435

National Telecommunications and Information Administration

William F. Utlant, Director for Institute for Telecommunications Science, (11%) $6,435
Donald M. Jansky, Associate Administrator for Spectrum Management, (7%) $4,095

Office of Inspector General

John Szpanka, Assistant Inspector General for Planning and Evaluation, (11%) $6,435

Payment Date: Jan. 5, 1983

National Bureau of Standards

Jesse Hord, Director, Center for Chemical Engineering, (11%) $6,435

National Oceanic and Atmospheric Administration

Joseph Smagorinsky, Director, Geophysical Fluid Dynamics Laboratory, (20%) $11,130
Eldon E. Ferguson, Director Aeronomy Laboratory, (16%) $9,360
William Fox, Jr., Director SE Center, National Marine Fisheries Service, (16%) $9,360
Mirco P. Snidero, Deputy Assistant Administrator, Management and Budget, (11%) $6,435
John Carey, Director, Office of Budget and Resource Management, (11%) $6,435
Frederick P. Ostby, Director, National Severe Storms Forecast Center, (11%) $6,435
Allen E. Peterson, Director NE Region, National Marine Fisheries Service, (9%) $5,265
Walter J. Chappas, Associate Director for Aeronautical Charting, (9%) $5,265
Syukuro Manabe, Supervisory Research Meteorologist, (7%) $4,095
Carmen Blondin, Director, Office of International Fisheries Affairs, (7%) $4,095
Margaret E. Courain, Deputy Director Environmental Data and Information Service, (5%) $2,925

Office of Economic Affairs

Kenneth M. Brown, Deputy Director, Bureau of Industrial Economics, (11%) $6,435
Joseph F. Caponio, Acting Director, National Technical Information Service, (11%) $6,435
Robert P. Parker, Chief, National Income and Health Division, BEA, (11%) $6,435
Jeffrey L. Mayer, Deputy Director Office of Economic Policy, (9%) $5,265
Joel Richardson, Chief, Economic Surveys Division, Census, (9%) $5,265
Daniel H. Garnick, Associate Director for Regional Economics, BEA, (7%) $4,095
John E. Cremeans, Director, Office of Research, Analysis and Statistics, BIE, (7%) $4,095

Assistant Secretary for Administration

Dennis Boyd, Executive Director Information Resources Management, (20%) $11,130
Nancy A. Richards, Director, Office of Budget, (11%) $6,435
Richard M. Hadsell, Executive Director for Operations, (11%) $6,435
Jimmie D. Brown, Director, Office of Information Systems, (10%) $5,850
Leo E. Palensky, Director, Office of Financial Management, (10%) $5,850

Patent and Trademark Office

Charles Van Horn, Examining Group Director, Group 120, (19%) $11,115
Michael K. Kirk, Assistant Commissioner for External Affairs, (10%) $5,850

International Trade Administration

William V. Skidmore, Director, Office of Anti-Boycott Compliance, (20%) $11,130
Michael Doyle, Director of Administration, (11%) $6,435

Economic Development Administration

Edward G. Jeep, Director, Chicago Regional Office, (11%) $6,435
Craig Smith, Director, Philadelphia Regional Office, (11%) $6,435

Office of General Counsel

Marilyn Wagner, Assistant General Counsel for Administration, (16%) $9,360

Persons desiring any further information concerning these performance awards may contact John Golden, Director of Personnel, Herbert C. Hoover Building, Room 5102, Washington, D.C. 20230, (202) 377–4807.

Dated: December 7, 1982.

John Golden,

Director of Personnel, Department of Commerce.

[FR Doc. 82–33882 Filed 12–15–82; 8:45 am]

BILLING CODE 3510–BS–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Wednesday, 5 January 1983.

Time: 0800–1700 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Functional Subgroup on Planning, Concepts, and Management Support will have select members meet to plan the agenda for a meeting of the entire group on 1 and 2 February 1983 to receive briefings and hold discussions on the present Army planning system. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. In order to be able to accommodate prospective attendees, the Army Science Board Administrative Officer, Helen M. Bowen, must be notified no later

than 3 January 1983. For further information, call the ASB at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-34174 Filed 12-15-82; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project on Magnesia Spring Canyon Creek, Rancho Mirage, Riverside County, California.

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY:

1. *Proposed Action.* The preferred plan for flood control along Magnesia Spring Canyon Creek consists of: a 12.5-acre excavated debris basin; an earthfill embankment for the debris basin that would be 800 feet long, 250 feet wide, and 37 feet high; a 190-foot-wide concrete spillway; a 1.4-mile-long rectangular concrete channel that would be 20 feet wide and 10 feet deep and would generally follow the alinement of the existing earthen channel from the proposed debris basin to the Whitewater River; excavation of approximately 300,000 cubic yards of soil for the debris basin and channel (all of which would be used for construction of the embankment, backfill along the channel, and miscellaneous fill adjacent to the construction area); and mitigation measures entailing preservation and enhancement of wildlife habitat values on 20 acres of alluvial cone, enhanced water source(s) for bighorn sheep in the vicinity of Magnesia Spring Canyon, and provision of legal public access to the Magnesia Springs State Ecological Reserve for bighorn sheep. The proposed project would provide standard project flood protection to existing development in the city of Rancho Mirage and to 150 acres of undeveloped lands on the upper portion of the creek's alluvial cone.

2. *Alternatives.* Alternatives considered during preliminary planning include variations of a debris basin and channel concept, a single levee with an unrevetted low-flow channel, an earthfill dam, a concrete channel, floodproofing, and floodplain management. Many of these were found to be engineeringly infeasible and/or economically unjustified and were eliminated from further consideration.

The preferred plan, two variations of the preferred plan, and a flood plain management plan identified as the environmental quality plan were carried forward for detailed study. One variation of the preferred plan proposes to provide 100-year rather than standard project flood protection. This variation features a debris basin and embankment identical to that proposed by the preferred plan and a rectangular concrete channel that would be 15 feet wide and 9 feet deep and would extend 1.4 miles from the debris basin to the Whitewater River along the alinement of the existing earthen channel.

The second variation also features a debris basin and embankment identical to that proposed by the preferred plan. The channel length and alinement would be the same as that proposed by the preferred plan but would feature a combination of trapezoidal and rectangular design. The uptream .85 mile of the channel would be trapezoidal, 20 feet wide at the bottom, and 8 feet deep. The downstream .55 mile of the channel would be rectangular, 30 feet wide, and 8 feet deep.

The flood plain management plan consists of a warning system, flood plain regulation, and flood insurance. The flood warning system includes a flood detection and prediction system and flood warning process.

3. *Scoping Process.* The West Magnesia Spring Canyon Creek project was originally a part of a larger study on the Whitewater River. At a 17 January 1980 public meeting held in Rancho Mirage, the public was informed that the flood problem on this creek warranted restudy. A public workshop held on 16 June 1980 provided a forum for the public to express their views and concerns regarding types of solutions and environmental impacts. Numerous meetings were held with public agencies to discuss environmental issues associated with the proposed project and to formulate a reasonable environmental mitigation plan acceptable to those involved. Agencies involved in this coordination effort with the Corps of Engineers were the Coachella Valley Water District (the local sponsor), City of Rancho Mirage (the affected local municipality), U.S. Fish and Wildlife Service, and the California Department of Fish and Game. A Fish and Wildlife Coordination Act Report was prepared by the U.S. Fish and Wildlife Service (USFWS) in September 1982 in accordance with the Fish and Wildlife Coordination Act, as amended. Coordination with the USFWS also addressed the Endangered Species Act of 1973. Coordination with the State Historic Preservation Office and the U.S. Soil Conservation Service has been conducted pursuant to the National Historic Preservation Act and Executive memorandum, Analysis of Impacts on Prime and Unique Farmlands, respectively.

Significant issues to be analyzed in the draft EIS include potential impacts to vegetation and wildlife including numerous raptor species and peninsular bighorn sheep, cultural resources, changes in land use, and esthetics.

The draft EIS is expected to be available to concerned agencies and the interested public for review and comment in January 1983.

ADDRESS: Questions concerning the proposed action and draft EIS can be answered by: Mr. Chris Kronick, Planning Section A, U.S. Army Engineer District, Los Angeles, P.O. Box 2711, Los Angeles, California 90053, Commercial Telephone: (213) 688-5462, FTS Telephone: 798-5462.

Dated: December 8, 1982.

Paul W. Taylor,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-33995 Filed 12-15-82; 8:45 am]

BILLING CODE 3710-KF-M

Draft Environmental Impact Statement (DEIS) for the Tennessee-Tombigbee Waterway (TTW) Wildlife Mitigation Feasibility Study, Alabama and Mississippi; Intent To Prepare

AGENCY: Army Corps of Engineers, DOD.

ACTION: Amended notice to intent to prepare a DEIS.

SUMMARY: On 26 March 1981, a "Notice of Intent" to prepare a Draft Environmental Impact Statement (DEIS) for potential alternatives formulated to mitigate the wildlife habitat losses resulting from construction and operation of the Tennessee-Tombigbee Waterway (TTW) in Alabama and Mississippi was published in the Federal Register (46 FR 18756). The stated purpose of the DEIS was to address the findings and recommendations that would result from an ongoing Wildlife Mitigation Feasibility Study (WMFS). Subsequent events have altered the schedule, as well as other aspects, presented in that "Notice of Intent." On 13 July 1981, the US Court of Appeals for the Fifth Circut directed the Corps to prepare a Supplement to the 1971 EIS (SEIS) for the TTW to address changes that had occurred since 1971. The Court orderd SEIS, which was completed and

filed in April 1982, interrupted the WMFS schedule (former completion date of March 1982) and delayed most of the work on the study until April 1982. The WMFS efforts were then resumed in an intense manner under a revised schedule. This amended Notice of Intent provides an update on the alternatives currently being considered and presents the revised schedule for the DEIS. The poposed DEIS will specifically address the wildlife mitigation issue and will be included as an integral part of the WMFS report.

1. *Proposed Action:* The proposed action is to provide justifiable mitigation for wildlife losses resulting from construction and operation of the TTW. The WMFS under preparation will identify the wildlife losses and develop and evaluate alternatives to mitigate these losses. The WMFS report will recommend a mitigation plan for the TTW. The DEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with the potential mitigation alternatives.

2. *Alternatives:* The wildlife habitat mitigation alternatives include plans developed in the following categories:

a. No action.

b. Incorporation of additional design features.

c. Incorporation of intensive wildlife management practices on TTW lands.

d. Incorporation of intensive wildlife management practices on other public lands.

e. Land acquisition and management.

f. Combination of measures and various levels of implementation.

3. *Scoping Process:*

a. The scoping effort, accomplished since the 26 March 1981 Notice of Intent, will serve as a basis for preparation of the DEIS. In addition, this Amended Notice of Intent shall serve as further notification to concerned Federal, State, and local agencies and other interested persons that may wish to provide input.

b. Coordination with the US Fish and Wildlife Service, as required by the Fish and Wildlife Coordination Act and the Endangered Species Act, has been accomplished and continues to be ongoing. Coordination required by other laws and regulations will also be accomplished.

c. Three workshops were held in the upper Tombigbee River basin to obtain views of the concerned public over which alternatives should be considered and to identify potentially significant impact for further analysis. The workshops were conducted on 6, 7, and 9 April 1981 at Fulton, Mississippi, Livingston, Alabama, and Columbus, Mississippi, respectively. A public information fact sheet was mailed to the individuals on the project mailing list announcing the workshops and summarizing the status of the study. Following the workshops, another fact sheet was mailed to the public who participated in the workshops, summarizing their input into the study and requesting additional comments.

d. In addition to these workshops, a public meeting will be held in early 1983, after filing of the DEIS, to solicit further public involvement. Notification will be provided as to the exact time and location of that meeting.

4. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in January 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Michael J. Eubanks, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Any additional information for consideration in the WMFS or DEIS should also be furnished to the above address.

Dated: December 6, 1982.

Patrick J. Kelly,

Colonel, CE, District Engineer.

[FR Doc. 82-34162 Filed 12-15-82; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF EDUCATION

Nationally Recognized Accrediting Agencies and Associations; List

AGENCY: Department of Education.

ACTION: Notice; Revisions to the list of nationally recognized accrediting agencies and associations; correction.

SUMMARY: This document makes a technical correction in the Notice of the Secretary's List of Nationally Recognized Accrediting Agencies and Associations.

FOR FURTHER INFORMATION CONTACT: Barbara Binker, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3522, ROB-3), U.S. Department of Education, Washington, D.C. 20202. Telephone: (202) 245-2810.

SUPPLEMENTARY INFORMATION: On November 2, 1982, the Secretary published a notice of revisions to the list of nationally recognized accrediting agencies and associations in the **Federal Register** at 47 FR 59699. This document corrects an error that was made in that notice.

On page 49699, in the third column, under the heading "National Institutional and Specialized Accrediting Agencies and Associations," "Change in Scope of Recognition," the paragraph "Clinical Pastoral Education" is revised and a new paragraph "Continuing Education" is added to read as follows:

Clinical Pastoral Education

Association for Clinical Pastoral Education, Inc. (basic, advanced, and supervisory clinical pastoral education).

Continuing Education

Council for Non-Collegiate Continuing Education, Accrediting Commission (noncollegiate continuing education institutions and programs).

Daniel Oliver,

General Counsel.

[FR Doc. 82-34215 Filed 12-15-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Notification of Relocation of the Economic Regulatory Administration, Natural Gas Division

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notification of relocation of offices.

Notice is hereby given of the relocation of offices and the Docket Room of the Natural Gas Division, Economic Regulatory Administration, DOE. The new location and phone numbers are: Forrestal Building, Room GA-007, 1000 Independence Avenue SW., Washington, D.C. 20585, Main Office (202) 252-9482, Docket Room (202) 252-9478.

Issued in Washington, D.C. on December 9, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-34084 Filed 12-15-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-031]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans

developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 et seq. ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on December 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 F, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2201.

Henry Garson, Esq., Acting Assistant General Counsel for Coal Regulations, Office of the General Counsel, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6947.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the **Federal Register** on August 12 and 27, 1982 and September 17, 1982 (47 FR 35033, 37952 and 41163, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR § 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR 1500 et seq.). Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of a calendar year 1983. The report shall be sent to: Robert L. Davis, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–093, 1000 Independence Avenue SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No.
Arizona Public Service Co., Phoenix, Ariz.	50101–9999–99–49
Arkansas Power & Light Co., Little Rock, Ark.	50105–9999–99–49
Brazos Electric Power Cooperative, Inc., Waco, Tex.	50318–9999–99–49
Central Hudson Gas & Electric Corp., Poughkeepsie, N.Y.	50484–9999–99–49
Central Louisiana Electric Co., Pineville, La.	50490–9999–99–49
City of Clarksdale, Clarksdale, Miss.	50570–9999–99–49
City of Glendale, Glendale, Calif.	51121–9999–99–49
City of Grand Island, Grand Island, Nebr.	51150–9999–99–49
City of Tallahassee, Tallahassee, Fla.	52875–9999–99–49
City of Vero Beach, Vero Beach, Fla.	53132–9999–99–49
COM Electric, Wareham, Mass.	50412–9999–99–49
Consolidated Edison Co. of New York, Inc., New York, N.Y.	50653–9999–99–49
Consumers Power Co., Jackson, Mich.	50658–9999–99–49
Detroit Edison Co., Detroit, Mich.	50782–9999–99–49
Florida Power & Light Co., Miami, Fla.	51006–9999–99–49
Gainsville Regional Utilities, Gainsville, Fla.	51070–9999–99–49
Long Island Lighting Co., Mineola, N.Y.	51685–9999–99–49
Louisiana Power & Light Co., New Orleans, La.	51894–9999–99–49
Mt. Carmel Public Utility Co., Mt. Carmel, Ill.	51948–9999–99–49
Municipal Light & Power, Anachorage, Alaska	50076–9999–99–49
Savannah Electric & Power Co., Savannah, Ga.	52586–9999–99–49
Southern Company Services, Inc., Birmingham, Ala.	67042–9999–99–49
Union Electric Co., St. Louis, Mo.	52997–9999–99–49
Utah Power & Light Co., Salt Lake City, Utah	53107–9999–99–49
Virginia Electric & Power Co., Richmond, VA.	53146–9999–99–49

Issued in Washington, D.C. on December 10, 1982.

Robert L. Davis,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-34065 Filed 12-15-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–82–034]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of receipt of proposed electric utility conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b), DOE hereby gives Notice of Receipt of Proposed Conservation Plans from the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below. The publication of this notice commences a thirty (30) day public comment period during which interested persons are invited to submit written comments concerning the

content of any such proposed conservation plan.

The public file for each of the listed electric utility owners or operators containing the proposed conservation plan and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020. ERA will approve or non-approve the proposed plan of each electric utility within 120 days of the receipt of each plan. Approval or non-approval of a conservation plan will be based on the entire record of the proceeding, including any comments received during the public comment period provided herein. Notice of Approval or Non-approval of each conservation plan will be published in the **Federal Register**.

DATE: Written comments on any proposed conservation plan identified in the **SUPPLEMENTARY INFORMATION** section of this notice are due on or before January 17, 1983.

ADDRESS: Five copies of written comments shall be submitted to: Case Control Unit Fuels Conversion Division, Forrestal Building, Room GA–093, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

The name of the subject utility and the identifying case number should be printed on the outside of the envelope and on the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 A, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2201.

Allan J. Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B–222, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully implemented during the 5 year period following DOE approval.

DOE will, within 120 days of the receipt of a proposed plan, approve each plan meeting the requirements of 10 CFR § 508.8. If a proposed plan, as originally submitted, fails to meet the requirements for approval, DOE will notify the utility submitting the plan by letter, setting forth the reasons therefor, and provide a reasonable time for the submission of a modified conservation plan. If an acceptable modified plan is not submitted within the specified time period, a Notice of Non-approval will be published in the **Federal Register** together with the basis for the determination that the proposed plan fails to meet the requirements of 10 CFR 508.8. The following list of utilities have submitted proposed conservation plans to DOE for approval. Publication of this notice does not constitute approval of such plans.

Utilities	FC case No.	Date filed
Western Farmers Electric Cooperative, Anadarko, Okla	53262–9999–99–49	11/2/82
City of Larned, Larned, Kans	51596–9999–99–49	11/9/82
City of Ruston, Ruston, La	52542–9999–99–49	11/9/82

Issued in Washington, D.C., on December 10, 1982.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–34086 Filed 12–13–82; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–82–030]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Approval of Conservation Plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on December 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 F, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2201

Henry Garson, Esq., Acting Assistant General Counsel for Coal Regulations, Office of the General Counsel, Forrestal Building, Room 6D–033, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6947

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the 5 year

period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the **Federal Register** on August 12 and 27, 1982 and September 17, 1982 (47 FR 35033, 37952 and 41163, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR 1500 *et seq.)*. Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808 (d)(1) of FUA, DOE herby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plan is approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Robert L. Davies, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–093, 1000 Independence Avenue, S.W., Washington D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC case No.
City of Lakeland, Lakeland, Fla.	51575–9999–99–49
City of Pasadena, Pasadena, Calif.	52255–9999–99–49
City Power & Light Department, Independence, Mo.	51392–9999–99–49
General Public Utilities Corp., Parsippany, N.J.	63020–9999–99–49
Houston Lighting and Power Company, Houston, Tex.	51352–9999–99–49
Iowa Power and Light Co., Des Moines, Iowa	51407–9999–99–49
Lake Worth Utilities Authority, Lake Worth, Fla.	51573–9999–99–49
Lamar Utilities Board, Lamar, Colo.	51582–9999–99–49
Los Angeles Department of Water and Power, Los Angeles, Calif.	51691–9999–99–49
Lower Colorado River Authority, Austin, Tex.	51702–9999–99–49
Medina Electric Cooperative, Inc., Hondo, Tex.	51825–9999–99–49
Mississippi Power & Light Co., Jackson, Miss.	51887–9999–99–49
New England Power Service, Westborough, Mass.	52007–9999–99–49
Niagara Mohawk Power Corp., Syracuse, N.Y.	52053–9999–99–49
Northeast Utilities, Hartford, Conn.	53266–9999–99–49
Orlando Utilities Commission, Orlando, Fla.	52189–9999–99–49
Pacific Gas & Electric Co., San Francisco, Calif.	52224–9999–99–49
Public Service Co. of Colorado, Denver, Colo.	52408–9999–99–49
Public Service Co. of Oklahoma, Tulsa, Okla.	52413–9999–99–49
Public Service Electric & Gas Co., Newark, N.J.	52414–9999–99–49
South Texas Electric Cooperative, Inc., Nursery, Tex.	52712–9999–99–49
Southern Colorado Power, Pueblo, Colo.	67027–9999–99–49
Texas Power and Light Co., Dallas, Tex.	52902–9999–99–49
Texas-New Mexico Power Co., Ft. Worth, Tex.	67041–9999–99–49
West Texas Utilities Co., Abilene, Tex.	53256–9999–99–49
Wisconsin Electric Power Co., Milwaukee, Wis.	53330–9999–99–49

Issued in Washington, D.C. on December 10, 1982.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–34087 Filed 12–15–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA83–1–1–001]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

December 8, 1982.

Take notice that on December 1, 1982, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Thirty-Eighth Revised Sheet No. 3–A
Fifth Revised Sheet No. 3–B, and
Alternate Thirty-Eighth Revised Sheet No. 3–A.

These tariff sheets are proposed to become effective January 1, 1983. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., and Sun Exploration and Production Company. The enclosed rate filing also provides for recoupment of minimum bill charges made to Tennessee in May and June, 1982. Tennessee on November 30, 1982, filed with this Commission a PGA filing providing for adjustments in its rates which are also proposed to become effective January 1, 1983. Alabama-Tennessee states that the changes in its rates have been made in conformity with the PGA and related provisions of its tariff.

The filing states that Alabama-Tennessee made a general rate increase filing on November 30, 1982, which is proposed to be made effective December 31, 1982. The Alternate Thirty-Eighth Revised Sheet No. 3–A is submitted in the event that the Commission does not suspend the general rate increase beyond its proposed effective date of December 31, 1982.

The tariff sheets submitted herewith provide for the following rates:

Rate schedule	Rates after current adjustment
G–1:	
Demand	$6.05
Commodity	430.68
SG–1:	
Commodity	474.88
I–1:	
Commodity	450.55
Alternate Thirty-Eighth Revised Sheet No. 3-A provides for the following rates:	
G–1:	
Demand	$7.35
Commodity	436.86

Rate schedule	Rates after current adjustment
SG-1:	
Commodity	490.56
I-1:	
Commodity	461.02

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected States Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34184 Filed 12-15-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC83-2-000]

Kentucky Utilities Co.; Application

December 8, 1982.

Take notice that on November 26, 1982, Kentucky Utilities Company ("KU") filed an application pursuant to Section 203 of the Federal Power Act for authorization to acquire from Old Dominion Power Company ("Old Dominion") certain of the latter's securities. Old Dominion is the wholly-owned subsidiary of KU.

KU states that it is applying for authority to acquire from Old Dominion unsecured promissory notes of Old Dominion from time to time.

KU states that the proposed transaction will enable Old Dominion to obtain needed funds at a cost which it is believed will be not greater than the cost of money which would be incurred by Old Dominion were it to seek to obtain such funds through the issuance of its securities otherwise than to KU.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34185 Filed 12-15-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-169-000]

Southern California Edison Co.; Proposed Tariff Change

December 8, 1982.

The filing Company submits the following:

Take notice that, on December 1, 1982, Southern California Edison Company (Edison) tendered for filing the Edison-Pasadena Interruptible Transmission Service Agreement (Agreement), which has been executed by Edison and City of Pasadena (Pasadena), California, on November 2, 1982.

Edison states that the Agreement supersedes Edison's Rate Schedules FERC Nos. 88 and 115 and provides for the establishment of two additional Points of Receipt/Delivery for interruptible transmission service and eliminates two existing Points of Receipt/Delivery under the superseded Rate Schedules.

Copies of this filing were served upon the City of Pasadena and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 23, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34186 Filed 12-15-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-167-000]

Southwestern Electric Power Co.; Filing

December 8, 1982.

The filing company submits the following:

Take notice that Southwestern Electric Power Company ("SWEPCO") on December 1, 1982, tendered for filing an Agreement for Purchase and Sale of Electric Power and Energy (the "Electric Contract") between Southwestern Electric Power Company ("SWEPCO") and the City of Hope, Arkansas ("Hope"), dated January 4, 1982, as supplemented and amended by the First Amendment (the "Amendment") to the Agreement for Purchase and Sale of Electric Power and Energy between SWEPCO and Hope, dated October 15, 1982, ("Agreement"). The Agreement provides for a formulaic method of determining periodic changes in rates and charges applicable to services rendered Hope by SWEPCO. SWEPCO requests that the Agreement and rates determined thereunder be made effective as of January 1, 1983 and, accordingly, requests waiver of the notice requirements under the Federal Power Act.

Copies of the filing have been served on Hope and upon the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with Rule 214 or 211 or the Commission's Revised Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before December

23, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34187 Filed 12-15-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-168-000]

Union Electric Co.; Filing

December 8, 1982.

The filing Company submits the following:

Take notice that on December 1, 1982, Union Electric Company (UE) tendered for filing Second Amendment dated October 6, 1982, to the Electric Service Agreement dated May 14, 1975, between Missouri Edison Company and UE. Said Amendment primarily provides for a new delivery point and revision and cancellation of existing delivery points.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 23, 1982. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34188 Filed 12-15-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearing and Appeals

Cases Filed; Week of October 29 Through November 5, 1982

During the week of October 29 through November 5, 1982, the application listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in this case may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 8, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 82-34088 Filed 12-15-82; 8:45 am]

BILLING CODE 6450-01-M

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 29 Through November 5, 1982]

Date	Name and location of applicant	Case No.	Type of submission
November 3, 1982.	Office of Special Counsel/Atlantic Richfield Company, Washington, D.C.	HRZ-0110	Interlocutory Order. If granted: The Office of Hearings and Appeals would impose sanctions on Atlantic Richfield Company for its refusal to comply with the July 16, 1982 Decision and Order (Case No. HRZ-0034) and the September 29, 1982, Decision and Order (Case No. HRR-0032).

[FR Doc. 82-34088 Filed 12-15-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of November 19 Through November 26, 1982

During the week of November 19 through November 26, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 8, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 19 Through November 26, 1982]

Date	Name and location of applicant	Case No.	Type of submission
November 17, 1982.	Bassett Oil and Equipment Company, Inc., Alexandria, Virginia.	HRR-0044	Request for Modification/Rescission. If granted: The April 3, 1980, Decision and Order (Case No. BRR-0006) issued to Bassett Oil and Equipment Company, Inc. by the Office of Hearings and Appeals would be rescinded in connection with an agreement entered into between the Economic Regulatory Administration and the firm.
November 18, 1982.	Caribou Four Corners, Inc.	HEE-0053	Exception from the Entitlements Program. If granted: The Office of Hearings and Appeals would review the entitlements sales obligations of Caribou Four Corners, Inc. for the period of October, 1979.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of November 19 Through November 26, 1982]

Date	Name and location of applicant	Case No.	Type of submission
November 19, 1982.	Exxon Company, U.S.A., Washington, D.C.	HED-0091, HEJ-0027	Motion for Discovery/Request for Protective Order. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with its Statement of Objections in response to the Proposed Decision & Order (Case No. HYX-0008 and HYX-0014) issued to Little America Refining Company. Exxon Company, U.S.A. would enter into a Protective Order with Little America Refining Company regarding the release of proprietary information to Exxon Company, U.S.A. in connection with Little America Refining Company's year end entitlements review proceeding (Case Nos. HYX-0008 and HYX-0014).
November 22, 1982.	Bill Forney, Inc., Washington, D.C.	HEG-0025, HRS-0020	Petition for Special Redress and Request for Stay. If granted: The Office of Hearings and Appeals would review the policy of operator liability and determine if it should apply in the Proposed Remedial Order issued Bill Forney, Inc. (Case No. BRO-1450). Bill Forney, Inc. would receive a stay of the Proposed Remedial Order proceeding (Case No. BRO-1450) pending the disposition of the Petition for Special Redress.
November 22, 1982.	Robert K. Wilcox, Coconut Grove, Florida	HFA-0101	Appeal of an Information Request Denial. If granted: The November 9, 1982 Information Request Denial issued by the Director of the DOE Office of Executive Secretariat would be rescinded, and Mr. Robert K. Wilcox would receive access to information regarding a uranium plant in North Korea.
November 24, 1982.	Appalachian Observers, Clinton, Tennessee	HFA-0102	Appeal of an Information Request Denial. If granted: The November 10, 1982 Information Request Denial issued by Oak Ridge Operations would be rescinded and the Appalachian Observer would receive access to documents relating to subsidies of the Oak Ridger newspaper by the Atomic Energy Commission.

[FR Doc. 82-34089 Filed 12-15-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-42024; FRL 2224-3]

Toxic Substances; Toluene; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC) established under Section 4(e) of the Toxic Substances Control Act, designated toluene for health effects testing as published in the Federal Resister of October 12, 1977 (42 FR 55059). EPA has decided not to develop a test rule under Section 4(a) for toluene at this time because results from completed testing and planned testing programs will supply sufficient information to characterize or reasonably predict the health effects recommended for consideration by the ITC.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting director Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-511, 401 M St., SW., Washington, D.C. 20460, toll free: (800-544-1404), in Washington, D.C.: (202-554-1404), outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act. The ITC may designate up to 50 of its recommendations at any one time for priority consideration by EPA.

In October, 1977, the Interagency Testing Committee (ITC) designated toluene for priority consideration and recommended that it be tested for carcinogenicity, teratogenicity, other chronic effects, and epidemiology (42 FR 55059). The ITC did not recommend any environmental effects testing for toluene. The primary basis for the ITC testing recommendations was the belief that these effects could not be adequately characterized from the information available at that time. According to the ITC the carcinogenicity studies were limited in design, while other chronic effects were difficult to identify at lower dose levels. In addition, the ITC felt that there was not enough information to characterize adequately the potential teratogenic effects of toluene nor was there sufficient epidemiologic information. The ITC recognized that there were substantial negative mutagenicity data and did not recommended any further mutagenicity testing for toluene.

Additional reasons for the ITC recommendations were the large production volume and exposures associated with toluene. Toluene is produced primarily from petroleum with an annual production rate in excess of five billion pounds. Toluene is used primarily as a solvent, a component of gasoline, and as a chemical intermediate in the manufacture of a variety of different products. Because toluene is used in a large number of consumer products, a large number of consumers are exposed to toluene. In addition to consumer exposure, more than four million workers are occupationally exposed to toluene.

This notice provides EPA's response to the ITC's designation of toluene for health effects testing consideration.

II. Decision Not To Initiate Rulemaking

EPA has decided that testing under section 4 is not warranted because the ongoing and planned health effects testing is expected to provide information from which the effects recommended for consideration by the ITC can reasonably be determined or predicted. The health effects tests by the American Petroleum Institute, National Cancer Institute, the National Toxicology Program, and the National Institute for Occupational Safety and Health will address the ITC's testing recommendations.

The National Cancer Institute/National Toxicology Program Carcinogenesis Testing Program is beginning chronic studies to determine the carcinogenic potential of toluene in Fischer 344 rats and B6C3F1 mice (Ref. 8). The chronic studies are designed to investigate the carcinogenicity and other chronic effects of toluene using inhalation as the route of exposure. Subchronic inhalation studies have been completed in which Fischer-344 rats and B6C3F1 mice were exposed to toluene by inhalation at concentrations of 0, 100, 625, 1250, 2500, and 3,000 ppm for 6 hrs/

day, 5 days/wk for 15 weeks. Clinical observations in the mice, which were shown to be more sensitive to toluene toxicity, indicated reduced body weights, a dose-related dragging of the abdomen (low carriage), dyspnea, ataxia and tremors at the two highest dose levels. No gross lesions could be detected and no definitive chemical-related microscopic lesions were noted. Also, the National Toxicology Program completed a subchronic oral study with toluene on October 26, 1981 (Ref. 6). The adverse health effects observed in male and female mice receiving 2,500 and 5,000 mg/kg/day (the two highest doses administered) for 13 weeks, 5 days per week included subconvulsive jerking, prostration, impaired grasping reflex, bradypnea, hypothermia, ataxia, hypoactivity, and a decreased body weight. No clinical pathologic changes were detected in this study. The chronic inhalation studies for toluene are scheduled to begin on September 29, 1982. In light of these studies, EPA believes that further carcinogenic or chronic studies are not necessary at this time.

In 1978, subsequent to the ITC's recommendation, the American Petroleum Institute submitted to EPA a teratology study on toluene (Ref. 1). There have been several other studies which characterize the teratologic potential of toluene (Refs. 3, 4, and 7). Toluene exposure produced a dose-related decrease in fetal weight and increases in incidence of fetal death. EPA believes that these studies are adequate to reasonably predict the teratologic potential of toluene. Therefore, no further teratologic studies are necessary at this time.

The National Institute for Occupational Safety and Health (NIOSH) is conducting a retrospective cohort mortality study of workers exposed to toluene employed in the shoe manufacturing industry (Ref. 5). Because this study is being performed by NIOSH, an additional epidemiologic study would be unnecessary. EPA is, therefore, not requiring any further epidemiologic studies be done on toluene.

In addition to the studies noted above, the American Petroleum Institute (API) intends to perform a two-generation reproductive test on toluene in order to characterize any potential reproductive hazards that might be associated with toluene (Ref. 2). This two-generation reproduction study on toluene will be part of API's 1982–1983 research program.

III. References

(1) American Petroleum Institute—8(d) Submission—Toluene—Teratology Study, August 30, 1978.

(2) Correspondence from William F. O'Keefe, American Petroleum Institute, to Steven D. Newburg-Rinn, EPA, June 29, 1982 on an API Two Generation Reproductive Study.

(3) Hudak A, Rodics K, Stuber I, et al. 1977. The effects of toluene inhalation on pregnant CFY rats and their offspring. Munkavedelem, 23:25–30.

(4) Hudak A, Ungvary G., 1978. Embryotoxic effects of benzene and its methyl derivatives: toluene and xylene. Toxicology, 11:55–63.

(5) National Institute for Occupational Safety and Health. Mortality and industrial hygiene study of workers exposed to toluene. September, 1981.

(6) International Research and Development Corporation. 1981. Subchronic oral toxicity test with toluene in mice; Subchronic inhalation toxicity test with toluene in rats and mice. Bethesda, Maryland: National Toxicology Program, U.S. Department of Health and Human Services. Report numbers 5701–103 and 5701–113B.

(7) Nawrot PS, Staples RE. 1979. Embryofetal toxicity and teratogenicity of benzene and toluene in the mouse. Teratology. 19/2:41A.

(8) National Toxicology Program. 1982. Outline of the protocol for the NCI carcinogenesis bioassay of toluene.

IV. Public Record

EPA has established a public record for this testing decision (docket number OPTS–42024). The record includes:

(1) **Federal Register** notice containing the designation of toluene to Priority List.

(2) Letters.

(3) Contact reports of telephone conversations and meeting summaries.

(4) Published and unpublished data.

The records, which include basic information considered by the Agency in developing this decision, are available for inspection in the OTS Reading Room from 8:00 am. to 4:00 pm. on working days in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement the record with additional relevant information as it is received.

(Sec. 4, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: December 8, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–34155 Filed 12–15–82; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–42025; FRL 2224–4]

Toxic Substances; Xylenes; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice constitutes EPA's response to the Interagency Testing Committee's designation of xylenes for priority consideration for mutagenicity and teratogenicity testing and for an epidemiological study under section 4(a) of the Toxic Substances Control Act. With respect to mutagenicity and teratogenicity, EPA does not plan to initiate rulemaking under section 4(a) to require health effects testing of xylenes at this time because the Agency finds that there are sufficient data now available to reasonably predict any potential effects of this nature from xylenes. Although epidemiological data are highly desirable, a study is not now being required because the mixed exposure pattern associated with these chemicals makes conducting such a study infeasible.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, toll free: (800–554–1404), in Washington, D.C.: (554–1404), outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommended to EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act.

In October, 1977, the ITC designated xylenes for mutagenic and teratogenic effects testing and an epidemiological study (42 FR 55026). Xylenes are a category consisting of the three isomers of dimethyl benezene: *ortho*-xylene, *meta*-xylene and *para*-xylene. The composition of commercial "mixed xylenes" varies depending on feedstock source and refinery conditions. However, the main components are

ortho-, *meta-* and *para*-xylene and ethylbenzene.

The individual isomers are used primarily as feedstocks for various chemical processes in the plasticizer, fiber, and resin industries. Mixed xylenes are used primarily in blending gasoline and as solvents.

The ITC's recommendations were based on annual xylenes production of 8 billion pounds, annual release to the environment of 900 million pounds, National Occupational Hazard Survey rank of 13 out of approximately 7,000 agents ranked in terms of number of workers exposed, and a wide variety of consumer uses resulting in general population exposure. The ITC found that mutagenicity tests had not been reported for any of the xylenes. The ITC believed that mutagenicity testing should be conducted because of widespread exposure to xylenes and the evidence of toxic effects to several organ systems. The ITC also found information suggesting that xylenes cross the placenta and were embryotoxic. For these reasons, the ITC believed xylenes should be tested for teratogenic effects. Because of their long-term use, the large number of people exposed and demonstrated effects in animals, the ITC felt an epidemiological study would be particularly important in assessing the human health effects of xylenes and should be conducted.

This notice provides EPA's response to the ITC's designation of xylenes for testing.

II. Decision Not To Initiate Rulemaking

EPA has decided that a section 4 rule requiring testing of xylenes for mutagenic and teratogenic effects is not warranted because sufficient data have been identified to characterize those effects adequately.

In evaluating the health effects of xylenes, the EPA has accepted as sufficient the results of adequately performed tests on commercial mixed xylenes, as well as tests on the individual isomers. The opportunity for exposure occurs predominantly with mixed xylenes rather than with the pure isomers (Ref. 15). It has been shown that toxicological testing under standardized conditions on mixed xylenes and the individual isomers of xylene showed no major differences in biological activity (Refs. 2, 4, 5, 6, 10, 11, 14). The National Toxicology Program (NTP) is currently conducting cancer bioassay in rats and mice using a xylene mixture containing 9.1 percent *o*-xylene, 60.2 percent *m*-xylene, 13.6 percent *p*-xylene 17.0 percent ethylbenzene and 0.1 percent water (Ref. 7).

There is reason to believe that ethylbenzene has biological activity similar to the isomers of xylene based on acute toxicity, mutagenicity (Ames) and teratogenicity tests (Refs. 8, 16, 17). In addition to other testing already completed, ethylbenzene has been selected for an NTP bioassay (Ref. 7).

Xylenes have been assayed for mutagenic activity by several methods: *Salmonella* assays on the individual isomers and the mixture (Refs. 2, 11, 12, 13), a yeast assay (Ref. 2), a mouse lymphoma cell assay (Ref. 2), an assay on human cells in culture (Ref. 9), and a dominant lethal assay on the mixture (Ref. 1). None of these assays detected any mutagenic activity associated with xylenes.

Teratogenic activity has been demonstrated in several studies on xylenes. An NTP teratogenicity study on mixed xylenes (same mixture as listed above for cancer bioassay) administered by gavage to mice produced malformed fetuses, with cleft palate being the major malformation at doses of 2.4 and 3.0 ml/kg (Ref. 10). This study confirms the positive indications found with the individual isomers in another gavage study in mice (Ref. 14).

A teratogenicity study by inhalation exposure to individual isomers in the rat yielded at the highest dose (3000 mg/m ^{3}) fetal growth retardations, skeletal retardation, increases in fetal loss pre- and post-implantation), and a decrease in the activity of several kidney enxymes which are characteristic of functional maturity of the nephrom (Ref. 18). These adverse biological effects were identified for all three isomers while the intensity of the biological responses varied with the different isomers of xylene (Ref. 18). EPA believes that these studies are adequate to reasonably predict the teratogenic potential of xylenes and will use them to evaluate the need for and priority of any EPA actions to further control exposure to xylenes.

Although reproductive effects testing was not recommended by the ITC, the American Petroleum Institute is performing a one-generation reproductive effects study on rats exposed to mixed xylenes by inhalation in order to asssist in characterizing any potential reproductive effects hazard that might be associated with xylenes (Ref 3).

The Agency knows of no epidemiological studies that were specific for xylenes. The EPA has decided not to require an epidemiological study at this time, as occupational and consumer exposure to xylenes occur in combination with many other chemicals. The Agency has reviewed the criteria for conducting a valid epidemiological study and has determined that it would be extremely difficult to conduct such a study because the effects of xylenes could not be isolated from the effects of other chemicals to which concurrent exposure occurs.

III. References

(1) American Petroleum Institute. 1973. Mutagenicity study of thirteen petroleum fractions. Submitted to API by the Hine Laboratories, Inc. Project No. U–150–14 (EA–1). Unpublished report.

(2) American Petroleum Institute. 1978. Mutagenicity evaluation of xylene-final report. Submitted to API by Litton Bionetics, Inc. LBI Project No. 20847. Unpublished report.

(3) American Petroleum Institute. 1982 Parental and fetal reproduction and inhalation toxicity study in rats—draft report. Submitted to API by Bio/dynamics Inc. Project No. 80–2520. Unpublished.

(4) Bonnet P, Raoult G, Gradiski D. 1979. LC_{50} of main aromatic hydrocarbons. Arch. Mal. Prof. Med. Trav. Sec. Soc. 40(8–9): 809–810.

(5) Cameron GR, Paterson JLH, de Saram GSW, Thomas JC. 1938. The toxicity of some methyl derivatives of benzenes with special reference to pseudocumene and heavy coal tar naphtha. J. Pathol. Bacteriol. 46:95–107.

(6) Carpenter CP, Kinkead ER, Geary DL, Sullivan LJ, King JM. 1975. Petroleum hydrocarbon toxicity studies. V. Animal and human response to vapors of mixed xylenes. Toxicol. Appl. Pharmacol. 33:543–558.

(7) DHHS. 1982. Department of Health and Human Services. U.S. Public Health Service. National Toxicology Program Fiscal Year 1982 Annual Plan. Research Triangle Park, NC: National Toxicology Program. NTP–81–94.

(8) Gerarde HW. 1959. Toxicological studies on hydrocarbons. III. The biochemorphology of the phenylalkanes and phenylalkenes. Arch. Ind. Health 19(4): 403–418.

(9) Gerner-Smidt P, Friedrich U. 1978. The mutagenic effect of benzene, toluene and xylene studied by the SCE technique. Mutat. Res. 58:313–316.

(10) Marks TA, Ledoux TA, Moore JA. 1982. Teratogenicity of a commercial xylene mixture in the mouse. J. Tox. Env. Health. 9:97–105.

(11) Monsanto. 1977. Mutagenicity plate assay: *m*-xylene, *o*-xylene, *p*-xylene. Medical Project No. LF–77–84. Unpublished data.

(12) Monsanto. 1978a. *Salmonella* mutagenicity assay of *o*-xylene (reagent). Test No. LF–78–162. Unpublished data.

(13) Monsanto. 1978b. *Salmonella* mutagenicity assay of *o*-xylene (product). Test No. LF–78–142. Unpublished data.

(14) Nawrot PS, Staples, RE. 1981. Embryofetal toxicity and teratogenicity of isomers of xylene in the mouse. (Abstract). The Toxicologist 1(1):A22.

(15) NIOSH. 1979. National Institute for Occupational Safety and Health. Computer print-out: National Occupational Hazard Survey-Xylenes. Cincinnati, OH.

(16) NIOSH. 1981. National Institute for Occupational Safety and Health. Teratologic assessment of ethylbenzene and 2-ethoxyethanol. Submitted by Battelle Pacific NW Laboratory, Richland, Washington. NIOSH Contract 210–79–0037.

(17) Price B. 1982 (June 10). American Petroleum Institute, Washington, DC 20037. Letter and attachments to S. Newburg-Rinn, Assessment Div., Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, DC 20460.

(18) Ungvary G, Tatrai E, Hudak A, Barcza , Lorincz M. 1980. Studies on the embryotoxic effects of *ortho-*, *meta*, and *para*-xylene. Toxicology 18:61–74.

IV. Public Record

EPA has established a public record for this testing decision (docket number OPTS–42025). The record includes:

1. **Federal Register** notice containing the designation of xylenes to the Priority List.
2. Letters.
3. Contact reports of telephone conversations and meeting summaries.
4. Published and unpublished data.

The record, which includes basic information considered by the Agency in developing this decision, is available for inspection in the OTS Reading Room from 8 a.m. to 4 p.m. on working days in Rm. E–107, 401 M St., SW., Washington, D.C., 20460. The Agency will supplement the record with additional relevant information as it is received.

(Sec. 4, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: December 3, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–34154 Filed 10–15–82; 8:45 am]

BILLING CODE 6560–50–M

Science Advisory Board; Environmental Effects, Transport & Fate Committee, Open Meeting

[SAB–FRL 2267–8]

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board will be held on January 3, 1983 in Conference Room 3906–8, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:30 a.m. on January 3, and will adjourn not later than 4:30 p.m.

A principal purpose of the meeting is to allow the Committee to review and provide its scientific advice to EPA on the scientific adequacy of the Water Quality Standards Handbook, Chapter 3, "Guidelines for Deriving Site-Specific Water Quality Criteria for the Protection of Aquatic Life and its Uses." Included in the Committee's review will be the following topics: the scientific rationale for the development of site specific criteria; the definition of site; assumptions associated with the site-specific criteria; and four procedures utilized for developing site-specific criteria. These procedures include: (1) The *recalculation procedure* to account for differences in resident species sensitivity to a chemical. (2) The *indicator species procedure* to account for differences in bioavailability, and therefore toxicity, of a chemical due to water quality variability. (3) The *resident species procedure* to account for differences in resident species sensitivity and differences in the bioavailability, and therefore toxicity, of a chemical due to water quality variability. (4) The *heavy metal speciation procedure* to allow the comparison of ambient soluble or biologically available metal concentrations to criteria in State water quality standards.

For information on how to obtain copies of the documents that will be discussed, please call or write to The Criteria and Standards Division (WH–585), c/o David Sabock, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (Telephone: 202–245–3042).

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact the Executive Secretary, Environmental Effects, Transport and Fate Committee, Science Advisory Board (A–101M), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. December 27, 1982. Please ask for Mrs. Joanna Foellmer or Dr. Douglas Seba. The telephone number is (202) 382–2552.

Dated: December 3, 1982.

Terry F. Yosie,

Acting Staff Director, Science Advisory Board.

[FR Doc. 82–34175 Filed 12–15–82; 8:45 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

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 information collection requests 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. The proposed report forms under review are listed below.

DATE: Comments must be received on or before January 31, 1983. If you anticipate commenting on a report form 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.

ADDRESS: Copies of the proposed report 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:

EEOC Agency Clearance Officer: Thomas P. Goggin, Office of Administration, Room 3230, 2401 E Street, NW., Washington, DC 20506; Telephone (202) 634–6983.

OMB Reviewer: Richard Eisinger, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–7316.

Type of Request—Extension (No Change)

Title: Recordkeeping Requirements of Guidelines on Employee Selection Procedures

Form Number: None

Frequency of Report: On Occasion

Type of Respondent: Businesses/other institutions, State or local governments, farms

Standard industrial Classification (SIC) Code: Multiple

Description of Affected Public: Any employer, labor organization, employment agency, covered by Federal equal employment opportunity laws

Responses: 666,000

Reporting Hours: 1,910,000

Federal Cost: $53,735

Applicable under Section 3504(h) of Public Law 96–511: Not applicable

Number of Forms: None

Abstract—Needs/Uses: Data used by the EEOC and the co-signatories in investigating, conciliating, and litigating charges of employment discrimination, by complainants in establishing violations of Federal equal employment laws, and by respondents in defending

against allegations of employment discrimination.

Dated: December 9, 1982.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 82-33959 Filed 12-15-82; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-785; File No. BPCT-811229KF; BC Docket No. 82-786; File No. BPCT-820315KE; BC Docket No. 82-787; File No. BPCT-820315KG; BC Docket No. 82-788; File No. BPCT-820315KI; BC Docket No. 82-789; File No. BPCT-820315KJ]

Carlos Ortiz et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: November 17, 1982.

Released: November 24, 1982.

By the Chief, Broadcast Bureau.

In re applications of; Carlos Ortiz, McAllen, Texas; B. Sylvia Gonzalez DBA/Tele Imagen, McAllen, Texas; Rio Grande Family Television, Ltd., McAllen, Texas; Hispanic Tele-Media Network, Inc.,[1] McAllen, Texas; Hidalgo Communications Corp., McAllen, Texas; for construction permit; hearing designation order.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above mutually exclusive applications of Carlos Ortiz (Ortiz), Tele Imagen (Tele), Rio Grande Family Television, Ltd. (Rio), Hispanic Tele-Media Network, Inc. (Hispanic) and Hidalgo Communications Corp. (Hidalgo) for a new commercial television station to operate on Channel 48, McAllen, Texas; petitions to deny [2] filed by Hispanic against Rio and Hidalgo against Hispanic; and related pleadings.

2. No determination has been reached that the tower heights and locations proposed by Tele [3] and Hispanic would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. There is a discrepancy in the latitude shown on Section V–C and Section V–G on Tele's application. Tele will be required to file the correct coordinates with the presiding Administrative Law Judge within 20 days after this Order appears in the **Federal Register.**

4. Rio proposes to mount its antenna on the same structure as proposed by World Radio Missionary Fellowship—U.S.A., Inc. at Pharr, Texas (ARN–811015AD). In the event of a grant of Rio's application, and in the event that the facilities proposed by the AM station are constructed and operating at the time Rio is ready to commence construction of its facilities, Rio's construction permit will be conditioned to ensure that the AM station's radiation pattern is not adversely affected by the construction of the proposed television station.

5. *Carlos Ortiz.* The Ortiz application was filed on December 29, 1981. In support of its showing as to its financial qualifications, Ortiz submitted, as part of his application, a letter, dated December 29, 1980, from Amvest Leasing and Capital Corp. (Amvest). The letter provided for financing of $99,000 for broadcasting equipment.

6. During the course of the processing of other Ortiz applications for new television stations, it was discovered that the Amvest Leasing and Capital Corp. (Amvest) letter had been duplicated and used in each of at least three other Ortiz applications, apparently without the knowledge or consent of Amvest. Amvest, by Wayne C. Coates, its credit analyst, has submitted an affidavit, as requested by the Commission, stating that Amvest issued the letter only in connection with Ortiz's McAllen application. By using the credit letter in at least three other applications,[4] Ortiz has represented to the Commission that he has at least $396,000 available to him from Amvest whereas, in fact, only $99,000 is available. This conduct by Ortiz raises questions as to whether he has attempted to deceive or mislead the Commission and whether he has the requisite character qualifications to be a Commission licensee.[5] An appropriate issue will be specified as to Ortiz's basic qualifications.

7. The material submitted in the Ortiz application does not demonstrate the applicant's financial qualifications.[6] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this Order to review his financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification [7] to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to his financial qualifications. If Ortiz cannot make the required certification, he shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–578 (released July 15, 1982).

8. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Ortiz indicates that there would be a significant difference in the size of the area and population that he proposes to serve and the size of the areas and populations that the other four applicants propose to serve. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether comparative preferences should accrue to one or more of the applicants.

9. Hispanic requests a waiver of Section 73.685(c) of the Commission's Rules which requires a maximum-to-minimum ration of no more than 15 dB. Hispanic proposes a directional antenna with a maximum-to-minimum ratio of 16 dB. Accordingly an appropriate issue will be specified to determine whether waiver of § 73.685(c) is warranted.

10. Except as indicated by the issues specified below, the applicants are

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[1] By amendment, filed May 21, 1982, the applicant's name was changed from Valley Broadcasters, Inc.

[2] The petitions to deny are, in essence, pre-designation petitions to specify issues. Such petitions are no longer permitted; therefore, they will be dismissed. *Processing of Contested Broadcasting Applications*, 72 F.C.C. 2d 202 (1979). Rio filed a motion for acceptance of an executed copy of an amendment that was timely filed 3 months earlier. Since all of the facts contained in the amendment, as well as Rio's comparative position were available to Hispanic, and all other interested parties, by the cut-off date, Rio's amendment will be accepted and considered as timely filed. *Ford County Broadcasters, Inc.*, FCC 82–158, released March 26, 1982.

[3] The Commission is not in receipt of FAA's determination for the tower proposed by Tele.

[4] BPCT–820312KE, Channel 52, Carolina, Puerto Rico; BPCT–820319KH, Channel 27, Laredo, Texas; BPCT–820415KF, Channel 16, Mayaguez, Puerto Rico, D82–651.

[5] Ortiz's application for Mayaguez, Puerto Rico (BPCT–820312KE) was designated for hearing in Docket No. 82–651 prior to the discovery of this problem. Therefore, no character qualifications issue was raised in that designation order.

[6] Ortiz indicates that Amvest will provide the money it needs to construct and operate. However, the Amvest letter pertains only to equipment. Therefore, Ortiz has not shown any funds to operate the proposed facility.

[7] Since the Amvest letter was issued in connection with the McAllen application, Ortiz may certify as to his financial qualifications in this proceeding.

qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Tele Imagen and Hispanic Tele-Media Network, Inc., whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine with respect to Carlos Ortiz:

(a) All of the facts and circumstances surrounding the filing of copies of the letter of credit from Amvest Leasing and Capital Corp. In connection with other applications filed by him;

(b) whether the applicant attempted to deceive or mislead the Commission or was lacking in candor or made misrepresentations to the Commission;

(c) whether, in light of the evidence adduced pursuant to the foregoing issues, the applicant has the requisite qualifications to be a Commission licensee.

3. To determine with respect to Hispanic Tele-Media Network, Inc.:

(a) whether circumstances exist to warrant waiver of § 73.685(c) of the Commission's Rules;

(b) whether, in light of the evidence adduced pursuant to issue (a), applicant is technically qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the foregoing issues, which of the applications should be granted.

12. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

13. It is further ordered, that, within 20 days after this Order appears in the **Federal Register**, Tele Imagen shall submit the required latitude, to correct the discrepancy noted in paragraph three, above, to the presiding Administrative Law Judge.

14. It is further ordered, that in the event that the AM facilities proposed in pending construction permit application ARN–811015AD are constructed and operating, and if Rio Grande Family Television, Ltd is granted a construction permit, the following condition will apply:

During installation of the TV antenna, AM station authorized by construction permit File No. BP–811015AD shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements of the AM array shall be made and a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected. The results shall be submitted to the Commission, along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

15. It is further ordered, that Ortiz shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

16. It is further ordered, That Rio Grande Family Television, Ltd.'s motion for leave to amend is granted.

17. It is further ordered, that the petition to deny filed by Hispanic Tele-Media Network, Inc. against Rio Grande Family Television, Ltd. IS DISMISSED.

18. It is further ordered, that the peitition to deny filed by Rio Grande Family Television, Ltd. against Hidalgo Communications Corp. is dismissed.

19. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82–34171 Filed 12–15–82; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group; Auditing and Regulatory Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a two day meeting of the Telecommunications Industry Advisory Group's Auditing and Regulatory Subcommittee. The meeting is scheduled for Monday, January 17, 1983, at 10:00 a.m., in Room 330 of the Commission's offices at 1200 19th Street, N.W., Washington, D.C., and Tuesday, January 18, 1983, at 9:00 a.m., in Conference Room A (10th Floor) of the AT&T's offices located at 1120 20th Street, N.W., Washington, D.C. The meetings will be open to the public. The agenda is as follows:

I. General Administration Matters
II. Continued Analysis of GAAP as it applies to USOA
III. Continued analysis of impact of ERTA of 1981 on regulated industries
IV. Further assignment of Tasks
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of Subcommittee Chairman Hugh A. Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658–1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–34142 Filed 12–15–82; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group; Definitions and Rules Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group (TIAG) Definitions and Rules Subcommittee scheduled to meet on Tuesday, January 11, 1983, and Tuesday, January 25, 1983. Both meetings will be held at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, N.W., Washington, D.C. and will be open to the public. The agenda for both meetings is as follows:

I. General Administrative Matters

II. Review of Minutes of Previous Meeting
III. Discussion of Individual Assignments
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203/965–2830) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-34143 Filed 12-15-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-204]

First Federal Savings and Loan Association of Petersburg, Petersburg, Virginia; Notice of Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: December 13, 1982.

Notice is hereby given that on December 8, 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 Petersburg, Petersburg, Virginia ("Association"). The application had been approved by the Board by Resolution No. 81–529, dated September 9, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-34190 Filed 12-15-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-205]

Germania Federal Savings and Loan Association, Alton, Illinois; Notice of Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: December 13, 1982.

Notice is hereby given that on December 7, 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 Germania Federal Savings and Loan Association, Alton, Illinois ("Association"). The application had been approved by the Board by Resolution No. 80–53, dated January 23, 1980. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-34189 Filed 12-15-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 9, 1982.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For Further Information Contact

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829).

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Request for Revision

1. Report title: Allocation of Low Reserve Tranche and Reservable Liabilities Exemption:

Agency form number: FR 2930.

Frequency: Annually, on occasion.

Reporters: U.S. branches and agencies of foreign banks and Edge Act and Agreement corporations that have offices located in more than one state and/or Federal Reserve District.

SIC Code: 605.

Small businesses are not affected.

General description of report: Respondent's obligation to respond is mandatory [12 U.S.C. 248 (a) and § 461]; a pledge of confidentiality is promised [5 U.S.C. 552 (b)(4) and (b)(8)].

In calculating reserve requirements for transaction accounts which are reported on the FR 2900, the first $26.3 million of such deposits (the low reserve tranche) are reserved at a lower ratio than amounts in excess of $26.3 million. Under, the Garn-St Germain Depository Institutions Act of 1982, the first $2.1

million in reservable liabilities are exempt from reserve requirements. This report collects information on the allocation of this tranche and exemption for certain institutions with offices located in more than one state and/or Federal Reserve District.

Board of Governors of the Federal Reserve System, December 9, 1982

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34118 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

BankAmerica Corp et. al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The organizations identified 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, 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 these applications, 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 that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. 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.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Idaho): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, an Oregon corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered by FinanceAmerica Corporation. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans and other extensions of credit secured by real and personal property, servicing loans and other extensions of credit, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. These activities will be conducted from an existing office located in Portland, Oregon, serving the entire State of Idaho. Comments on this application must be received not later than January 10, 1083.

2. *BankAmerica Corporation,* San Francisco, California (travelers check sales activities; fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, the territories and dependencies of the United States, and Canada): To engage, through its direct subsidiary, BA Cheque Corporation, a Delaware Corporation, in the activity of selling travelers checks. This activity will be conducted from an existing office located in San Francisco, California, serving the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, the territories and dependencies of the United States, and Canada. Comments on this application must be received not later than January 10, 1982.

Board of Governors of the Federal Reserve System, December 10, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34117 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

Conifer Group; Acquisition of Bank

The Conifer Group, Worcester, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Essex Bancorp, Inc., Peabody, Massachusetts. 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)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 9, 1982. Any comments 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.

Board of Governors of the Federal Reserve System, December 10, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34115 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

South Central Bancshares, Inc., Formation of Bank Holding Company

South Central Bancshares, Inc., Russellville, Kentucky, 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 80 per cent or more of the voting shares of Citizens National Bank of Russellville, Kentucky. 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)).

South Central Bancshares, Inc., Russellville, Kentucky, 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 Wilbur and Salb Insurance Company, Russellville, Kentucky.

Applicant states that the proposed subsidiary would engage in the sale, as agent or broker, of credit life and credit accident and health insurance, and property insurance, such as "vendor's single interest" insurance and insurance of the interest of a real property mortgagee in mortgaged property (other than title insurance), all of which will directly relate to an extension of credit by Applicant and any affiliate of Applicant. These activities would be performed from offices of Applicant's subsidiary in Russellville, Kentucky, and the geographic area to be served is

primarily Logan County, Kentucky. Such activities have been specified by the Board in section 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 St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 10, 1983.

Board of Governors of the Federal Reserve System, December 10, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34113 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

Steel City Bancorporation, Inc., et al.; 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 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. *Steel City Bancorporation, Inc.*, Chicago, Illinois; to acquire 80 percent of the voting shares of Tinley Park Bank, Tinley Park, Illinois. Comments on this application must be received not later than January 10, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *American Bank Corporation*, Denver, Colorado; to acquire 99.9 percent of the voting shares or assets of First Wyoming Bank, N.A.—Laramie, Laramie, Wyoming. Comments on this application must be received not later than January 10, 1983.

Board of Governors of the Federal Reserve System, December 10, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34114 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

Winchester Bancorp, Inc., et al.; 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 Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Winchester Bancorp. Inc.*, Winchester, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Winchester Bank, Winchester, Kentucky. Comments on this application must be received not later than January 10, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Allegheny Bankshares Corporation*, Lewisburg, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Allegheny Bank, and interim bank that would be the successor by merger to Greenbrier Valley Bank, Lewisburg, West Virginia, and would operate under the charter of the former and with the title of the latter. Comments on this application must be received not later than January 10, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Cohutta Bancshares, Inc.*, Chatsworth, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Cohutta Banking Company, Chatsworth, Georgia. Comments on this application must be received not later than January 10, 1983.

2. *First Gonzales Bancshares, Inc.*, Gonzales Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of First Gonzales Corporation, Gonzales, Louisiana, a company owning 98.7 percent of the voting shares of the First National Bank of Gonzales, Gonzales, Louisiana. Comments on this application must be received not later than January 10, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Blevins Bancshares, Inc.*, Hope, Arkansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Blevins, Blevins, Arkansas. Comments on this application must be received not later than January 10, 1983.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Sharon Holding Company, Inc.*, Sharon, North Dakota; to become a bank holding company by acquiring 94 percent of the voting shares of First State Bank of Sharon, Sharon, North Dakota. Comments on this application must be received not later than January 5, 1983.

2. *Flathead Holding Company of Bigfork*, Bigfork, Montana; to become a bank holding company by acquiring 84 percent of the voting shares of Flathead Bank of Bigfork, Bigfork, Montana.

Comments on this application must be received not later than January 10, 1983.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri; 64198:

1. *Farmers State Investment Co.*, Dodge, Nebraska; to become a bank holding company by acquiring 80 percent of the voting shares of Farmers State Bank, Dodge, Nebraska. Comments on this application must be received not later than January 10, 1983.

2. *Metro Bancshares, Inc.*, Broken Arrow, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Metro Bank of Broken Arrow, Broken Arrow, Oklahoma. Comments on this application must be received not later than January 10, 1983.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Plains Bancorp, Inc.*, Dimmitt, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bancorp, Inc., Dimmitt, Texas, and thereby to acquire The First State Bank of Dimmitt, Dimmitt, Texas. Comments on this application must be received not later than January 10, 1983.

Board of Governors of the Federal Reserve System, December 10, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-34116 Filed 12-15-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Schedule for Awarding Senior Executive Service Bonuses

The General Services Administration plans to award bonuses to Senior Executive Service members on or about December 30, 1982.

For further information, contact Gregory Knott, Director, Executive Resources Division (202-566-1207). Mailing address: General Services Administration (HPX), Washington, DC 20405.

Dated: December 14, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82-34355 Filed 12-15-82; 9:41 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee Coal Study Subcommittee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Coal Study Subcommittee of the Mine Health Research Advisory Committee.
Date: January 10-11, 1983.
Time: 8:30 a.m. to 4:30 p.m.
Place: National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Room 203, Morgantown, WV 26505
Type of Meeting: Open.
Contact Person: Robert B. Reger, Ph.D., Chief, Epidemiological Investigations Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Room 223, Morgantown, WV 26505, Telephone: (304) 291-4476.
Purpose: To discuss measures to increase participation in the fourth round of the National Coal Study (NCS) and to consider optional approaches for expanding the usefulness of the NCS results. To evaluate pulmonary function criteria for coal miners transfer rights.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. The subcommittee, composed of members of the MHRAC, will provide to the MHRAC, recommendations appropriate to the NCS and to criteria that could be used to establish coal miner transfer rights based on pulmonary function tests. The subcommittee will present its report to the MHRAC at their next meeting, currently scheduled for February 7-8, 1983. An approved MHRAC report would be available subsequent to the February meeting.

Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and any other interested parties are invited. Interested parties wishing to participate in the meeting are requested to contact Dr. Robert B. Reger at the address above in order to be assured appropriate time for presentation. Presentations by interested parties need to be accompanied by five copies of the text of the presentation to be made before the subcommittee. Such copies should be provided to the subcommittee chairperson, Dr. Donald L. Rasmussen, 306½ Stanaford Road, Beckley, West Virginia 25801, 304/255-0031, prior to or at the subcommittee meeting.

Dated: December 10, 1982.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 82-34202 Filed 12-15-82; 8:45 am]

BILLING CODE 4160-19-M

Office of Human Development Services

Administration for Children, Youth and Families; Allotment Percentages; Child Welfare Services State Grants

AGENCY: Office of Human Development Services, DHHS.

ACTION: Bi-annual publication of allotment percentages for States under the Child Welfare Services State Grants Program.

PURPOSE: Section 421(c) of the Social Security Act (42 U.S.C. 621(c)) requires that the Secretary publish the allotment percentage for each State under the Child Welfare Services State Grant Program every two years. This percentage is used in the computation of the Federal grants awarded under the Program.

DATES: The table indicates the allotment percentages to be used for fiscal years 1984 and 1985.

FOR FURTHER INFORMATION CONTACT: Mrs. Ellen Fagins, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, 202-755-7800.

SUPPLEMENTARY INFORMATION: The allotment percentage for each State is determined on the basis of the complement of the three year average per capita income in each State compared to the national three year average per capita income. The allotment percentage for each State is as follows:

State	Allotment percentage
Alabama	60.65
Alaska	34.10
Arizona	51.05
Arkansas	61.75
California	42.95
Colorado	47.15
Connecticut	39.55
Delaware	47.20
District of Columbia	36.25
Florida	51.95
Georgia	57.45
Guam	70.00
Hawaii	46.90
Idaho	57.35
Illinois	44.40
Indiana	52.90
Iowa	50.15
Kansas	47.65
Kentucky	59.66
Louisiana	55.55

State	Allotment percentage
Maine	59.60
Maryland	45.50
Massachusetts	47.35
Michigan	47.65
Minnesota	48.70
Mississippi	64.75
Missouri	53.70
Montana	55.55
Nebraska	51.20
Nevada	43.90
New Hampshire	52.55
New Jersey	42.65
New Mexico	58.75
New York	45.95
North Carolina	58.85
North Dakota	53.65
Northern Marianas	70.00
Ohio	50.25
Oklahoma	51.95
Oregon	51.20
Pennsylvania	50.60
Puerto Rico	70.00
Rhode Island	51.80
South Carolina	61.65
South Dakota	58.05
Tennessee	59.65
Texas	49.65
Utah	59.75
Vermont	58.75
Virgin Islands	70.00
Virginia	50.85
Washington	45.95
West Virginia	59.55
Wisconsin	51.05
Wyoming	43.60

Dated: November 19, 1982.

Warren Master

Acting Commissioner for Children.

Approved: December 13, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-34212 Filed 12-15-82; 8:45 am]

BILLING CODE 4130-01-M

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of Federal Matching Shares for Aid to Families with Dependent Children, Medicaid, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 1983—September 30, 1985

SUMMARY: This notice announces the "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare amd medical expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. These programs are under titles I, IV–A, X, XIV, XVI (AABD), and XIX of the Social Security Act (the Act), except for American Samoa whose programs are only under title XIX. The percentages in this notice apply to State expenditures for assistance payments and medical services (except family planning which is subject to a higher matching rate). The statute provides separately for Federal matching of administrative costs.

Sections 1101(a)(8) and 1905(b) of the Social Security Act require the Secretary of Health and Human Services to publish these percentages each even-numbered year. The Secretary is to figure the percentages, by formulas in those sections of the Act, from the Department of Commerce's statistics of average income per person in each State and in the nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act.

The "Federal percentages" are for Aid to Families with Dependent Children (AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for these other programs using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

DATES: The percentages listed will be effective for each of the eight quarter-year periods in the period beginning October 1, 1983 and ending September 30, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Emmett Dye, Office of Research and Statistics, Social Security Administration, Room 2227, Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone (202) 245–9234.

(Catalog of Federal Demestic Assistance Program Nos. 13.808—Assistance Payments—Maintenance Assistance (State Aid); 13.714—Medical Assistance Program)

Dated: December 13, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCT. 1, 1983–SEPT. 30, 1985

[Fiscal years 1984 and 1985]

State	Federal percentages	Federal medical assistance percentages
Alabama	65.00	72.14
Alaska	50.00	50.00
American Samoa	50.00	50.00

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCT. 1, 1983–SEPT. 30, 1985—Continued

[Fiscal years 1984 and 1985]

State	Federal percentages	Federal medical assistance percentages
Arizona	56.90	61.21
Arkansas	65.00	73.65
California	50.00	50.00
Colorado	50.00	50.00
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	53.79	58.41
Georgia	63.81	67.43
Guam	50.00	[1]50.00
Hawaii	50.00	50.00
Idaho	63.65	67.28
Illinois	50.00	50.00
Indiana	55.48	59.93
Iowa	50.27	55.24
Kansas	50.00	50.67
Kentucky	65.00	70.72
Louisiana	60.50	64.45
Maine	65.00	70.63
Maryland	50.00	50.00
Massachusetts	50.00	50.13
Michigan	50.00	50.70
Minnesota	50.00	52.67
Mississippi	65.00	77.63
Missouri	57.12	61.40
Montana	60.45	64.41
Nebraska	52.37	57.13
Nevada	50.00	50.00
New Hampshire	54.94	59.45
New Jersey	50.00	50.00
New Mexico	65.00	69.39
New York	50.00	50.00
North Carolina	65.00	69.54
North Dakota	57.02	61.32
Northern Mariana Islands	50.00	[1]50.00
Ohio	50.49	55.44
Oklahoma	53.85	58.47
Oregon	52.36	57.12
Pennsylvania	51.16	56.04
Puerto Rico	50.00	[1]50.00
Rhode Island	53.52	58.17
South Carolina	65.00	73.51
South Dakota	64.78	68.31
Tennessee	65.00	70.66
Texas	50.00	54.37
Utah	65.00	70.84
Vermont	65.00	69.37
Virgin Islands	50.00	[1]50.00
Virginia	51.70	56.53
Washington	50.00	50.00
West Virginia	65.00	70.57
Wisconsin	52.07	56.87
Wyoming	50.00	50.00

[1] For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

[FR Doc. 82-34213 Filed 12-15-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public Service Room, Alaska State Office; Notice of Office Hours

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Office Hours; Public Service Room, Alaska State Office.

SUMMARY: The Public Service Room, Alaska State Office, will be open to the public for the filing of applications and other documents and inspection of the

records on Monday through Friday from 7:30 a.m. to 3:45 p.m., with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

EFFECTIVE DATE: January 1, 1983.

LOCATION: Alaska State Office, Public Service Room, 701 "C" Street, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Gail Ozmina (907) 271–5960.

Curtis V. McVee,

State Director.

[FR Doc. 82-34183 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 91–463, Pub. L. 94–579, Pub. L. 95–514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Thursday, February 3, 1983, at 9 a.m. at the Peppertree Restaurant in the Teton Room, 888 North Holmes Ave., Idaho Falls, Idaho 83401.

Agenda for the meeting will include the following:

1. Introductions and Opening Comments
2. State Director's Comments
3. District Overview and Program Highlights
4. Council Function and Involvement
5. Asset Management Program
6. Environmental Impact Statement Update
7. Resource Management Planning in the Medicine Lodge Resource Area
8. Election of Officers
9. Arrangements for next Meeting

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Idaho Falls BLM District Office, 940 Lincoln Rd., Idaho Falls, Idaho 83401 by January 28, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) 30 days after the meeting.

Dated: December 9, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-34139 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[Exchange—I-16999]

Public Land in Caribou County, Idaho, Idaho Falls District; Notice of Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 7 S., R. 41 E.,
Sec. 34, NW¼SE¼.

T. 8 S., R. 41 E.,
Sec. 17, SW¼SW¼NE¼NW¼, NW¼NW¼ NW¼NW¼, S½NW¼NW¼NW¼, S½NW¼NW¼, N½NW¼SW¼NW¼, NE¼SW¼NW¼, E½SE¼SW¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, NW¼NE¼SW¼, E½NE¼SE¼, S½NW¼ SW¼NW¼, N½SW¼SW¼NW¼, W½SE¼ SW¼NW¼, E½NE¼NW¼SW¼, N½SW¼ NE¼SW¼, SE¼SW¼NE¼SW¼.

172.5 acres.

In Exchange for these lands the Federal Government will acquire 240 acres of non-Federal land in Caribou County from Harry Dean Ozburn described as follows:

Boise Meridian, Idaho

T. 7 S., R. 40 E.,
Sec. 34, E½SE¼, SE¼NE¼;
Sec. 35, SW¼NW¼.

T. 8 S., R. 40 E.,
Sec. 3, SE¼NW¼, NE¼SW¼.

240 acres.

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.

2. Allow authorized farming of the public land by transferring the subject parcel to a private party.

3. Provide long term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Caribou County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Both parties will reserve all minerals; only surface ownership will be exchanged.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of Interior.

Dated: December 10, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-34135 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

John Day Resource Area Management Framework Plan Amendment; Revised Notice of Intent

December 7, 1982.

The Bureau of Land Management, Burns District, provided a Notice of Intent to begin Resource Management Planning on Bureau lands in the John Day Resource Area in local newspapers and the January 28, 1981 **Federal Register** (Vol. 46, No. 18, pages 9214–9215). The John Day Resource Area lies primarily within the John Day River Basin and Grant County and part of Harney County in eastern Oregon. The planning area is bounded by Wheeler County to the west, Umatilla County to the north and by the Malheur National Forest to the south and east.

Based on staff review of the publicly identified issues and known resource conflicts, I have concluded that an amendment of the existing Management Framework Plan is more appropriate than a complete new Resource Management Plan. The Management Framework Plan (MFP) amendment will be prepared in compliance with the 43 CFR Part 1600) Bureau regulations for land-use planning. Based on the proposed plan, a John Day Grazing Management Environmental Assessment will be prepared in compliance with the Council on Environmental Quality 40 CFR Part 1501 regulations. If this analysis results in a finding of significant impact an Environmental Impact Statement will be prepared.

The factors that led to the decision to prepare an MFP amendment in lieu of a Resource Management Plan included:

1. The lack of significant resource issues within the planning area.

2. The limited amount of BLM surface ownership.

3. The advantage of combining plan amendments addressing wilderness with amendments addressing range, timber, lands, wildlife and recreation.

4. Department and Bureau policy changes designed to streamline the planning process.

5. Significant budget and personnel limitations.

6. Budget directives designed to eliminate the use of the RMP process when significant issues or concerns do not appear to exist, and use other forms of analysis of alternatives to provide management with a basis for decision-making.

Wilderness Study Area Status

The proposed alternatives for the four Wilderness Study Areas in the John Day Resource Area are analyzed and displayed in a multi-district summary document which is currently available from the Burns District Office. This portion of the John Day plan amendment was accelerated to provide timely input to the BLM Statewide Wilderness EIS. A series of 14 public meetings have been scheduled to provide an opportunity for public imput and scoping of the statewide Wilderness EIS. Local meetings will be in Canyon City on January 5, and Burns on January 12. The draft Wilderness EIS will be completed in 1984.

Planning Criteria Review Opportunity

The John Day Resource Area Manager has developed criteria for the development of three land-use plan alternatives. The criteria are based on public input and staff recommendations and will address all relevent management issues. One plan alternative emphasizes production of commodity resources to enhance economic benefits. Another alternative emphasizes maximum protection and enhancement of natural values, such as wildlife habitat, water quality, undeveloped recreation opportunities and visual resources. A third alternative will balance economic uses with natural and cultural values. The draft goals and objectives of the proposed land-use alternatives are in the John Day Planning Report No. 3 which is available from the District Office. I encourage you to review and comment on these criteria by January 31, 1983, so we may, if necessary, revise the criteria and proceed with the formulation of alternatives.

A public meeting will be held in John Day, Oregon in the spring of 1983 to provide public comment opportunities on the development of the preferred alternative and scoping of the John Day Grazing Management Environmental Analysis. Anyone who wishes to add his name to the planning mailing list or who wishes to discuss the BLM planning effort and availability of information and planning documents, may contact the John Day Resource Area Manager, Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720 or call (503) 573–2071. The exact dates, times, and locations of public meetings will be announced in future planning reports and local newspapers. Planning documents will continue to be available for public review at the Burns District Office, Burns, Oregon.

Thomas R. Thompson, Jr.,

Associate District Manager.

[FR Doc. 82–34132 Filed 12–15–82; 8:45 am]

BILLING CODE 4310–84–M

Lewistown District Advisory Council, Montana; Meeting

AGENCY: Bureau of Land Management, Lewistown District Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Advisory Council will meet January 20, 1983. The agenda will be:

9:00 a.m., Orientation to BLM for new council members
12:00 p.m., Recess
1:00 p.m., Organizational meeting and 1983 issues
5:00 p.m., Adjournment

Public comment will be sought at the end of each agenda item.

DATES: January 20, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: Lewistown District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Advisory Council is authorized under Section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council advises the District Manager concerning the planning for and management of the public lands administered within the Lewistown District.

Dated: December 9, 1982.

Glenn W. Freeman,

District Manager.

[FR Doc. 82–34136 Filed 12–15–82; 8:45 am]

BILLING CODE 4310–84–M

[M 068063, et al.]

Montana; Classifications Terminated

December 7, 1982.

1. Pursuant to authority delegated by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), classification orders initiated for exchange under the authority of Section 8 of the Taylor Grazing Act of June 28, 1934, for Public Sales under Revised Statute 2455, for Homestead Entries under Revised Statute 2289, and for Small Tract under the Act of June 1, 1938, are hereby terminated as to the following described lands:

Principal Meridian

Public Sale Classification (RS 2455)

(M 068063)

T. 8 N., R. 17 E.,
Sec. 4, NW¼SE¼.
T. 10 N., R. 17 E.,
Sec. 34, SE¼SW¼.
T. 9 N., R. 18 E.,
Sec. 22, NW¼;
Sec. 26, W½W½, SE¼NW¼, and NE¼SW¼.

(M 5000A)

T. 4 S., R. 45 E.,
Sec. 20, lot 1, N½NE¼ and NE¼NW¼;
Sec. 24, lots 2, 3, 6, and 7, E½W½.

Unsuitable for Public Sale (2455)

(M 072341)

T. 3 N., R. 26 E.,
Sec. 32, S½SE¼.

(M 073078)

T. 3 N., R. 11 W.,
Sec. 31, HES 1190.
T. 2 N., R. 12 W.,
Sec. 1, NW¼SW¼ and SE¼SW¼;
Sec. 6, lots 2, 3, 4, 5, and 6, E½SE¼, and SE¼NW¼;
Sec. 8, W½SW¼, and SE¼SW¼;
Sec. 10, lots 1 and 2, SW¼SE¼;
Sec. 18, lots 5 and 6, NE¼SW¼ and SE¼.
T. 3. N., R. 12 W.,
Sec. 26, lot 3, SE¼NE¼, SE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 28, N½SE¼.
T. 2 N., R. 13 W.,
Sec. 12, lots 1 and 2, NW¼SE¼.

(M 169)

T. 27 N., R. 54 E.,
Sec. 1, lot 10.

(M 558)

T. 13 N., R. 21 E.,
Sec. 20, SE¼NE¼ and SE¼;
Sec. 21, SW¼NE¼, NE¼NW¼, S½NW¼, and SE¼SE¼;
Sec. 22, W½SW¼;
Sec. 28, NW¼NE¼ and NW¼NW¼;
Sec. 29, N½NE¼.

(M 923)

T. 1 S., R. 13 E.,
Sec. 18, lot 1.

(M 1420)

T. 4 S., R. 17 E.,

Sec. 6, SE¼SW¼;
Sec. 17, NE¼NW¼ and S½NW¼.

(M 1762)

T. 8 S., R. 48 E.,
Sec. 29, lot 1.

(M 1780)

T. 6 S., R. 47 E.,
Sec. 13, N½SW¼ and NW¼SE¼.

(M 2149)

T. 2 N., R. 26 E.,
Sec. 14, N½NE¼.

(M 6153)

T. 9 N., R. 3 W.,
Sec. 25, E½SW¼ and SE¼.

(M 8339)

T. 26 N., R. 30 E.,
Sec. 3, N½SE¼SW¼;
Sec. 4, lots 3 and 4, SE¼NW¼ and E½SE¼;
Sec. 6, lots 2 and 7, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lot 1, NW¼NE¼ and E½NW¼;
Sec. 9, N½NE¼.

(M 9150)

T. 7 N., R. 27 E.,
Sec. 18, lot 4.

(M 9291)

T. 6 N., R. 26 E.,
Sec. 2, lots 1, 2, 5, 8, 9, and 12, NW¼SW¼.
T. 7 N., R. 26 E.,
Sec. 34, N½NW¼ and S½SW¼.

(M 9735)

T. 31 N., R. 29 E.,
Sec. 9, NW¼NE¼ and NW¼NW¼;
Sec. 10, N½SW¼.

(M 10402)

T. 7 S., R. 20 E.,
Sec. 29, SW¼SW¼.

(M 10415A)

T. 21 N., R. 9 E.,
Sec. 13, lots 1, 3, and 4, SE¼NE¼ and SE¼SW¼;
Sec. 24, lots 1 and 2, SW¼NE¼ and W½SE¼;
Sec. 25, lots 2, 6, and 7, NE¼SW¼.
T. 20 N., R. 10 E.,
Sec. 22, NE¼NE¼.

(M 10455)

T. 8 N., R. 3 E.,
Sec. 5, lots 14, 15, and 16.
T. 9 N., R. 3 E.,
Sec. 32, lots 1 and 2.

(M 10805)

T. 25 N., R. 44 E.,
Sec. 30, W½ and SW¼;
Sec. 31, W½.
T. 24 N., R. 44 E.,
Sec. 5, lots 1, 2, and 3.
T. 25 N., R. 43 E.,
Sec. 25, SW¼NW¼, SE¼SW¼, and SE¼.

(M 10806)

T. 25 N., R. 44 E.,
Sec. 29, NE¼SW¼, S½SW¼, and SE¼;
Sec. 30, SW¼NE¼;
Sec. 32, W½.

(M 10807)

T. 25 N., R. 44 E.,
Sec. 3, S½NW¼ and SW¼;
Sec. 4, NE¼NE¼.
T. 26 N., R. 44 E.,
Sec. 32, SE¼;
Sec. 33, SE¼SW¼ and SW¼SE¼.

(M 11486)

T. 7 S., R. 38 E.,
Sec. 25, lots 1, 2, 3, and 4.
T. 7 S., R. 39 E.,
Sec. 30, lot 1;
Sec. 31, lots 3 and 4, SE¼SE¼;
Sec. 32, SW¼NW¼.
T. 8 S., R. 39 E.,
Sec. 1, lots 1 and 19;
Sec. 2, lot 2;
Sec. 3, lot 4.

(M 14782)

T. 6 N., R. 26 E.,
Sec. 34, E½E½.

(M 15079)

T. 6 N., R. 44 E.,
Sec. 4, NE¼SE¼ and S½SE¼.

(M 15383)

T. 8 N., R. 3 W.,
Sec. 5, lot 21.

(M 16280)

T. 10 N., R. 9 E.,
Sec. 4, E½NE¼.
T. 11 N., R. 9 E.,
Sec. 33, E½SE¼.

(M 18409)

T. 26 N., R. 47 E.,
Sec. 30, lot 2, NW¼NE¼ and E½NW¼.

(M 23118)

T. 19 N., R. 35 E.,
Sec. 2, SW¼SW¼;
Sec. 3, E½SE¼.

(M 30121)

T. 19 N., R. 25 E.,
Sec. 5, SW¼NW¼;
Sec. 6, lots 5 and 6, S½NE¼ and SE¼NW¼.

(M 30361)

T. 2 N., R. 59 E.,
Sec. 2, S½SW¼.

(M 33017)

T. 14 N., R. 11 E.,
Sec. 27, lot 3, NE¼SW¼.

Public Sale Classification (Unintentional Trespass)

(M 14280)

T. 3 S., R. 44 E.,
Sec. 22, lot 6.

Exchange Classification

(M 19914)

T. 8 S., R. 49 E.,
Sec. 27, S½S½;
Sec. 29, SW¼NW¼ and SW¼SE¼;
Sec. 32, SW¼NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 33, NW¼SW¼ and SE¼SW¼;
Sec. 34, SE¼NE¼, SE¼SW¼, and S½SE¼;
Sec. 35, NW¼ and S½SW¼.
T. 9 S., R. 49 E.,
Sec. 2, S½NE¼, NW¼, N½S½, and SE¼SE¼;
Sec. 4, SW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 5, SE¼NE¼, SW¼NW¼, E½SW¼, NW¼SW¼, and SE¼;
Sec. 8, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 9, W½W½;
Sec. 10, NE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 21, E½;
Sec. 22, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 25, SE¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 27, W½NW¼;
Sec. 28, SW¼NE¼ and N½NE¼;
Sec. 32, NW¼SE¼;
Sec. 35, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 9 S., R. 50 E.,
Sec. 19, lots 10 and 11;
Sec. 30, lots 1, 2, 6, 9, 10, and 11, SW¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, lots 1 through 14, inclusive, S½NE¼ and N½SE¼.

(M 33013)

T. 9 S., R. 27 E.,
Sec. 25, SW¼SW¼NW¼, W½NW¼SW¼, and NW¼SW¼SW¼.

(M 20350)

T. 11 N., R. 26 E.,
Sec. 17, N½.

(M 073618)

T. 33 N., R. 27 E.,
Sec. 26, SE¼SE¼;
Sec. 27, NE¼SE¼.
T. 32 N., R. 28 E.,
Sec. 35, N½SW¼.
T. 32 N., R. 29 E.,
Sec. 30, SE¼SW¼ and SW¼SE¼.

Small Tract Classification

(M 032620)

T. 8 N., R. 13 W.,
Sec. 16, lot 1 (M and B).

Unsuitable for Homestead Entry (RS 2289)

(M 13030)

T. 4 N., R. 2 W.,
Sec. 18, E½SW¼ and S½SE¼.

The areas described aggregate approximately 15,151 acres located in Lewis and Clark, Wheatland, Yellowstone, Deer Lodge, Phillips, Richland, Fergus, Sweet Grass, Stillwater, Powder River, Musselshell, Carbon County, Chouteau, Broadwater, McCone, Big Horn, Jefferson, Rosebud, Meagher, Carter, Judith Basin, and Garfield Counties.

2. The above described classifications have been reviewed and found to serve no useful purpose. The laws relating to these classifications have been repealed by Pub. L. 94–579 of October 21, 1976.

Bill D. Noble,

Acting State Director.

[FR Doc. 82-34140 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River

AGENCY: Bureau of Land Management, Interior.

ACTION: Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remain as outlined in the **Federal Register**, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation Use Permit System for the Upper Missouri National Wild and Scenic River."

ADDRESS AND DATES: Applications must be sent to the Lewistown District, Bureau of Land Management, Airport Road, Lewistown, Montana 59457 between February 7 and March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Lind, River Manager, Airport Road, Lewistown, Montana 59457.

Dated: December 8, 1982.

Glenn W. Freeman,

District Manager.

[FR Doc. 82-34137 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[M 56312]

Montana; Proposed Withdrawal and Opportunity for Public Hearing

On September 3, 1982, the Forest Service filed an application to withdraw public lands acquired for Forest Service purposes by the Bureau of Land Management through exchange. On October 19, 1982, the Butte District Manager, Bureau of Land Management, concurred with the proposed action. The Forest Service application proposes to withdraw the following described public lands from location and entry under the mining laws, subject to valid existing rights:

Principal Meridian

Beaverhead National Forest

T. 2 S., R. 15 W.,
Sec. 34, a parcel of land located in the NW¼SW¼ and SW¼SW¼.

T. 3 S., R. 15 W.,
Sec. 3, a parcel of land located in lot 4.

The above lands are described as Tracts A and B of Certificate Survey No. 369 as recorded in the Beaverhead County Records. The area described aggregates 59.99 acres, more or less, in Beaverhead County.

The purpose of the withdrawal is to establish an administrative site for Wisdom Ranger District, Beaverhead National Forest at a location adjacent to the town of Wisdom, Montana.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

In accordance with section 204(h) of the Federal Land Policy and Management Act of 1976, notice is given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned at the address shown below.

Upon the determination by the authorized officer that a public hearing will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from settlement, sale, location and entry under the general public land laws including the mining laws as specified above unless the application is denied or cancelled, or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregation period are grazing and non-occupancy oil and gas leasing.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the U.S. Forest Service.

All communications in connection with this proposed withdrawal should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Land Resources.

[FR Doc. 82-34133 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[N-36696]

Nevada: Realty Action Non-Competitive Sale of Public Land in Douglas County

December 16, 1982.

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750), 43 U.S.C. 1713, at no less than the appraised fair market value.

Mount Diablo Meridian, Nevada,

T. 13 N., R. 20 E.,
Sec. 11, S½NW¼SW¼NE¼NE¼, N½SW¼SW¼NE¼NE¼.

The land described aggregates 2.5 acres in Douglas County.

The land is being offered at direct sale to Cecil Reed at the appraised fair market value ($23,500).

The sale of this land is consistent with the Bureau of Land Management's planning system. The land is being offered to Mr. Reed to accommodate major improvements resulting from an unsuccessful homestead entry. The public interest would best be served by offering this land for direct sale. The land will not be offered for sale until 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will contain a reservation for ditches and canals.

2. All minerals will be reserved to the United States. (Under 43 CFR 2720, however, the mineral estate can be conveyed to the surface estate owner upon application.)

3. The patent will be subject to all valid existing rights.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Carson City District Manager, 1050 E. William Street, Suite 335, Carson City, NV 89701. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

J. Matthiessen,

Acting District Manager, Carson City District.

December 16, 1982.

[FR Doc. 82-34141 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District Grazing Advisory Board, Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs District Grazing Advisory Board.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Grazing Advisory Board. Notice of this meeting is required under P. L. 92–463.

DATE: February 10, 1983, 9:30 a.m. until 3:30 p.m.

ADDRESS: Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901; (307) 382–5350.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review and approval of the transcript of the August 12, 1982 meeting.
2. An update of projects to be constructed with Range Betterment funds.
3. A review of the Proposed Action and Alternatives of the Salt Wells-Pilot Butte Grazing Environmental Impact Statement.
4. An update on wild horse operations and removals.
5. A review of Stock Driveway Withdrawals and a recommendation from the Board.
6. A briefing on weed control activities on rights-of-way across Federal lands.
7. Public comment period.
8. Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:00—3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82901, by February 9, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A transcript of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 82-34134 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number I-18729]

Idaho; Classification of Public Lands for State Indemnity Selection

1. The State of Idaho Department of Lands has filed application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of July 3, 1890 (26 Stat. 215, 217), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned serial number I–18729.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from the date of publication of this notice in the **Federal Register.** Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Idaho may be obtained from the District Manager, Coeur d'Alene District Office, Bureau of Land Management, 1808 North Third, Coeur d'Alene, Idaho 83814, (208) 765–7356.

4. For a period of 60 days from the date of publication of this notice in the **Federal Register,** any persons who wish to submit comments on the above classification may present their views in writing for consideration to the Coeur d'Alene District Manger, Bureau of Land Management, 1808 North Third, Coeur d'Alene, Idaho 83814. Any adverse comments will be evaluated by the authorized officer who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the authorized officer, this classification action will become the final determination of the Department of the Interior. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Benewah, Bonner, Boundary, Clearwater, Kootenai, and Latah Counties, Idaho, and are described as follows (footnotes correspond to numbered authorized users, applicants, or claimants listed in Paragraph 6):

Boise Meridian, Idaho

I–18729

T. 37 N., R. 6 E., (Clearwater County)
Sec. 1, S½NW¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼, S½SE¼SW¼;[4]
Sec. 2, S½NE¼SE¼;[4]
Sec. 11, NW¼NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼.

T. 40 N., R. 1 E., (Latah County)
Sec. 9, N½NE¼, NE¼NW¼.[2]

T. 62 N., R. 3 E., (Boundary County)
Sec. 10, lots 1, 2, and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.[2]

T. 44 N., R. 2 W., (Benewah County)
Sec. 10, NE¼SE¼;
Sec. 14, lot 1.

T. 48 N., R. 1 W., (Kootenai County)
Sec. 10, lots 3 and 4, SW¼NE¼, S½NW¼;
Sec. 11, lots 1, 2, and 3.[1]

T. 49 N., R. 3 W., (Kootenai County)
Sec. 15, SE¼NE¼.[2]

T. 53 N., R. 5 W., (Kootenai County)
Sec. 28, S½NE¼, NW¼SE¼.

T. 55 N., R. 3 W., (Bonner County)
Sec. 9, W½SE¼, SE¼SE¼;
Sec. 10, SW¼SW¼
Sec. 20, W½NE¼, NE¼SW¼, N½SE¼.[2,3]

T. 56 N., R. 2 W., (Bonner County)
Sec. 7, lots 2, 3, and 4, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 18, lots 1 to 4 incl., E½W½.

T. 56 N., R. 3 W., (Bonner County)
Sec. 13, N½NE¼, SE¼NE¼.

T. 59 N., R. 1 W., (Bonner County)
Sec. 2, lot 2, SW¼NE¼, S½NW¼, SW¼.

T. 60 N., R. 1 W., (Boundary County)
Sec. 18, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 20, NE¼NE¼, S½NW¼, SW¼, NW¼SE¼.

T. 63 N., R. 4 W., (Boundary County)
Sec. 27, SW¼NW¼.

The total area aggregates 3,048.78 acres.

6. The following listed corporations, agencies, and individuals are holders of claims and/or rights-of-way on the public lands described in Paragraph 5 above:

Rights-of-Way and Mining Claimant

[1]Washington Water Power, P.O. Box 3727, Spokane, Washington 99220.

[2]Department of Agriculture, U.S. Forest Service, Panhandle National Forests, 1201 Ironwood Drive, Coeur d'Alene, Idaho 83814, and Clearwater National Forest, Orofino, Idaho 83544.

[3]Diamond International, Inc., P.O. Box 1119, Coeur d'Alene, Idaho 83814.

[4]William Collette, P.O. Box 149, Pierce, Idaho 83546.

7. Rights-of-way granted by the BLM to corporations, individuals, or State agencies will transfer with the land. Rights-of-way granted to the U.S. Forest Service will be reserved to the United States under the jurisdiction of the U.S. Forest Service.

8. Those lands in sections 1 and 2, T. 37 N., R. 6 E., B.M., which are encumbered by mining claims, cannot be transferred to the State of Idaho unless and until the mining claim conflicts can be cleared. The Bureau of Land Management will conduct examinations of these claims to determine their validity.

Dated: December 8, 1982.

Clair M. Whitlock,

State Director.

[FR. Doc. 82-34127 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[U-5338, U-5496, U-6047, U-8742]

Utah; Land Classifications

Under the authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526) and pursuant to 43 CFR 2070, it is ordered as follows:

1. The identification as Natural Areas and Outstanding Natural Areas as listed below are and will remain in effect:

a. Bookcliffs Natural Area as published in Notice of Classification for Multiple Use U-5338 in **Federal Register** October 29, 1968.

b. Link Flats Natural Area as published in Notice of Classification for Multiple Use U-5496 in **Federal Register** October 29, 1968.

c. Joshua Tree Natural Area as published in Notice of Classification for Multiple Use U-6047 in **Federal Register** June 16, 1970.

d. Escalante Canyons Outstanding Natural Area, Devils Garden Outstanding Natural Area, North Escalante Canyon Outstanding Natural Area, Phipps—Death Hollow Outstanding Natural Area, and the Gulch Outstanding Natural Area, as published in Notice of Classification for Multiple Use U-8742 in **Federal Register** December 23, 1970.

2. Publication of this Notice is intended to retain identification only, and will not serve to segregate the lands.

Dated: December 7, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-34124 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[U-8131]

Utah; Termination of Classification for Multiple Use

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the classification for multiple use U-8131, **Federal Register** September 24, 1970, Vol. 35, No. 186, Pages 14859-60 and modified December 16, 1970, Vol. 35, No. 24, Page 19931 as it affects the following listed lands is hereby terminated:

Salt Lake Meridian, Utah

Tps. 40, 40½, 41, 42 S., R. 9 E., all.
T. 40 S., R. 9½ E., all.
Tps. 39, 40, 41, 42 S., R. 10 E., all.
Tps. 37 thru 41 S., R. 11 E., all.
Tps. 36 thru 41 S., R. 12 E., all.
Tps. 34 thru 41 S., R. 13 E., all.
Tps. 33 thru 40 S., R. 14 E., all.
Tps. 33 thru 38 S., R. 15 E., all.
T. 39 S., R. 15 E.,
  Secs. 1 thru 35, all.
T. 40 S., R. 15 E.,
  Secs. 2 thru 10, all;
  Sec. 11, W½;
  Secs. 14 thru 22, 29, all.
T. 33 S., R. 16 E.,
  Secs. 1, 3 thru 35, all.
T. 34 S., R. 16 E.,
  Secs. 1, 3 thru 15, 17 thru 36, all.
Tps. 35 thru 37 S., R. 16 E., all.
T. 38 S., R. 16 E.,
  Secs. 1 thru 12, all;
  Sec. 13, N½, N½S½;
  Secs. 14 thru 22, all;
  Sec. 23, N½NE¼, W½;
  Sec. 26, SE¼;
  Sec. 27, N½, SW¼;
  Secs. 28 thru 31, all;
  Sec. 32, N½, SW¼;
  Sec. 33, all;
  Sec. 34, W½.
T. 39 S., R. 16 E.,
  Secs. 1, 2, all;
  Sec. 5, W½;
  Secs. 6, 7, all;
  Sec. 11, NE¼, S½;
  Secs. 12, 13, 14, 15, all;
  Secs. 22 thru 27, 34, 35, all.
T. 40 S., R. 16 E.,
  Secs. 1, 2, 3, 10 thru 16, 22, 23, 24, 25, 36, all.
T. 41 S., R. 16 E.,
  Sec. 1, all.
T. 34 S., R. 17 E.,
  Secs. 1, 3 thru 36, all.
Tps. 35 thru 37 S., R. 17 E., all.
T. 38 S., R. 17 E.,
  Secs. 1 thru 12, all;
  Sec. 13, N½;
  Sec. 14, N½, N½SW¼;
  Sec. 15, N½, N½S½;
  Sec. 17, N½, N½S½;
  Sec. 18, N½, N½S½.
T. 39 S., R. 17 E.,
  Sec. 1, S½;
  Sec. 3, W½, SE¼;
  Sec. 4, all;
  Sec. 5, NE¼, S½;
  Sec. 6, W½, SE¼;
  Secs. 7 thru 36, all.
Tps. 40, 41 S., R. 17 E., all.
Tps. 35, 36 S., R. 18 E., all.
T. 37 S., R. 18 E.,
  Secs. 1 thru 34, all;
  Sec. 35, W½NE¼, W½, SE¼.
T. 38 S., R. 18 E.,
  Sec. 1, all;
  Sec. 3, E½;
  Sec. 5, W½;
  Secs. 6, 7, all;
  Secs. 10 thru 15, all;
  Sec. 17, NE¼SE¼, S½S½;
  Secs. 20 thru 36, all.
Tps. 39 thru 42 S., R. 18 E., all.
Tps. 37 thru 42 S., R. 19 E., all.
Tps. 35, 36 S., R. 20 E., all.
T. 37 S., R. 20 E.,
  Secs. 1 thru 23, all;
  Sec. 24, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼, SE¼;
  Sec. 25, E½, S½NW¼NW¼, S½NW¼, NE¼NW¼, SW¼;
  Secs. 26 thru 36, all.
Tps. 38 thru 41 S., R. 20 E., all.
Tps. 35, 36 S., R. 21 E., all.
Tps. 37 S., R. 21 E.,
  Secs. 1 thru 30, all;
  Sec. 31, N½, SW¼, W½SE¼, SE¼SE¼;
  Secs. 33 thru 36, all.
Tps. 38, 39 S., R. 21 E., all.
T. 40 S., R. 21 E.,
  Secs. 1 thru 32, all;
  Sec. 33, N½;
  Secs. 34 thru 36, all.
T. 41 S., R. 21 E., all.
Tps. 35 thru 40 S., R. 22 E., all.
T. 35 S., R. 23 E., all.
T. 36 S., R. 23 E.,
  Secs. 1 thru 22, all;
  Sec. 23, N½NE¼, E½SE¼NE¼, W½, E½SE¼, S½NW¼SE¼, SW¼SE¼;
  Secs. 24 thru 36, all.
Tps. 37 thru 40 S., R. 23 E., all.
Tps. 34 thru 38 S., R. 24 E., all.
Tps. 35 thru 39 S., Rgs. 25, 26 E., all.

a. Excepting all public lands within 50 feet of the centerline of the Mormon Trail as shown on official maps on file in the Bureau of Land Management, Utah State Office.

2. At 10:00 a.m., on January 14, 1983 the lands described in paragraph 1 above, 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 10:00 a.m., on January 14, 1983 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 10:00 a.m., on January 14, 1983 the following described lands, subject to the provisions of existing withdrawals, will be open to location under the United States Mining Laws:

Salt Lake Meridian, Utah

T. 39 S., R. 14 E.,
  Sec. 2, SE¼NW¼;
  Sec. 3, SE¼SW¼;
  Sec. 10, W½NW¼.
T. 36 S., R. 16 E.,
  Sec. 21, N½NE¼NW¼.
T. 35 S., R. 18 E.,
  Sec. 31, N½SW¼.
T. 36 S., R. 18 E.,
  Sec. 7, W½ of lot 1.
T. 38 S., R. 18 E.,
  Sec. 27, W½SW¼;
  Sec. 28, E½SE¼.
T. 37 S., R. 19 E.,
  Sec. 15, W½SW¼SW¼;
  Sec. 22, NE¼NW¼;

Sec. 23, S½SW¼SW¼;
Sec. 26, N½NW¼NW¼;
T. 38 S., R. 19 E.,
Sec. 26, NE¼NE¼, N½SE¼NE¼;
Sec. 35, SE¼SW¼, SW¼SE¼.
T. 39 S., R. 19 E.,
Sec. 1, SW¼NE¼, N½SW¼;
Sec. 22, W½NE¼NE¼, NW¼NE¼.
T. 40 S., R. 19 E.,
Sec. 23, NE¼NE¼.
T. 37 S., R. 20 E.,
Sec. 17, S½SE¼;
Sec. 20, N½NE¼.
T. 37 S., R. 21 E.,
Sec. 10, W½NW¼SE¼.
T. 38 S., R. 21 E.,
Sec. 7, SE¼SE¼.
T. 39 S., R. 21 E.,
Sec. 6, SW¼NE¼;
Sec. 17, SW¼SW¼SE¼;
Sec. 18, lot 1, SE¼SE¼SE¼;
Sec. 20, SW¼NW¼, NW¼,SE¼;
Sec. 31, NE¼NE¼.
T. 40 S., R. 21 E.,
Sec. 6, lot 2, NW¼SE¼, SE¼SE¼;
Sec. 8, SW¼SW¼, NW¼SE¼;
Sec. 18, S½SE¼.
T. 37 S., R. 22 E.,
Sec. 4, S½SW¼SE¼;
Sec. 9, NW¼NE¼;
Sec. 22, S½SE¼;
Sec. 23, S½SW¼;
Sec. 26, NW¼;
Sec. 27, NE¼.
T. 40 S., R. 22 E.,
Sec. 10, SE¼SE¼;
Sec. 11, S½SW¼.
T. 36 S., R. 23 E.,
Sec. 30, SE¼SW¼;
Sec. 31, SW¼SE¼.
T. 37 S., R. 23 E.,
Sec. 5, SE¼SW¼;
Sec. 6, E½SW¼.
T. 37 S., R. 24 E.,
Sec. 10, SW¼SW¼NE¼, S½SE¼NW¼, S½SE¼SW¼.
T. 38 S., R. 26 E.,
Sec. 9, SE¼SW¼SE¼, SE¼SE¼SE¼.

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

Dated: December 7, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-34125 Filed 12-15-82; 8:45 a.m.]

BILLING CODE 4310-84-M

[U-12307]

Utah; Termination of Classification for Multiple Use

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the classification for multiple use U-12307, **Federal Register** December 2, 1970, Vol. 35, No. 233, Pages 18337-8, as corrected in **Federal Register** Vol. 35, No. 249, Page 19582 dated December 24, 1970, as it affects the following listed lands is hereby terminated:

Salt Lake Meridian, Utah

T. 32., R. 16 E.,
Secs. 34 and 35 (part).
T. 33 S., R. 16 E.,
Secs. 1, 3, 10 (part);
Secs. 12, 13, all;
Secs. 14, 15, 22, 23, 24, 26, 27 (part).
T. 31 S., R. 17 E.,
Secs. 33, 34, 35, 36 (part).
T. 32 S., R. 17 E.,
Secs. 1, 2, 3, all;
Secs. 4, 9 and 10 (part);
Secs. 11, 12, all;
Secs. 13, 14, 15, 35 (part).
T. 33 S., R. 17 E.,
Secs. 1, 6, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22 (part);
Secs. 23, 24, 25, all;
Secs. 26, 27, 28, 29, 30, 31, 33, 35 (part).
T. 34 S., R. 17 E.,
Secs. 1, 3, 4, 5 (part).
T. 31 S., R. 18 E.,
Secs. 25, 26, 27, 28, all;
Secs. 29, 30, 31 (part);
Secs. 33, 34, 35, all.
T. 32 S., R. 18 E.,
Secs. 1, 2 thru 15, all;
Secs. 17, 18, 20, 21 (part);
Secs. 22 thru 27, all;
Secs. 28, 29, 31 (part);
Secs. 33 thru 36, all.
T. 33 S., R. 18 E.,
Secs. 1, 3, 4, 5, all;
Secs. 6 and 7 (part);
Secs. 8 thru 16, all;
Secs. 17 thru 22 (part);
Secs. 23 thru 26, all;
Secs. 27 thru 30 (part);
Secs. 31, all;
Secs. 33 and 34 (part);
Secs. 35, all.
T. 34 S., R. 18 E.,
Secs. 1 thru 6, 9, all;
Tps. 29, 30, 31, 32, 33 S., R. 19 E., all.
T. 27 S., R. 20 E.,
Secs. 13 thru 33, all;
Secs. 34, N½, N½S½, SW¼SW¼, NE¼SW¼ SE¼, S½SW¼SE¼, SE¼SE¼:
Sec. 35, all.
T. 28 S., R. 20 E., all.
T. 29 S., R. 20 E.,
Secs. 1 thru 21, all;
Sec. 22, N½, N½S½, S½SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 23, N½, N½S½, S½SW¼SW¼, SE¼SW¼, SE¼SE¼;
Secs. 24 thru 35, all.
Tps. 30, 31 S., R. 20 E., all.
T. 32 S., R. 20 E.,
Secs. 1 thru 20, all;
Sec. 21, N½, SW¼;
Sec. 22, N½, E½SW¼, SE¼;
Secs. 23 thru 35, all.
T. 33 S., R. 20 E.,
Secs. 1 thru 6, all.
T. 27 S., R. 21 E.,
Sec. 8, SW¼, S½SE¼SE¼;
Secs. 15 thru 36, all.
T. 28 S., R. 21 E.,
Secs. 1 thru 8, all;
Sec. 9, N½, NW¼SW¼, NE¼SE¼, S½S½;
Secs. 10 thru 36, all.
Tps. 29 thru 33S., R. 21 E., all.
Tps. 28, 29 S., R. 22 E., all.
T. 30 S., R. 22 E.,
Secs. 1 thru 12, all;
Sec. 13, N½, NE¼NW¼SW¼, W½NW¼ SW¼, NW¼SW¼SW¼, S½SW¼SW¼, S½SE¼SW¼, E½NW¼SE¼, NE¼SW¼ SE¼, S½SW¼SE¼, E½SE¼;
Secs. 14 thru 35, all.
Tps. 31, 32 S., R. 22 E., all.
T. 28 S., R. 23 E., all.
T. 29 S., R. 23 E.,
Secs. 1 thru 14, all;
Sec. 15, N½, N½S½, S½SW¼, SW¼SE¼;
Secs. 17, N½, SW¼, NE¼NE¼SE¼, W½NE¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼, W½SE¼;
Secs. 18 thru 35, all.
Tps. 28 thru 32 S., Rgs. 24, 25, 26 E., all.

Aggregating approximately 597,000 acres.

2. At 10:00 a.m., on January 14, 1983 the public lands described in paragraph 1 above, will be open to operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on January 14, 1983 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 10:00 a.m., on January 14, 1983 the following described lands will be open to location under the United States Mining Laws, subject to the provisions of existing withdrawals:

Salt Lake Meridian, Utah

T. 30 S., R. 24 E.,
Sec. 24, SE¼SE¼SW¼, SW¼SW¼SE¼.
T. 29 S., R. 20 E.,
Sec. 22, W½SE¼SE¼;
Sec. 23, S½NW¼, N½SW¼, S½SW¼SW¼.
T. 30 S., R. 22 E.,
Sec. 13, SW¼NE¼, S½SE¼SW¼, E½NW¼ SE¼, NE¼SW¼SE¼, S½SW¼SE¼.
T. 28 S., R. 21 E.,
Sec. 9, SW¼NE¼, SE¼NW¼.
T. 27 S., R. 21 E.,
Sec. 8, S½SE¼SE¼.
T. 30 S., R. 21 E.,
Sec. 31, S½NW¼NW¼, N½SW¼NW¼.
T. 31 S., R. 21 E.,
Sec. 6, lots 7 and 8.
T. 27 S., R. 20 E.,
Sec. 34, NW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼, SE¼SE¼.
T. 28 S., R. 20 E.,
Sec. 3, NW¼NE¼, NE¼NW¼.
T. 32 S., R. 24 E.,
Sec. 6, NW¼SE¼.
T. 32 S., R. 19 E.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼.
T. 31 S., R. 18 E.,
Sec. 35, W½NW¼SW¼.
T. 32 S., R. 18 E.,
Sec. 10, SW¼NE¼SW¼;
Sec. 11, NW¼NW¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼;
Sec. 13, N½NE¼SW¼.
T. 33 S., R. 18 E.,
Sec. 12, NW¼SW¼;

Sec. 24, SE¼SE¼NE¼.
T. 33 S., R. 19 E.,
Sec. 7, SE¼SW¼SW¼.

Those portions of the following listed sections which lie above the main Bridger Jack Mesa rim:

T. 31 S., R. 21 E.,
Secs. 15, 22, 23, 26, 27, 33 and 34.
T. 32 S., R. 20 E.,
Sec. 25.
T. 32 S., R. 21 E.,
Secs. 3, 4, 5, 8, 9, 10, 15–21, 29, 30, 31.

Aggregating 7,370.00 acres.

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

Dated: December 7, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-34126 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application C-34886]

Colorado Coal Lease; Public Hearing, Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on January 25, 1983, at 7:00 p.m. in the Archuleta County Extension Building, Red Ryder Grounds, South of Pagosa Springs on Highway 84, Pagosa Springs, Colorado. Application has been made by Chimney Rock Coal Company to the United States that it offer for lease certain coal resources in the lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the January 25, 1983, public hearing should be received at the San Juan Resource Area Headquarters, Bureau of Land Management, Federal Building, 701 Camino Del Rio, Durango, Colorado 81301, prior to the close of business January 24, 1983. People who indicate they wish to testify when they check in at the hearing may have an opportunity if time is available.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments regarding the Environmental Assessment may also be submitted to San Juan Resource Area Headquarters at the above address, prior to close of business on January 31, 1983.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource to the Bureau of Land Management and the Minerals Management Service. Public comments will be utilized in establishing fair market value for the coal resources in the described lands. Comments should address specific factors related to fair market value including, but not limited to: the extent and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted. These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director (CO-943A), Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202 and to the District Supervisor, Minerals Management Service, Resource Evaluation, P.O. Box 580, Grand Junction, Colorado 81502 to arrive no later than January 31, 1983.

Substantive Comments, whether written or oral, will receive equal consideration prior to any lease offering.

The coal resource to be offered is limited to 2,100,000 tons of coal recoverable by surface mining methods from Seams A, B, and C and any overlying coal seams in the following lands located approximately 25 miles southwest of the town of Pagosa Springs, Colorado:

T. 34 N., R. 4 W., NMPM (south of the Ute Line),
Sec. 29, N½SW¼,
Sec. 30, NW¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

The land described contains 280 acres within the San Juan National Forest. The Forest Service has jurisdiction over 120 acres described as Sec. 30: NW¼NE¼ and E½NW¼, and the balance is privately owned.

The coal quality is as follows: Btu 12,714; Sulfur 0.59%; Ash 13.18%

The draft Environmental Assessment is available for review in the San Juan Resource Area Headquarters. Single copies are available for distribution upon request from that office.

A copy of the Environment Assessment, the case file and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, Bureau of Land Management.

Rodney A. Roberts,

Chief, Mineral Leasing Section.

[FR Doc. 82-34129 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Proposed Land Exchange Between Navajo Indian Nation and Bureau of Land Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action on proposed land exchange.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management (BLM) is proposing a land exchange with the Navajo Indian Nation.

SUPPLEMENTARY INFORMATION: The BLM has determined that the public lands described in Exhibits "A", "B", "C" and "D" of this notice are suitable for disposal by exchange under authority of Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). A portion of the public lands described in Exhibit "E" that are free of valid mining claims will also be included in the exchange. Approximately 57,200 acres of public lands will be involved.

In exchange for the public lands, the United States will receive the private lands described in Exhibit "F" of this notice from the Navajo Tribe. The total amount of Indian lands is 79,863.37 acres.

The fair market value of the lands to be exchanged is relatively equal and was established as of February 12, 1979. After the clearance of mining claims, the differences in value will be compensated for by acreage adjustments, the payment of money or by other arrangements that would be in the public interest.

The purpose of this exchange is to acquire Navajo fee lands for inclusion in the Bureau's multiple use management programs in Valencia County. Disposal of the public lands in McKinley, Sandoval, San Juan and Rio Arriba Counties will almost completely eliminate the unauthorized occupancy of public lands by members of the Navajo Tribe.

This exhange is consistent with recommendation L–2–3 in the San Juan Management Framework Plan (MFP) and L–2–6 in the Chaco MFP that call for resolution of the unauthorized occupancy on public lands. On the private lands to be conveyed to the U.S., the El Malpais MFP recommendation R–2–2 calls for acquisition of the lands involved to enhance the natural area characteristics and protect significant cultural values. In addition, the Ladron MFP recommendation WL–2 and RM–4.1 suggest that acquisition will improve the wildlife habitat and range management respectively.

All the public lands were withdrawn from appropriation under the general land laws including the mining laws by Public Land Order 5721, published on May 2, 1980. The duration of the withdrawal is from 20 years or until conveyance of title. Public Law 97–287, signed by the President on October 6, 1982, authorized the United States to convey these public lands to the Tribe to remain in trust status under jurisdiction of the Bureau of Indian Affairs.

A summary of the environmental impacts of exchange indicates that the only threatened or endangered species which could be affected is the black-footed ferret. None of the parcels will be affected by a 100-year flood.

The terms and conditions applicable to this exchange are as follows:

1. All minerals on the public lands will be reserved to the United States, with the right to prospect for, mine and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe.

2. Reserved to the U.S. is the right to enforce all or any of the terms and conditions of any existing right-of-way, including the right to renew it or extend it upon its termination and to collect rental payments.

3. Access is reserved by the U.S. over the public lands for BLM administration of surrounding public lands (that will not be conveyed) and for the general public to use and enjoy said lands.

4. The lands described in Exhibit "B" of this report were once thought to encroach on wilderness study areas, but the determination has since been made that they do not conflict with wilderness areas and are suitable for exchange.

5. On the lands described in Exhibit "C" of this report, the U.S. shall reserve all waters and the right of access to such waters. With this reservation, the lands themselves are suitable for exchange.

6. The lands described in Exhibit "D" of this report will be suitable for exchange when the conflicting Indian exchange and allotment applications that encumber the parcels are relinquished.

7. A majority of the lands described in Exhibit "E" of this report should be found suitable for exchange pending a determination by the BLM if the mining claims are valid with respect to BLM mineral policy. Those lands free of valid claims will be included in the exchange.

8. The cultural resource on all the public lands to be exchanged shall be protected by the Bureau of Indian Affairs who have the same responsibilities as the BLM with regard to 36 CFR 800.

9. The existing grazing operators on the private lands will be allowed to continue grazing under permit from the BLM when the lands are conveyed to the U.S. No non-Indian grazing privileges will be lost upon transfer of the public lands to the Tribe.

10. Those tracts that are conveyed to the Navajos but not presently encumbered by an occupant shall be reserved for the future relocation of Indian occupants that are presently located on the strippable coal areas.

Detailed information on the exchange, including the environmental assessment, record of public discussion and land report is available for review at the BLM, Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

For a period of 45 days after publication of this notice, interested parties may submit comments to the Albuquerque District Manager at the above address. Any adverse comments will be evaluated by the BLM State Director in Santa Fe, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Legal description	Parcel acreage
EXHIBIT A	
T. 11 N., R. 20 W.: Sec. 2, lots 1, 2, 3, 4, S½N½, N½SE¼	400.40
T. 14 N., R. 13 W.:	
Sec. 20, NW¼	160
Sec. 20, S½SW¼SE¼	20
T. 14 N., R. 14 W.: NMPN: Sec. 14; NE¼	160
T. 14 N., R. 18 W.: Sec. 26; SE¼	160
T. 15 N., R. 11 W.: Sec. 8; NW¼	160
T. 15 N., R. 15 W.: Sec. 2; lots 1, 2, 3, 4, S½N½	320.60
T. 15N., R. 20 W.:	
Sec. 12; SE¼	160
Sec. 20; E½	320
Sec. 22; SW¼	160
T. 16 N., R. 16 W.: Sec. 20; N½	320
T. 17 N., R. 4 W.:	
Sec. 2; SW¼	160
Sec. 2; SE¼	160
T. 17 N., R. 5 W.: Sec. 24; SW¼	160
T. 17 N., R. 6 W.: Sec. 16; SE¼	160
T. 18 N., R. 5 W.: Sec. 1; lots 1, 2, S½NE¼	147.37
T. 18 N., R. 6 W.: Sec. 20; NE¼	160
T. 18 N., R. 7 W.:	
Sec. 14; SW¼	
Sec. 16; NE¼	160
T. 19 N., R. 5 W.: Sec. 22; SE¼	160
T. 19 N., R. 13 W.: Sec. 18; NE¼	160
T. 20 N., R. 4 W.:	
Sec. 6, lots 1, 2, S½NE¼, SE¼	293.34
Sec. 8, NW¼	160
Sec. 8, SE¼	160
Sec. 18, SE¼	160
T. 20 N., R. 5 W.:	
Sec. 8, SW¼	
Sec. 14, SE¼	160
T. 20 N., R. 6 W.: Sec. 15; NE¼	160
T. 21 N., R. 5 W.:	
Sec. 2, SE¼	160
Sec. 3, lots 1,2, S½NE¼	160.69
Sec. 3, lots 3, 4, S½NW¼, SW¼	321.31
Sec. 4, S½	320
Sec. 4, lots 3, 4, S½NW¼	159.93
Sec. 5, lots 3, 4, S½NW¼	159.66
Sec. 6, lots 1, 2, S½NE¼	159.78
Sec. 7, NE¼	160
Sec. 7, lots 1, 2, E½NW¼	160.37
Sec. 7, lots 3, 4, E½SW¼, SE¼	320.67
Sec. 8, NW¼	160
Sec. 16, NE¼	160
Sec. 16, SE¼	160
Sec. 21, NE¼	160
Sec. 21, SE¼	160
T. 21 N., R. 6 W.:	
Sec. 5, lots 1, 2, 3, 4, S½N½	322.24
Sec. 6, lots 6, 7, E½SW¼	159.66
Sec. 24, W½	320
T. 21 N., R. 7 W.:	
Sec. 1, S½	320
Sec. 2, lots 1, 2, S½NE¼	162.45
Sec. 10, NE¼	160
Sec. 11, NE¼, SE¼	320
Sec. 14, SE¼	160
Sec. 18, SE¼	160
Sec. 22, SE¼	160
Sec. 28, W½	320
Sec. 36. SW¼	160
T. 21 N., R. 8 W.: Sec. 13, NW¼	160
T. 22 N., R. 6 W.:	
Sec. 4, SE¼	160
Sec. 5, SW¼	160
Sec. 6, lots 6, 7, E½SW¼	161.16
Sec. 7, SW¼	160
Sec. 8, NE¼ 160	
Sec. 8, NW¼	160
Sec. 8, SE¼	160
Sec. 9, N½	320
Sec. 9, SW¼	160
Sec. 10 NW¼	160
Sec. 15, SE¼	160
Sec. 22, NE¼NE¼	40
Sec. 23, NE¼	160

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
Sec. 23, SE¼	160
Sec. 24, NW¼	160
Sec. 25, W½	320
Sec. 26, SW¼	160
Sec. 26, E½	320
Sec. 29, E½	320
Sec. 32, SW¼	160
Sec. 32, E½	320
Sec. 34, NE¼	160
Sec. 35, E½	320
Sec. 36, N½	320
Sec. 36, SE¼	160
T. 22 N., R. 7 W.:	
Sec. 7, NE¼	160
Sec. 7, lots 1, 2, E½NW¼	161.66
Sec. 10, NE¼	160
Sec. 13, SW¼	160
Sec. 24, SE¼	160
Sec. 25, SE¼	160
Sec. 26, SW¼	160
Sec. 34, SE¼	160
T. 22 N., R. 8 W.:	
Sec. 17, N½	320
Sec. 18, lots 3, 4, E½SW¼	159.59
Sec. 18, SE¼	160
Sec. 21, NW¼	160
T. 23 N., R. W.:	
Sec. 6, lots 3, 4, 5, SE¼NW¼	160.72
Sec. 6, lots 6, 7, E½SW¼, SE¼	321.20
Sec. 7, NE¼	160
Sec. 35, NE¼	160
T. 23 N., R. 8 W.:	
Sec. 17, NE¼	160
Sec. 17, SE¼	160
Sec. 21, NE¼	160
Sec. 23, SW¼	160
Sec. 26, NW¼	160
Sec. 27, N½	320
Sec. 30, lots 1, 2, E½NW¼, NE¼	360.97
Sec. 30, lots 3, 4, E½SW¼	162.15
Sec. 31, SE¼	160
Sec. 34, SW¼	160
T. 24 N., R. 7 W.:	
Sec. 30, lots 3, 4, E½SW¼	161.40
T. 24 N., R. 8 W.:	
Sec. 6, lot 6, NE¼SW¼	79.69
Sec. 7, lots 3, 4, E½SW¼	160.51
Sec. 19, NE¼	160
Sec. 21, E½	320
Sec. 29, NW¼	160
Sec. 35, SE¼	160
T. 24 N., R. 9 W.:	
Sec. 3, lots 3, 4, S½NW¼, SW¼	320.04
Sec. 4, lots 1, 2, S½NE¼	160.08
Sec. 4, SE¼	160
Sec. 9, SW¼	160
Sec. 14, W½	320
Sec. 15, NE¼	160
Sec. 22, E½	320
Sec. 23, NW¼	160
Sec. 25, NW¼	160
Sec. 26, SE¼	160
Sec. 27, NW¼	160
T. 24 N., R. 10 W.:	
Sec. 4, SW¼	160
Sec. 8, SE¼	160
Sec. 10, E½	320
Sec. 11, SE¼	160
Sec. 17, NE¼	160
Sec. 18, NE¼	160
Sec. 21, SW¼	160
Sec. 23, SW¼	160
Sec. 30, SE¼	160
Sec. 33, SE¼	160
Sec. 36, NW¼	160
T. 24 N., R. 11 W., NMPM:	
Sec. 7, SE¼	160
Sec. 14, SE¼	160
Sec. 15, SE¼	160
Sec. 24, E½	320
Sec. 26, N½	320
T. 25 N., R. 8 W.:	
Sec. 6, lots 8, 9, 10, 11	123.87
T. 25 N., R. 9 W.:	
Sec. 7, N½SE¼, SW¼SE¼	120
Sec. 8, NW¼	160
Sec. 13, N½	320
Sec. 18, lots 1, 2, 3, 4, E½W½, NE¼	484.24
Sec. 33, SE¼	160

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
T. 25 N., R. 10 W.:	
Sec. 6, Lots 1, 2, S½NE¼	159.58
Sec. 7, NE¼	160
Sec. 10, SW¼	160
Sec. 14, NW¼	160
Sec. 25, NW¼	160
Sec. 29, NW¼	160
Sec. 29, SW¼	160
Sec. 34, NW¼	160
T. 25 N., R. 11 W.:	
Sec. 1, lots 3, 4, S½NW¼	160.39
Sec. 2, lots 1, 2, SW¼NE¼	120.64
Sec. 8, NW¼	160
Sec. 9, SW¼	160
Sec. 11, SE¼	160
Sec. 14, SE¼	160
Sec. 19, lots 1, 2, E½NW¼	161.08
Sec. 20, W½	320
Sec. 30, E½	320
Sec. 31, NE¼	160
Sec. 32, SE¼	160
Sec. 34, NW¼	160
T. 25 N., R. 12 W.:	
Sec. 12, S½	320
Sec. 13, NW¼	160
Sec. 13, S½	320
Sec. 14, SE¼	160
Sec. 23, NE¼	160
Sec. 25, SE¼	160
Sec. 26, SE¼	160
Sec. 26, NW¼	160
Sec. 35, W½	320
Sec. 36, SW¼	160
T. 26 N., R. 11 W.:	
Sec. 23, SW¼	160
T. 27 N., R. 9 W.:	
Sec. 11, N½	320
Sec. 15, NE¼	160
T. 28 N., R. 9 W.:	
Sec. 24, NE¼	160
Sec. 36, NW¼	160
Total acres	35,167.44

EXHIBIT B

T. 18 N., R. 4 W.:	
Sec. 19, SE¼	160
T. 18 N., R. 5 W.:	
Sec. 10, SE¼	160
Sec. 15, SE¼	160
Sec. 22, NE¼	160
T. 19 N., R. 4 W.:	
Sec. 20, NE¼	160
Sec. 21, NW¼	160
Sec. 23, SW¼	160
Sec. 24, SW¼	160
Sec. 25, SE¼	160
Sec. 26, NW¼	160
Sec. 27, SW¼	160
Sec. 28, NW¼	160
Sec. 28, SE¼	160
T. 24 N., R. 11 W.:	
Sec. 14, SE¼	160
Sec. 15, SE¼	160
Sec. 26, N½	320
T. 25 N., R. 11 W.:	
Sec. 31, NE¼	160
Sec. 32, SE¼	160
T. 25 N., R. 12 W.:	
Sec. 36, SW¼	160
Total Acres	3,200

EXHIBIT C

T. 21 N., R. 7 W.:	
Sec. 18, SE¼	160
Sec. 28, W½	320
T. 23 N., R. 8 W.: Sec. 27, N½	320
T. 25 N., R. 8 W.: Sec. 4, SW¼	160
Total Acres	960

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
EXHIBIT D	
T. 14 N., R. 18 W.: Sec. 4, SE¼	160
T. 16 N., R. 12 W.: Sec. 8, NE¼	160
T. 18 N., R. 3 W.: Sec. 18, SE¼	160
T. 21 N., R. 5 W.:	
Sec. 2, lots 1, 2, 3, 4, S½N½	320.17
Total Acres	800.17
EXHIBIT E	
T. 13 N., R. 19 W.:	
Sec. 8, NW¼	160
Sec. 12, S½	320
T. 14 N., R. 17 W.: Sec. 30, NE¼	160
T. 14 N., R. 18 W.:	
Sec. 26, NE¼	160
Sec. 32, S½	320
T. 14 N., R. 19 W.:	
Sec. 8, N½	320
Sec. 26, NW¼	160
T. 15 N., R. 11 W.: Sec. 26, SE¼	160
T. 15 N., R. 12 W.: Sec. 36, SE¼	160
T. 15 N., R. 17 W.:	
Sec. 6, lots 1, 2, 3, 4, 5, SE¼NW¼, S½NE¼	320.07
Sec. 28, NE¼	160
T. 15 N., R. 19 W.: Sec. 18, lots 1, 2, E½NW¼	158.98
T. 15 N., R. 20 W.:	
Sec. 18, lots 3, 4, E½SW¼	159.48
Sec. 26, NW¼	160
T. 16 N., R. 11 W.: Sec. 14, SW¼	160
T. 16 N., R. 14 W.: Sec. 20, S½	320
T. 16 N., R. 15 W.:	
Sec. 8, NE¼, N½S½	320
Sec. 14, SE¼	160
Sec. 22, N½SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, SE¼	310
Sec. 24, SE¼	160
T. 16 N., R. 16 W.:	
Sec. 18, lot 1, NE¼NW¼	69.53
Sec. 18, SE¼	160
T. 16 N., R. 17 W.: Sec. 14, NE¼	160
T. 17 N., R. 4 W.:	
Sec. 3, SW¼	160
Sec. 5, lots 3, 4, S½NW¼	159.78
Sec. 7, SE¼	160
Sec. 11, NW¼	160
Sec. 18, SE¼	160
Sec. 19, NE¼	160
Sec. 20, W½	320
T. 17 N., R. 5 W.:	
Sec. 4, SE¼	160
Sec. 6, lots 1, 2, S½NE¼	159.76
T. 17 N., R. 6 W.:	
Sec. 15, SW¼	160
Sec. 15, E½	320
Sec. 21, NE¼	160
Sec. 23, NE¼	160
Sec. 28, SE¼	160
Sec. 33, NE¼	160
T. 18 N., R. 3 W.:	
Sec. 4, lots 3, 4, S½NW¼	145.75
Sec. 5, SW¼	160
Sec. 7, E½	320
Sec. 8, N½, N½SW¼, N½SW¼SW¼, SW¼SW¼SW¼, E½SE¼SW¼SW¼	435
Sec. 16, SW¼	160
Sec. 18, lots 3, 4, E½SW¼	161.95
Sec. 18, SE¼	160
Sec. 20, SW¼	160
T. 18 N., R. 4 W.:	
Sec. 7, lots 1, 2, E½NW¼	153.13
Sec. 7, SE¼	160
Sec. 15, NW¼	160
Sec. 18, E½NE¼, N½NW¼NE¼, SW¼NW¼NE¼, W½SE¼NW¼NE¼, SW¼NE¼	155
Sec. 19, SE¼	160
Sec. 20, NE¼	160
Sec. 27, N½	320
Sec. 29, N½	320
Sec. 35, SE¼	160
T. 18 N., R. 5 W.:	
Sec. 3, lots 3, 4, S½NW¼	149.18
Sec. 3, S½	320
Sec. 10, SE¼	160
Sec. 12, NE¼	160
Sec. 22, NE¼	160

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
T. 18 N., R. 12 W.: Sec. 20, N½, SW¼	480
T. 19 N., R. 4 W.:	
Sec. 19, lots 1, 2, E½NW¼	157.05
Sec. 21, NW¼	160
Sec. 23, SW¼	160
Sec. 25, SE¼	160
Sec. 26, NW¼	160
Sec. 27, SW¼	160
Sec. 28, NW¼	160
Sec. 31, lots 3, 4, E½SW¼	157.60
T. 19 N., R. 5 W.:	
Sec. 11, SE¼	160
Sec. 20, NE¼	160
Sec. 21, NW¼	160
Sec. 25, SW¼	160
Sec. 26, NW¼	160
Sec. 28, NW¼, S½	480
Sec. 34, NW¼	160
T. 19 N., R. 7 W.:	
Sec. 1, lot 5	38.45
Sec. 6, lots 1, 2, S½NE¼	138.94
Sec. 7, lots 3, 4, E½SW¼	160.72
T. 20 N., R. 5 W.: Sec 10, SE¼	160
T. 20 N., R. 8 W.: Sec. 10, SE¼	160
T. 22 N., R. 8 W.:	
Sec. 5, SW¼	160
Sec. 6, lots 3, 4, 5, SE¼NW¼	160.21
Sec. 7, lots 3, 4, E½SW¼	160.49
Sec. 9, SW¼	160
Sec. 17, SE¼	160
Sec. 32, SE¼	160
T. 22 N., R. 9 W.:	
Sec. 3, lots 1, 2, 3, 4, S½N½	323.37
Sec. 13, SW¼	160
Sec. 14, SW¼	160
T. 23 N., R. 8 W.:	
Sec. 1, SW¼	160
Sec. 2, lots 3, 4, S½NW¼	162.27
T. 23 N., R. 9 W.:	
Sec. 1, SE¼	160
Sec. 15, NW¼	160
Sec. 27, NE¼	160
Sec. 34, SW¼	160
Sec. 35, SE¼	160
T. 23 N., R. 10 W.:	
Sec. 8, S½	320
Sec. 10, W½	320
Sec. 11, NW¼	160
Sec. 13, NE¼	160
Sec. 24, SE¼	160
T. 25 N., R. 8 W.: Sec. 4, SW¼	160
T. 29 N., R. 13 W.:	
Sec. 19, SE¼	160
Sec. 28, E½SW¼SW¼, W½SE¼SW¼	40
Total Acres	19,876.69

EXHIBIT F

T. 6 N., R. 3 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	637.92
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	635.60
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	636.32
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	639.92
Sec. 9, W½	320.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	640.08
T. 7 N., R. 3 W.: Sec 35, lots 1, 2, 3, 4, S½N½, S½	622.56
T. 6 N., R. 4 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	636.80
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	624.56
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	629.52
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	622.64
Sec. 9, all	640.00
Sec. 11, all	640.00
Sec. 13, all	640.00
Sec. 15, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	619.20
Sec. 21, all	640.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	622.60
Sec. 33, all	640.00
Sec. 35, all	640.00
T. 6 N., R. 5 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	646.00

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	651.84
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	645.60
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	641.60
Sec. 9, all	640.00
Sec. 13, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	639.60
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	647.92
T. 7 N., R. 5 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	644.00
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	644.00
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	646.40
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	627.20
Sec. 9, all	640.00
Sec. 11, all	640.00
Sec. 13, all	640.00
Sec. 15, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	628.40
Sec. 21, all	640.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	631.20
Sec. 33, all	640.00
Sec. 35, all	640.00
T. 7 N., R. 11 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	640.30
Sec. 3, lots 3, 4, S½NW¼, SW¼	319.76
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	641.44
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	634.00
Sec. 9, all	640.00
Sec. 11, all	640.00
Sec. 13, all	640.00
Sec. 15, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	631.20
Sec. 21, all	640.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	632.48
Sec. 33, all	640.00
Sec. 35, all	640.00
T. 8 N., R. 11 W.:	
Sec. 11, all	640.00
Sec. 13, all	640.00
Sec. 15, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	636.16
Sec. 21, NE¼, S½	480.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	634.48
Sec. 33, all	640.00
Sec. 35, all	640.00
T. 6 N., R. 12 W.:	
Sec. 1, lots 1, 2, S½NE¼, SE¼	320.10
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	639.00
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	639.52
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	626.80
Sec. 9, all	640.00
Sec. 11, all	640.00
Sec. 13, W½	320.00
Sec. 15, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 1, 2, 3, 4, E½W½, E½	631.28
Sec. 21, all	640.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 29, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	633.36
Sec. 33, all	640.00
T. 7 N., R. 12 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	639.92
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	640.96
Sec. 5, lots 1, 2, 3, 4, S½N½, S½	640.24
Sec. 7, lots 1, 2, 3, 4, E½W½, E½	622.60
Sec. 9, all	640.00
Sec. 11, all	640.00
Sec. 15, all	640.00
Sec. 17, all	640.00
Sec. 19, lots 2, 3, 4, E½, E½W½	587.89

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

Legal description	Parcel acreage
Sec. 21, N½	320.00
Sec. 23, N½	320.00
Sec. 25, all	640.00
Sec. 27, all	640.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	622.92
Sec. 33, all	640.00
Sec. 35, all	640.00
T. 8 N., R. 12 W.:	
Sec. 1, lots 1, 2, 3, 4, S½N½, S½	623.84
Sec. 3, lots 1, 2, 3, 4, S½N½, S½	622.92
Sec. 11, all	640.00
Sec. 13, all	640.00
Sec. 15, N½	320.00
Sec. 23, all	640.00
Sec. 25, all	640.00
Sec. 27, S½	320.00
Sec. 29, S½	320.00
Sec. 31, lots 1, 2, 3, 4, E½W½, E½	620.72
Sec. 33, all	640.00
Sec. 35, all	640.00
Total acres	79,863.37

[FR Doc. 82-34130 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Environmental Impact Statement; Extension of Public Review Period; 1982 Amendments to California Desert Plan and Eastern San Diego Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension.

SUMMARY: Notice is hereby given that the public review period for the Environmental Impact Statement prepared for the 1982 Amendments to the California Desert Plan and the Eastern San Diego County Management Framework Plan is extended.

DATE: Comments are being accepted from the public until 24 days after the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management prepared a Draft Environmental Impact Statement (DEIS) concerning the 1982 Amendment Review of the California Desert Plan and the Eastern San Diego County Management Framework Plan. The EIS was published on September 10, 1982; a 66-day public review period followed. Public interest in the EIS was high, and over 600 letters of comment were received. Several comments arrived after the formal closing of the public review on November 15. In light of the strong interest in the amendments, the Bureau feels that an extension of the

comment period is necessary to ensure that the public has been provided with ample time for review, and to ensure that those comments which arrived late receive full consideration in the final EIS. Accordingly, the public review period is being extended.

Gerald E. Hillier,

District Manager.

[FR Doc. 82-34145 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Extension on Henry Mountain Draft Grazing Environmental Impact Statement (EIS) 43 CFR 4100

Notice is hereby given that the comment period for the Henry Mountain Draft Grazing EIS which were accepted on December 1, 1982 (October 29, 1982; 47 FR 49094) and cited in the draft EIS as closing on December 30, 1982, is extended to February 28, 1983.

Comments are to be mailed to the Richfield District BLM Office at 150 East 900 North, Richfield, Utah 84701, attention Donald L. Pendleton, District Manager.

Dated: December 10, 1982.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 82-34128 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

Ely District Advisory Council; Meeting

AGENCY: Ely District Advisory Council.

ACTION: Notice of Meeting.

SUMMARY: The Ely District Advisory Council will conduct a meeting on Wednesday, January 26, 1983. The meeting will convene at 9:00 a.m. in the Conference Room of the Ely District BLM Office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for the meeting:

(1) Council Member introductions.
(2) BLM District Organization and Responsibilities briefing.
(3) Role and functions of District Advisory Council.
(4) Briefing of major District programs by Resource Area.
(5) Public comment period.
(6) Election of Council Officers.
(7) Determination of next meeting date, place and agenda items.

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard at 1:00 p.m. Depending upon the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be available for public inspection at the Ely District Office within 30 days following the meeting.

Date: January 26, 1983.

Address: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

For further information contact: Ms. Cleone McDonald, 702-289-4865.

Dated: December 9, 1982.

George W. Cropper,

Acting District Manager.

[FR Doc. 82-34131 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

[UT-910-4310-84]

Uinta-Southwestern Utah Regional Coal Leasing; Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team Meeting.

SUMMARY: This notice is to advise the public that the Regional Coal Team (RCT) for the Uinta-Southwestern Utah Federal Coal Production Region will meet to: (1) Make the RCT recommendation on public body setaside leasing for Round II; (2) review and confirm alternatives to be considered in preparation of the Draft EIS.

DATES: The Regional Coal Team will meet on January 14, 1983, starting at 10:00 a.m.

ADDRESSES: Comments on the possible agenda items should be addressed to Edward F. Spang, Chairman, Regional Coal Team, Nevada State Director, Bureau of Land Management, Federal Building, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520

The Regional Coal Team Meeting will be in the Hotel Utah, Bonneville II Room, Main at South Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Coal Project Manager, Uinta-Southwest Utah Region, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah, telephone (801) 524-5326.

SUPPLEMENTARY INFORMATION: The Regional Coal Team will meet on January 14, 1983, at 10:00 a.m. in the Hotel Utah. The Regional Coal Team will primarily be meeting to discuss leasing alternatives and possible designation of public body setaside tracts that will be considered for Round II of potential leasing in the Uinta-Southwestern Utah Coal Production Region. Regular business of the team concerning the Round II activity planning effort in the Uinta-Southwestern Utah Coal Region may also be conducted.

Material concerning the potential lease tracts and the EIS which is being prepared, can be obtained by contacting the Coal Project Manager, at the Bureau of Land Management's Utah State Office, 15th floor, University Club Building, 136 East South Temple, Salt Lake City, Utah.

Dated: December 10, 1982.

Roland G. Robison,

State Director, Utah

[FR Doc. 82-34123 Filed 12-15-82; 8:45 am]

BILLING CODE 4310-84-M

State of California; Call for Applications for Wind Energy Development in the Tehachapi Pass

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice. State of California; Call for Applications for Wind Energy Development in the Tehachapi Pass.

SUMMARY: The Tehachapi Pass area located in Southern California approximately three (3) miles northwest of Mojave has been identified as one of the most promising wind energy development locations in California. In response to applications filed by private interests to develop the wind resource, the Bureau of Land Management (BLM) will prepare an environmental document assessing the impacts of development within the 400 square mile area.

The objectives of the Bureau are to:

1. Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;
2. Assure that wind exploration, development, and production is conducted with maximum protection of the environment, and;
3. Assure the public a fair return for the use of public lands and the use of its renewable resources

To assist the Director of the BLM in carring out these objectives and pursuant to Pub. L. 94-579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), ad 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 60 days for possible granting of rights-of-way for power generating facilities on public lands.

Description of the Area

Applications will be considered within the area shown on the Tehachapi Pass Wind Study Map available at the BLM California Desert District, Riverside, California; Ridgecrest Resource Area Office, Ridgecrest; Caliente Resource Area Office, Bakersfield District, California. Public lands contained with the study area include: All or portions of Sections 2, 12, 26, 32, 34, and 36, T. 30 S., R. 34 E., Mount Diablo Meridian (MDM); Sections 2, 10, 14, 18, 24, 26, 28, 30, 31, and 32 T. 30 S., R. 35 E., MDM; Sections 18, 20, 30, 31, and 32, T. 30 S., R. 36 E., MDM; Sections 1, 2, 3, 4, 5, 6, 8, 12, 14, 18, 20, 24, 26, and 34, T. 31 S., R. 34 E., MDM; Sections 6, 30, 31, 32, 33, 34, 35, and 36, T. 31 S., R. 35 E., MDM; Sections 4, 5, 6, 8, 9, 14, 22, 24, 26, 28, 32, and 34, T. 31 S., R. 36 E., MDM; Lots 1 through 4 located east of Section 13, and Lots 1 through 4 located east of Section 24, T. 31 S., R. 36 1/2 E., MDM; Section 24, T. 32 S., R. 34 E., MDM; Sections 1–12 inclusive, 14, 17, 18, 19, 20, 24, 26, 28, 30, 32, and 34, T. 32 S., R. 35 E., MDM; Sections 4, 6, 8, and 18, T. 32 S., R. 36 E., MDM; Sections 32 and 34, T. 12 N., R. 13 W., SBM; Section 32, T. 12 N., R. 12 W., SBM; Sections 22, 24, 32, and 34, T. 11 N., R. 15 W., SBM; Sections 22, 26, 28, 30, 32, and 34, T. 11 N., R. 14 W., SBM; Section 6, T. 11 N., R. 13 W., SBM. The following public lands are closed to vehicle use without permit: Section 6, T. 30 S., R. 34 E., MDM; Sections 2, 10, 14, 18, 24, 26, 28, 30, 31, and 32, T. 30 S., R. 35 E., MDM; Sections 18, 20, 30, 31, and 32, T. 30 S., R. 36 E., MDM.

Permits to enter public lands in this area may be obtained by contacting the BLM, Ridgecrest Resource Area Office, 1415A No. Norma Street, Ridgecrest, California.

Right-of-Way

Applications must be submitted no later than 60 days from the date of this notice. No other applications will be accepted after this date for inclusion in the environmental document. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in § 2803.1–1; and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

1. Its impact to the environment
2. Any benefits provided to the public
3. Safety of the proposal, and
4. The specific public lands proposed to the occupied

The environmental document will be funded in accordance with 43 CFR 2803.1(a)(1) by the Bureau through appropriated funds.

To accomplish the above and to ensure that applications will be properly analyzed on a site-specific basis for the environmental document, the project description accompanying the application must include all of the information provided below:

Project Description

1. Applicant
2. Contact—include phone number of project coordinator and engineer:
3. Manufacture:
4. Location—include a legal description, acreage compilation, and map for all public lands under application
5. Wind Machine Model—if more than one machine is under consideration for deployment, include specifications for all types. Describe under what conditions one type of machine would be used over another
6. Physical Specifications:
   - Total height
   - Tower height
   - Rotor diameter
   - Total weight
   - Weight of blades
   - Foundation construction (width, depth and height)
   - Material specifications including weight of foundation
   - Tower construction—materials and components
   - Blade construction—materials and components
   - Photograph of wind turbine generator model (8×10, Black & White)
   - Structure designs for the tower and foundation should be supplied
7. Performance Specifications:
   - Rotation speed (rotor RPM)
   - Speed of blade tips
   - Power output
   - Cut-in speed
   - Noise generation
   - Cut-out speed
   - Rated wind speed
   - Rotor orientation
   - Generator RPM
   - Generator type
   - Gear box step-up ratio
   - Gear box type
8. Projected Annual Production:
   - Output based on annual average wind speed
9. Additional information:
   - Rotor, hardware specification, i.e., type, size
   - Alternator, hardware specification, i.e., type, size
10. Brake System:
    - Type
11. Control Functions:
    - Automatic yaw
    - Failsafe brake application and release
    - Alternator voltage and phasing
    - Circuit breakers for overcurrent control
12. Variables Monitored—described your plans for monitoring the following items:
    - Alternator output
    - Rotor speed
    - Wind speed
    - Wind direction
13. Safety Features:
    - Electrical systems designed to comply with National Electrical Code
    - Lightning protection on all circuits
    - Blade throw probability of occurrence
14. Wind Machine Construction Activities:
    - Site preparation (both temporary and permanent)
    - Temporary use areas. Construction yards for material storage and equipment maintenance stations. Provide security arrangements. Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

SUMMARY OF LAND AREAS TEMPORARILY AND PERMANENTLY OCCUPIED

Units	Acres temporarily occupied	Acres permanently occupied

WTG.
Roads.
New main roads.
New spur roads.
Existing roads.
Work areas.
Construction yards.
Other.

Wind turbine installation. Describe installation procedures. Diagrams if available should be submitted. Construction equipment. Provide specifications of equipment (i.e., pickup, 4 x 4, crane, 5-ton, etc., including fuel use requirements and length of service over construction material.
Clean up.

Technical and construction personnel—describe workforce requirements for construction and maintenance activities. Snow workforce schedule for construction period and source of labor supply (local or regional).
Construction schedule.

15. Operation and Maintenance:

Patrols.
Routine maintenance requirements.
Equipment needs.
Access roads.
Other.
16. Abandonment (plans for).
17. Transmission System and Substation:
Design.
Construction.
Operation and maintenance.
Abandonment.
18. Security of Facilities and Equipment:

This information must be received no later than 60 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit such additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by an applicant is incomplete or does not conform to FLPMA or 43 CFR Part 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately compiled with, the authorized officer may reject the application. All applications must be submitted to the Bureau of Land Management, Ridgecrest Resource Area Office, 1415A No. Norma Street, Ridgecrest, California.

Environmental Analysis and Decision Process

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wide development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social, and economic) will be used as a decision tool to sort out competing uses and potential uses of the public lands. In the event two or more applications for wide power facilities are received for the same site modified competitive bid procedure will be utilized. Under this procedure, applicants will only be able to bid for areas applied for under the call for applications. Award of rights-of-way will be granted subject to the terms and conditions found in the Record of Decision, to the qualified responsible bidder of the highest cash amount per acre per year. A notice of any tracts selected for competitive bidding will be published in the Federal Register following the Record of Decision stating the conditions and terms for the sale in compliance with established Departmental procedures.

FOR FURTHER INFORMATION CONTACT: Questions regarding submittal of applications should be directed to Barbara Jackson, Realty Specialist, at (619) 446–4526.

Wesley Chambers,
Acting District Manager.

[FR Doc. 82–34144 Filed 12–15–82; 8:45 am]
BILLING CODE 4310–84–M

National Park Service

Midwest Regional Advisory Committee; Cancellation of Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Midwest Regional Advisory Committee originally scheduled to be held on December 6–7 at the Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska, as was published in Volume 47, No. 222, of the Federal Register dated Wednesday, November 17, 1982, has been postponed. The meeting will be rescheduled, and when plans are finalized, notice will be published in accordance with the Federal Advisory Committee Act, as stated above.

Dated: December 7, 1982.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 82–34120 Filed 12–15–82; 8:45 am]
BILLING CODE 4310–70–M

National Parks of Bryce Canyon, Zion, and Grand Canyon-North Rim; Intention To Renew Concession Contracts

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that forty-five (45) days after the date of publication of this notice, the Department of the Interior, through the Regional Directors for Rocky Mountain and Western Regions of the National Park Service, proposes to negotiate concession contracts with TWA Service, Inc., authorizing it to continue to provide lodging, food, retail merchandising, automobile and camper services, transportation facilities and services for the public at Bryce Canyon National Park, Utah, Zion National Park, Utah, and Grand Canyon National Park-North Rim, Arizona, for a period of twenty (20) years from January 1, 1983, through December 31, 2002.

These proposed contracts require construction and improvement programs. The construction and improvement programs required were previously addressed in the following documents:

- Addendum to Environmental Review, Assessment of Alternatives, prepared in conjunction with the General Management Plan, Bryce Canyon National Park, October 19, 1981.
- Environmental Assessment, December 1980, as amended, prepared in conjunction with the Development Concept Plan, Zion Canyon, Zion National Park.
- Comprehensive Design Plan and Environmental Assessment, North Rim Development, Grand Canyon, prepared July 1982 and approved August 10, 1982.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given perference in the renewal of the contract and in the negotiation of new contracts. This provision, in effect, grants TWA Services, Inc., the opportunity to meet the terms and conditions of any other proposals submitted in response to this notice which the Secretary may consider better than the proposal submitted by TWA Services, Inc. If TWA Services, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contracts will be negotiated with TWA Services, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposals, including that of the existing concessioner, must be postmarked or hand-delivered on or before the forty-fifth (45) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contracts.

Dated: November 29, 1982.

Lorraine Mintzmyer,
Regional Director, Rocky Moutain Region.

Dated: December 2, 1982.

John D. Cherry,
Acting Regional Director, Western Region.

[FR Doc. 82–34119 Filed 12–15–82; 8:45 am]
BILLING CODE 4310–70–M

Intent To Prepare Reports/ Environmental Impact Statements and To Hold Public Meetings for the Study of Potential Additions to the National Wild and Scenic Rivers System

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is currently leading multi-agency study teams which are evaluating the eligibility and suitability of two Alaska rivers as possible additions to the National Wild and Scenic Rivers System pursuant to Section 5(a) of the Wild and Scenic Rivers Act, Pub. L. 90–542, as amended (16 U.S.C. 1276(a)). The National Park Service intends to prepare a combination report/environmental impact statement for each of these rivers which will identify alternatives and evaluate the impact of each of the alternatives. At least one alternative calling for national designation will be prepared for all river segments found eligible for the National Wild and Scenic Rivers System. The two rivers are:

a. Kanektok River: The entire river from headwaters to its mouth on Kuskokwim Bay at Quinhagak.

b. Squirrel River: The entire river from headwaters to its confluence with the Kobuk River at Kiana.

This notice is to announce that the National Park Service, in cooperation with other agencies on the study teams, will hold public meetings during early 1983 for the purpose of identifying issues and receiving input in the identification of alternatives as well as a preferred action for each river. The intent is to hold meetings in:

a. Quinhagak, Bethel, Dillingham, and Anchorage for the Kanektok River study.

b. Kiana, Kotzebue, and Fairbanks for the Squirrel River study.

Actual meeting times and locations will be publicized in local newspapers and other local notices.

Comments may be submitted orally or in writing. Written comments may be submitted to the Regional Director, Alaska Regional Office, National Park Service, 540 West Fifth Avenue, Anchorage, Alaska 99501.

Further public comments will be sought on the draft report/ environmental impact statements through a later **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Jim Morris or Jack Mosby, National Park Service, USDI, 540 West Fifth Avenue, Anchorage, Alaska 99501; (907) 271–4638.

Dated: December 1, 1982.

James J. Berens,

Acting Regional Director, Alaska Region.

[FR Doc. 82–34198 Filed 12–15–82; 8:45 am]

BILLING CODE 4310–70–M

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Northwest Trading Post, Inc., authorizing it to continue the operation of a country store sales outlet at Milepost 258.6 on the Blue Ridge Parkway for a period of ten (10) years from January 1, 1983, through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Northwest Trading Post, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Northwest Trading Post, Inc. If Northwest Trading Post, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Northwest Trading Post, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: December 6, 1982.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 82–34197 Filed 12–15–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We Find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It Is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further

subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–80004. By decision of December 3, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to GREAT NORTHERN FREIGHT LINES, INC. of Uniontown, OH of Certificate No. MC–206 (Sub-2) issued January 12, 1982 to ALBERT E. WARD, INC. d.b.a. WARD MOVING & STORAGE, of Bedford, OH, authorizing: The transportation by irregular routes, of *general commodities* (with exceptions), between points in OH, on the one hand, and, on the other, points in the United States (except AK and HI). Applicants Representative: Robert McNamara, 906 Contran Building, Akron, OH 44308.

MC–FC–80073. By decision of November 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3, approved the transfer to ROGERS TRUCKING, INC., of Kirksville, MO of Certificate No. MC–123604 and (Sub-5) issued April 16, and September 14, 1964, respectively, to DUSABLON TRUCKING SERVICE, INC., of Centerville, IA authorizing the transportation of (1) *haydite,* in bulk (not in tank-type equipment), from Centerville, IA and points within 5 miles of Centerville, IA to Macomb and Quincy, IL, (2) *haydite,* in bulk (in hopper-type trailers), from points within 5 miles of Centerville, IA, including Centerville, IA to Davenport, IA, and points in a described part of MO; (3) *soybean meal,* in bulk (not in tank-type equipment), from Quincy and Decatur, IL to Centerville, IA, and (4) *haydite,* in bulk, from Centerville, IA, and points within 5 miles thereof, to points in a described portion of MN. Applicants' Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transferee holds no authority. No TA filed.

MC–FC–80097 (Correction) (Published in the **Federal Register** Issue of November 16, 1982 and corrected this issue) JAMES A. CORMAN & MARGARET ARTHUR d.b.a. IRISH REFRIGERATED SERVICE of Shelton, WA, Transferee, and CECIL T. McLAIN, d.b.a. C.T.M. REFRIGERATED SERVICE of Shelton, WA, Transferor. Applicant's representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. The purpose of this republication is to correctly identify the domicile of contracting shipper Reser's Fine Foods, Inc., as Beaverton, OR, in lieu of Beanerton, OH.

MC–FC–80110. (Republication) By decision of October 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Majic Transport Inc., of Syracuse, NY of Certificate No. MC–10955 (Sub-16) issued to Renner Motor Lines, Inc., of Akron, OH authorizing the transportation of *general commodities* (except commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives), between points in CT, DE, IL, IN, KY, MA, MD, ME, MI, MO, NJ, NH, NY, OH, PA, RI, VT, VA, WV, and WI; subject to coincidental cancellation at the written request of Renner Motor Lines, Inc., of Certificate No. MC–10955 (Sub-15X) and the Certificate which it supersedes in No. MC–10955 and Sub-Nos. 2, 3, 6, 7, 10, 11, 12, 13 and 14. Applicant's Representative: Hebert M. Canter, 305 Montgomery St., Syracuse, NY 13202. TA lease is not sought. Transferee is not a carrier.

MC–FC–80178. By decision of November 22, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181 Review Board Number 3 approved the transfer to Mo-Tran Bus Lines, Inc., of Moberly, MO of Certificate No. MC–36524 and 36524 (Sub-Nos. 9, 11, 12, 13, and 14) issued to Missouri Transit Lines, Inc., I.I. Ozar Trustee in Bankruptcy of Moberly, MO authorizing passengers and their baggage and express and newspapers, in the same vehicle with passengers, from to or between various named points in IA and MO. Applicant's Representative is: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102. TA lease sought. Transferee is not a carrier.

MC–FC–80186. By decision of November 22, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181 Review Board Number 3 approved the transfer to M. T. TRUCKING, INC., of Zimmerman, MN, of Permit No. MC–151966, issued to KARAS & SONS, INC., of Prineceton, MN, which authorizes the transportation of (1) *tonics and cosmetics;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Sasco, of Dallas, TX. Applicant's Representative is: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101.

Note.—Transferee holds motor common and contract carrier authority under MC–149064.

MC–FC–80188. By decision of December 1, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181 Subpart A, Review Board Number 3 approved the transfer to NATIONAL FREIGHT TRUCK LINES, INC., of Vineland, NJ, of Certificate Nos. MC–2860 (Sub-Nos. 208, 213, and 214), issued to NATIONAL FREIGHT, INC., also of Vineland, NJ, which authorize the transportation of *general commodities* (with exceptions), (a) bewteen points in LA, AR, GA, IL, IN, KY, LA, MA, ME, MI, MN, MS, NH, OH, OK, PA, TN, TX, VT, WI, and WV, (b) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC, and (c) between points in AZ, CA, CO, IA, ID, KS, MO, MT, ND, NE, NM, NV, OR, SD, UT, WA, and WY. Applicants' representative: Peter J. Nickles, 120 Pennsylvania Ave, NW., Washington, DC 20044.

Note.—Transferee is not a carrier but is affiliated with the transferor.

Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C 11343 and 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00 in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the

date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 8, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 140096 (Sub-2), filed September 8, 1982. Applicant: ROBERTS DELIVERY SERVICE, INC., 28 Spencer Street, Agawam, MA 01001. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. To operate as a common carrier by motor vehicle, over irregular routes, transporting general commodities, between points in Massachusetts.

Note.—This application is directly-related to No. MC–FC–80014 published concurrently herewith wherein Roberts Delivery Service, Inc., seeks to acquire by transfer the operating rights of F & H Transportation Co., Inc., contained in Certificate of Registration No. MC–2406 (Sub-3). The purpose of this application is to convert said Certificate of Registration to a Certificate of Public Convenience and Necessity.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34104 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contracts Carriers of Property (fitness-only); Motor Common Carriers of Passengers; (fitness only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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 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 in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–224

Decided: December 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 150900 (Sub-3), filed December 6, 1982. Applicant: CREATIVE TOURS AND CHARTER SERVICE CORPORATION, 13615 Victory Blvd., #103, Van Nuys, CA 91401. Representative: Willian C. Robinson, 16133 Ventura Blvd., Penthouse Suite B, Encino, CA 91436; (213) 784–9993/872–0285. Transporting *passengers,* in charter and special operations, beginning and ending at points in CA,

and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special tansportation.

MC 165041, filed December 6, 1982. Applicant: RALEIGH TRANSPORTATION SERVICES, INC., 723 W. Hargett St., Raleigh, NC 27603. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304; (703) 751–2441. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 (202) 275–5223.

Volume No. OP3–42

Decided: December 9, 1982.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 159524, (Sub-1), filed November 24, 1982. Applicant: T. G. SWARB d.b.a. SWARB TRUCKING COMPANY, 10409 O'Donnell Dr., Houston, TX 77076. Representative: T. G. Swarb (same address as applicant) (713) 695–7483. Transporting *shipments weighing 100 pounds* or less if transported in a major vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except HI).

MC 164865, filed November 26, 1982. Applicant: DANIEL J. McCRAW d.b.a. McCRAW ENTERPRISES, 2790 Moana Lane, Reno, NV 89509. Representative: Daniel J. McCraw (same address as applicant) (702) 825–7949. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164875, filed November 26, 1982. Applicant: SAKAHIRA TRADING CORP. d.b.a. SAKARHIRA TRANSPORTATION CONSULTATIONS, 200 E. 64th St., Suite 14A, New York, NY 10021. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036, (202) 785–0024. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164894, filed November 26, 1982. Applicant: C. F. LEE, 408 E. Eleventh St., Stuttgart, AR 72160. Representative: C. F. Lee (same address as applicant) (501) 673–3850. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–059

Decided: December 8, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 85526 (Sub-8), filed November 19, 1982. Applicant: ARROW COACH LINES, d.b.a. ARROW TRAILWAYS OF TEXAS, P.O. Box 1058, Killeen, TX 76541. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Over regular-routes, transporting *passengers,* between Austin and Houston, TX; over U.S. Hwy 290, serving all intermediate points. NOTE: Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route.

Note.—Applicant states it intends to tack the authority herein with its presently authorized operations.

MC 106207 (Sub-18), filed November 22, 1982. Applicant: NEW YORK KEANSBURG LONG, BRANCH BUS CO., INC., 50 Hwy N. 36, Leonardo, NJ 07737. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022, (212) 759–3700. Over regular routes, transporting *passengers,* between New York, NY, and Atlantic City, NJ: from New York through the Lincoln Tunnel, to NJ Hwy 3, then west on NJ Hwy 3 to the NJ Turnpike, then south on the NJ Turnpike to Garden State Parkway, NJ, then south on Garden State Parkway to U.S. Hwy 30, then east on U.S. 30 to Atlantic City, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 141657 (Sub-1), filed November 29, 1982. Applicant: J. BRADLEY SCHONECK, d.b.a. AMBOY BUS SERVICE, Box 124, Amboy, MN 56010. Representative: Ronald I. Shapps, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Privately funded motor common carrier of passengers charter and special transportation. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

MC 164867, filed November 29, 1982. Applicant: JOSEPH R. VINGI, d.b.a. S.O. TRUCKING INC., 16 King St., N Providence, RI 02911. Representative: William F. Poole, 22 Knollwood Circle, N Kingstown, RI 02852, (401) 885–0474. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164937, filed November 29, 1982. Applicant: NENITA CARVAJAL, d.b.a. ACE TRAVELS, 165 O'Farrell St., Suite 214, San Francisco, CA 94102. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Privately funded motor common carrier of passengers charter and special transportaion. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Volume No. OP4–063

Decided: December 9, 1982.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 28457 (Sub-8), filed November 29, 1982. Applicant: DELAWARE VALLEY TRANSPORTATION CO., d.b.a. POCONO MOUNTAIN TRAILS, Box 488, Blairstown, NJ 07825. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 109897 (Sub-3), filed November 23, 1982. Applicant: GRAY LINE NEW YORK TOURS CORPORATION, 254 West 54th St., New York, NY 10019. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 116677 (Sub-4), filed November 24, 1982. Applicant: NIAGARA FALLS SIGHTSEEING BY SHERIDAN, INC., 3466 Niagara Falls Blvd., N. Tonawanda, NY 14120. Representative: William J. Hirsch, 65 Niagara St., Buffalo, NY 14202, (716) 853–0200. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 123126 (Sub-6), filed November 29, 1982. Applicant: FRANKLIN BUS SERVICE, INC., 309 Roosevelt St., Franklin, VA 23851. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 134166 (Sub-2), filed November 29, 1982. Applicant: DUNN'S BUS SERVICE, INC., R.D. 6, Box 140, Sussex, NJ 07461. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139807 (Sub-6), filed November 29, 1982. Applicant: ALL WEST TOURS, 1851 Soscal Ave., Napa, CA 94558. Representative: Edon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 143336 (Sub-2), filed November 23, 1982. Applicant: BAY RAPID TRANSIT CO., INC., d.b.a. GRAY LINE P.O. Box 3258, Salinas, CA 93912. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. 11278, Alexandria, VA 22312, (703) 750–1112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and Special transportation.

MC 147726 (Sub-2), filed November 22, 1982. Applicant: O'CONNELL ENTERPRISES, INC., 1405 Loranee Hwy., Eugene, OR 97405. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201, (503) 227–4586. Transporting *passengers*, in charter and special operations, beginning and ending at points in WA, OR, CA and NV, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 149576 (Sub-26), filed November 26, 1982. Applicant: TRANS AMERICAN TRUCKING SERVICE, INC., P. O. Box 1247, Nixon Station, Edison, NJ 08818, Representative: R. M. McGraw (same address as applicant), (201) 985–2182. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 160796 (Sub-1), filed November 29, 1982. Applicant: TOUR MASTERS TRANSPORTATION CO., INC., 1054 Wilshire Blvd., Los Angeles, CA 90017. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 164697, filed November 10, 1982. Applicant: ELIZABETH HALL JOHNSON, d.b.a. HALL's CHARTER SERVICE, 7360 Furnace Branch Rd., Glen Burnie, MD 21061. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda, MD 20814, (301) 657–2636. Transporting *passengers*, in charter and special operations, beginning and ending at points in DC, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164896, filed November 29, 1982. Applicant: KEEPORT AUTOBODY SHOP, INC., d.b.a. SHAMROCK STAGE COACH, Keanesburg, NJ 07734. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164907, filed November 29, 1982. Applicant: TOTAL NATIONAL TRANSPORTATION, 5824 So. 93rd St., Omaha, NE 68127. Representative: Richard Orr (same address as applicant); (402) 331–3419. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164916, filed November 29, 1982. Applicant: SILVANO G. GONZALEZ, d.b.a. HAPPY TOURS, 875 Ridge Ct., South San Francisco, CA 94080. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter transportation.

MC 164957, filed December 1, 1982. Applicant: DENVER-CHICAGO EXPRESS, INC., P.O. Box 37102, Omaha, NE 68137. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 (202) 275–7289.

Volume No. OP5–276

Decided: December 6, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 30608, (Sub-11), filed November 22, 1982. Applicant: K. G. LINES, INC., 124 North Cheyenne Avenue, Tulsa, OK 74103. Representative: Joel N. Akers (same address as applicant), (918) 587–4121. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 58719 (Sub-10), filed November 22, 1982. Applicant: INGRAM BUS LINES, INC., 313 Jordan Avenue, Tallassee, AL 36078. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 85819 (Sub-7), filed November 23, 1982. Applicant: GULF COAST MOTOR

LINE, INC., 921 Third St., So., P.O. Box 145, St. Petersburg, FL 33731. Representative: Harold E. Slaughter, (same address as applicant), (813) 822–3577. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146119 (Sub-3), filed November 24, 1982. Applicant: WINSTON COACH CORP., 1650 Sycamore Avenue, Bohemia, NY 11716. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022, (212) 759–3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 R.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 5, Room 2416.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159459 (Sub-1), filed November 22, 1982. Applicant: JEFFERSON CHARTERS AND TOURS, INC., 1206 Currie Avenue, Minneapolis, MN 55403. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701, (816) 884–3238. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164798, filed November 22, 1982. Applicant: MCA TRANSPORTATION SERVICES, 2 Charlestown Court, Medford, NJ 08055. Representative: Jerome J. Bondanza (same address as applicant), (609) 234–8800. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP5–278

Decided: December 7, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 28339 (Sub-10), filed November 29, 1982. Applicant: BREMERTON-TACOMA STAGES, INC., 2209 Pacific Ave., Tacoma, WA 98402. Representative: Lawrence E. Lindeman, 4860 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 37958 (Sub-5), filed November 19, 1982. Applicant: TRENTON LAMBERTVILLE BUS LINE, INC., d.b.a. ONKA'S CHARTER BUS SERVICE, Amwell Road, P.O. Box 191, East Millstone, NJ 08873. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 89968 (Sub-1), filed November 29, 1982. Applicant: NIAGARA FALLS COACH LINES, INC., 120 13th St., Niagara Falls, NY 14303. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 121798 (Sub-1), filed November 19, 1982. Applicant: MUSIC CITY SERVICE, INC., d.b.a. SIGHTSEEING TENNESSEE, 501 Broadway, Nashville, TN 37203. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, 703–750–1112. Transporting *passengers in charter and special operations*, between points in the U.S. (except AK).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 141869 (Sub-4), filed November 23, 1982. Applicant: ROYAL COACH LINES, INC., 1600 Junction Ave., Racine, WI 53403. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146988 (Sub-4), filed November 23, 1982. Applicant: TARA LINES, INC., 27 C Beaver Lodge, Stafford, VA 22554. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 621 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148088 (Sub-1), filed November 22, 1982. Applicant: COUNTRY TRAILS BUS CO., INC., R.D. # 3, Box 152, Clarion, PA 16214. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413–781–8205. Transporting *passengers, in charter and special operations*, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159498 (Sub-1), filed November 22, 1982. Applicant: SUMRELL BUS SERVICE, INC., 200 Westbury Blvd., Hempstead, NY 11550. Representative: Sidney J. Leshin, 3 West 54th St., New York, NY 10022, 212–759–3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161678 (Sub-2), filed November 22, 1982. Applicant: CAPE TRANSIT CORP., 5501 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164038 (Sub-1), filed November 19, 1982. Applicant: JOHN O. DULANEY, d.b.a. DULANEYS BUS SERVICE, 760 East Green St., Waynesburg, PA 15370. Representative: Robert J. Brooks, 1828 L St., NW, Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164839, filed November 23, 1982. Applicant: CORTEZ TRUCKING, INC., 9244 E. Washington Blvd., Pico Rivera, CA 90660. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786, 714–981–9981. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164858, filed November 23, 1982. Applicant: TOP GRADE

TRANSPORTATION CO., INC., 25–50 Borden Ave., Long Island City, NY 11101. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164898, filed November 26, 1982. Applicant: CHARLES W. GIDES AND PHYLLIS J. GIDES, d.b.a. CHUCK GIDES TOURS, 1605 Freeport Road, Natrona Heights, PA 15065. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *passengers*, in special and charter operations, beginning and ending at points in PA, OH, and WV, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-34106 Filed 12-15-82; 8:45 am]

BILLING CODE 7035-01-M

[Formerly Fourth Section Application]

Long- and Short-Haul Application for Relief

This application for long- and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43984, Southwestern Freight Bureau No. B–166, reduced rates on grain, grain products and related articles for export, from points in Illinois, Southern, Southwestern and Western Trunk Line Territories to Helvetia, La. published in tariffs listed in Appendix A, effective December 25, 1982. Grounds for relief to meet competition.

Dated: December 10, 1982.

Agatha L. Mergenovich,

Secretary.

APPENDIX A

Supplement No.	Tariff No.	Carrier
139	4000	The Atchison, Topeka & Santa Fe.
119	4013	Burlington Northern Railroad.
54	4021–V	Do.
32	4087–Q	Do.
13	4014–B	Chicago Northwestern.
17	4004–B	Chicago Milwaukee, St. Paul & Pacific.
1	4013–A	The Denver & Rio Grande Western.
35	4010–B	The Kansas City Southern Railway.
67	4123–J	Missouri-Kansas & Texas.
4	4155–K	Do.

APPENDIX A—Continued

Supplement No.	Tariff No.	Carrier
5	4050–J	Missouri Pacific Railroad.
105	4057–G	Do.
74	4065–K	Do.
33	4650–H	Do.
57	4023–F	Norfolk & Western Railroad.
50	4915	Do.
15	4459–B	Soo Line Railroad Co.
12	4917–D	St. Louis Southwestern Railway.
11	4918–A	Do.
88	4010–A	Union Pacific Railroad.
34	4028–D	Chicago Northwestern.
8	4007–B	Chicago Milwaukee, St. Paul & Pacific.

[FR Doc. 82-33971 Filed 12-15-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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 that it is fit, willing, and able to perform the service proposed, an to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions 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.

By the Commission, Review Board No. 1, Members Chandler, Parker, and Fortier.

Agatha L. Mergenovich,

Secretary.

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." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–223

Decided: December 8, 1982.

MC 118130 (Sub-127), December 1, 1982. Applicant: SOUTH EASTERN XPRESS, INC., P.O. BOX 6459, Crowley & Sycamore Rds., Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103, (817) 332–4718. Transporting *general commodities* (except classes A and B explosives, household commodities and commodities in bulk), between points in the U.S. (except AK and HI).

MC 133480 (Sub-5), filed November 26, 1982. Applicant: A. VIZZI, INC., 13 Heyward Hills Drive, Holmel, NJ 07733. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201)–234–0301. Transporting (1) *rubber and plastic products*, and (2) *pulp, paper, and related products*, between points in CT, MA, RI, NJ, NY, PA, DE, MD, VA and DC.

MC 139170 (Sub-7), filed November 22, 1982. Applicant: FRANK W. MADDEN COMPANY, 2070 Wright Rd., Akron, OH 44320. Representative: James E. Davis, 611 West Market St., Akron, OH 44303, (216) 376–8111. Transporting *machinery*, between points in Summit, Lucas, Ottawa, Sandusky, Seneca, Erie, Huron, Richland, Lorain, Ashland, Holmes, Wayne, Medina, Cuyahoga, Lake, Geauga, Portage, Stark, Tuscarawas, Carroll, Jefferson, Columbia, Mahoning, Trumbull and Ashtabula Counties, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI.

MC 142620 (Sub-4), filed November 29, 1982. Applicant: NORTH BAY TRUCKING, INC., Route 1, P.O. Box 8, Northport, MI 49670. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313)–349–3980. Transporting *foodstuffs*, between points in the Lower Peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143801 (Sub-1), filed November 22, 1982. Applicant: M & C TRUCKING CO., R.D. 1, Box 266, Johnstown, PA 15906. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412)–281–9494. Transporting *refractories, refractory products, slidegates and tapvalves*, between points in the U.S. (except AK and HI).

MC 145701 (Sub-21), filed November 29, 1982. Applicant: D.C. TRANSPORT, INC., 916 South Riverside, St. Clair, MI 48079. Representative: John W. Bryant, 900 Gardian Bldg., Detroit, MI 48226, (3713)–963–3650. Transporting (1) *chemicals and related products*, (2) *clay, concrete, glass or stone products*, (3) *food and related products*, (4) *leather and leather products*, (5) *lumber and wood products*, (6) *machinery*, (7) *metal products*, (8) *ores and minerals*, (9) *petroleum, natural gas and their products*, (10) *pulp, paper and related products*, (11) *rubber and plastic products*, (12) *textile mill products*, and (13) *waste and scrap materials*, between points in the U.S. (except AK and HI).

MC 148150 (Sub-3), filed November 29, 1982. Applicant: BROTHERS TRUCKING CO., INC., R. D. #2; Manchester, PA 17345. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *bananas*, between points in DE, NY, MD, VA, and SC, on the one hand, and, on the other, points in ME, VT, MA, RI, CT, NY, NJ, PA, DE, IA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, NH, IL, MI, WI and DC.

MC 149440 (Sub-9), filed November 29, 1982. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614)–224–3161. 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 Sta-Rite Industries, Inc., Division of Wicor and its subsidiaries, of Delavan, WI.

MC 151401 (Sub-5), filed November 1, 1982. Applicant: TRI–SERVICE, INC., P.O. Box 1419, West Chester, PA 19380. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (301)–654–2240. Transporting *such commodities* as are used or dealt in by chemical manfactureres, between points in and east of MN, IA, MO, AR and TX.

MC 152010 (Sub-2), filed November 29, 1982. Applicant: FORT ANN EXPRESS, INC., R. D. #2, Smith Basin Road, Fort Ann, NY 12827. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, ME, MA, NH, NJ, NY, PA, RI and VT, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 154621 (Sub-4), filed November 24, 1982. Applicant: MONROE WAREHOUSE COMPANY, INC., P.O. Box 2525, Monroe, LA 71207. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601)–948–8820. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Manville Forest Products Corporation, of West Monroe, LA.

MC 158651 (Sub-5), filed November 26, 1982. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: Roger Will (same address as applicant), (715) 675–9481. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Dart & Kraft, Inc., of Northbrook, IL.

MC 159731, filed December 6, 1982. Applicant: KENNETH D. PRUETT, d.b.a. STATEWIDE MOBILE HOMES MOVERS, 732 Briarcliff Rd., Rock Hill, SC 29730. Representative: John C. Hayes III, 122 S. Confederate, Rock Hill, SC 29730, (803) 327–7171. Transporting *mobile homes*, between points in SC, NC, VA, TN and GA.

MC 159831, filed November 29, 1982. Applicant: ROLAND I. NISEWANDER, JR., d.b.a. R&E TRUCKING, 1906 W. Oak, P.O. Box 2214, Fullerton, CA 92633. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting (1) *paper and paper products*, and (2) *printed matter*, between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with International Paper Company, of Carson, CA, and Georgia Pacific Corporation, of Buena Park, CA, and in (1) and (2) above with S.C.M. Walton Printing, Inc., of Buena Park, CA.

MC 161990 (Sub-1), filed November 29, 1982. Applicant: C&G TRUCKING CORPORATION, Box 39142, Chicago, IL 60639. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880.

Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164711, filed November 23, 1982. Applicant: KING ROAD MATERIALS, INC., 145 Cordell Rd., Schenectady, NY 12303. Representative: Neil D. Breslin, 11 North Pearl St., Albany, NY 12207, (518) 434–1136. Transporting *salt and salt products*, between points in the U.S. (except AK and HI).

MC 164860, filed November 22, 1982. Applicant: MEL T. COWART AND BILLY R. COWART, d.b.a COWARTS DRIVE AWAY SERVICE, 3750 Beach Blvd., Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *transportation equipment*, between points in FL, GA, AL, SC and TN.

MC 164900, filed November 30, 1982. Applicant: LELAND & VIRGINIA COULTER, d.b.a. LEE'S BOAT YARD, Rt. 1, Box 118, Clarksburg, CA 95612. Representative Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *boats, yachts and accessories*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164901, filed November 29, 1982. Applicant: MIKE'S SUPERIOR MOBILE HOME SALES, Rt. 3, Box 128M, Milton-Freewater, OR 97862. Representative: Mike Brunbach (same address as applicant), (503) 938–3347. Transporting *mobile homes*, between points in Umatilla County, OR on the one hand, and, on the other, points in Walla Walla and Columbia Counties, WA.

Volume No. OPI–225

Decided: December 9, 1982.

MC 56640 (Sub-69), filed November 29, 1982. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton, Delta California Industries, Inc., 333 Hegenberger Road, Suite 408, Oakland, CA 94621, (415) 577–7000 X7226. 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 MDCI Corporation, d/b/a Transtop United, of Los Angeles, CA.

MC 74681 (Sub-19), filed December 1, 1982. Applicant: STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in the U.S. under continuing contract(s) with Information Industries, Inc., of Kansas City, MO.

MC 141440 (Sub-3), filed November 24, 1982. Applicant: LEONARD-WHERLEY MOVING SYSTEMS, INC., RD 22, Box 54A, York PA 17402–9733. Representative: Michael L. Wherley (same address as applicant), (717) 767–6502. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 150211 (Sub-20), filed December 6, 1982. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Jerry Ross (same address as applicant), (901) 423–4300. 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 151961 (Sub-1), filed December 3, 1982. Applicant: SIRCAP TRANSPORTATION, INC., Route 8, Box 568, Franklinton, LA 70438. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *coal, lumber and wood products, and pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Crown-Zellerbach Corporation, of Bogalusa, LA.

MC 161700, filed November 29, 1982. Applicant: CANYON COUNTRY MEAT CO., 19114 Drycliff Street, Canyon County, CA 91351. Representative: Nicola Rocco Odio (same address as applicant), (805) 251–3321. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, OR, WA, ID, UT, NV, AZ, TX, NM, CO, OK, NE, MT, WY, and KS.

MC 162831, filed December 6, 1982. Applicant: POINTER CARRIER, INC., 5906 Driftwood Avenue, Madison, WI 53605. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 82–34105 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[ICC Order No. 83–A, Under Service Order No. 1344]

Rerouting Traffic

To All Railroads: Upon further consideration of Revised ICC Order No. 83 and good cause appearing therefor:

It is ordered, That ICC Order No. 83 is vacated.

This order shall become effective at 9:00 a.m., December 9, 1982, and shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 9, 1982.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82–34147 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[No. 38998]

Allied Van Lines, Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: In response to a petition filed by Allied Van Lines, Inc., a motor contract carrier, the Commission has decided provisionally to exempt Allied from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762.

DATES: Comments are due by December 31, 1982. The sought relief will become effective 15 days after the close of the comment period unless, in response to adverse comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 2144, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jane Morris, (202) 275–1757,

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Allied Van Lines, Inc., (Allied or petitioner), is a motor contract carrier of household goods, serving numerous shippers virtually nationwide. As pertinent here, it provides contract service for: (1) Burroughs Corporation under a

temporary authority permit issued November 12, 1982, in Docket MC–15735 (Sub-No. 4–33 TA); (2) Advanced Health Systems under a temporary authority permit issued November 22, 1982, in Docket MC–15735 (Sub-No. 4–35 TA); (3) Colt Industries under a temporary authority permit issued November 22, 1982, in Docket MC–15735 (Sub-No. 4–36 TA); and (4) Rockwell International under a temporary authority permit issued November 26, 1982, in Docket MC–15735 (Sub-No. 4–37 TA). Allied has petitioned for an exemption from tariff filing requirements for these contract operations [1] or, the alternative, for all of its existing contract operations.

Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. §§ 10702(b), 10761(b) and 10762(f).

Allied seeks exemption from these requirements to avoid unnecessary expenses which may hamper its efforts to provide economical and efficient service. Petitioner also desires to circumvent the administrative burden of preparing schedules of rates and charges for each contract carrier permit it is granted. It further seeks to avoid the delay that occurs when tariff filings must precede new rates. In this regard, Allied notes that frequently, in order to meet individual shipper needs, it must file special permission applications requesting that tariffs be permitted to become effective on less than statutory notice. Finally, it emphasizes that granting the requested exemption is in keeping with the dictates of the National Transportation Policy.

Normally, in the absence of compelling circumstances, we do not believe it is in the public interest to consider exemptions which are restricted in time or breadth, such as the exemption requested here in connection with a temporary grant of authority. However, petitioner has alternatively requested an exemption for all of its contract carrier operations, and we will consider the petition on this basis.

[1] Under 49 CFR 1131.3(c) carriers granted temporary authority permits are required to file their schedules of rates within 30 days.

We see no reason to deny Allied the savings to be realized from a tariff filing exemption for existing contracts. It appears that the requirement that this carrier file tariffs covering its contract operations is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We provisionally grant the sought exemption. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be modified.

This action does not significantly affect the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: December 10, 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. 82–34102 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[AB 213 SDM]

Canadian Pacific Limited; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Canadian Pacific Limited has filed with the Commission its amended color-coded system diagram map in docket No. AB 213 SDM. The Commission on November 18, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 213 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34099 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[AB 219 SDM]

New York Dock Railway; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the New York Dock Railway has filed with the Commission its amended color-coded system diagram map in docket No. AB 213 SDM. The Commission on November 5, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 219 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34100 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB 55 SDM]

Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 SDM. The Commission on November 19, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34101 Filed 12–15–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278

or

Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaints, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract number and specifics	Review board [1]	Decided date
458	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0268 (raw cotton)	2	12-10-82
459	Kansas City Southern Railway Co. Exemption for Contract Tariff ICC-KCS-C-0036 (sunflower seeds)	3	12-09-82
460	Soo Line Railroad Co. Exemption for Contract Tariff ICC-SOO-C-0111 (printing paper, woodpulp, and chemical products)	3	12-09-82
461	Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Exemption for Contract Tariff ICC-MILW-C-0269 (sodium carbonate)	1	12-09-82
462	Chicago, Milwaukee, St. Paul and Pacific RR Co. Exemption for Contract Tariff ICC-MILW-C-0131, Supplement 1 (liquefied petroleum gas)	2	12-10-82
463	Missouri Pacific Railroad Co. Exemption for Contract Tariff ICC-MP-C-0113, Supplement 2, (wheat grain and whole grain products)	3	12-09-82
467	Norfolk and Western Railway Co. Exemption for Contract Tariff ICC-NW-C-0036, supplement 1, (soybean meal)	1	12-10-82
475	Norfolk and Western Railway Co. Exemption for Contract Tariff ICC-NW-C-0037, Supplement 1, (soybeans)	[2]1	12-10-82

[1] Review Board No. 1, Members Parker, Chandler, and Fortier.
[2] Member Parker not participating.
Review Board No. 2, Members Carleton, Williams, and Ewing.
Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-34148 Filed 12-15-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-112]

Certain Cube Puzzles; Termination of Four Respondents Based on Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents Henry Wedemeyer, Inc., Chinese Arts and Crafts, Inc., Imperial Merchandise, Co., Inc., and Mark Metzner, Inc., based on settlement agreements.

SUMMARY: On August 18, 1982, omplainant Ideal Toy Corporation (Ideal) and respondent Henry Wedemeyer, Inc. (Wedemeyer), and Chinese Arts and Crafts, Inc. (Chinese Arts and Crafts), moved in separate joint motions (Motions Nos. 112–28 and 112–29) to terminate the above-named firms as party respondents in the investigation on the basis of settlement agreements. On September 22, 1982, the presiding officer recommended that Motions Nos. 112–28 and 112–29 be granted. A **Federal Register** notice soliciting comments on the proposed termination of Wedemeyer and Chinese Arts and Crafts was published (47 FR 47704, Oct. 27, 1982), and letters soliciting comments were sent to the Department of Justice, the Department of Health and Human Services, the Federal Trade Commission, and the U.S. Customs Service. No comments wer received.

On September 28, 1982, complainant Ideal and respondent Imperial Merchandise Co., Inc. (Imperial), jointly moved (Motion No. 112–30) to terminate the investigation as to Imperial on the basis of a settlement agreement. On October 1, 1982, complainant Ideal and respondent Mark Metzner, Inc. (Metzner), jointly moved (Motion No. 112–31) to terminate the Investigation as to Metzner on the basis of a settlement agreement. The Commission published a **Federal Register** notice on November 10, 1982, seeking comments from interested members of the public and other Government agencies on the proposed terminations of Imperial and Metzner based on settlement agreements (47 FR 51021). No comments were received.

On December 7, 1982, the Commission granted the joint motions to terminate the investigation as to respondents Wedemeyer, Chinese Arts and Crafts, Imperial, and Metzner on the basis of settlement agreements.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain cube puzzles. Notice of the institution of the investigation was published in the **Federal Register** of December 29, 1981 (46 FR 62964).

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m) inthe Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0499.

By order of the Commission.

Issued: December 10, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-34216 Filed 12-15-82; 8:45 am]

BILLING CODE 7020-02-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised the license for operation of Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment extends the time scheduled to complete a modification to one safety-related masonry wall until the second refueling outage or until the NRC staff has accepted the energy balance technique which shows no modification is needed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's 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 amendment. Prior public notice of this amendment was not required since this 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 October 19, 1982, as supplemented November 19, 1982, (2) Amendment No. 21 to License No. NPF-8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. 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.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of December, 1982.

[FR Doc. 82-34178 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-11, issued to Commonwealth Edison Company, which deleted License Condition 2.C.(17) and revised Technical Specifications for operation of the La Salle County Station, Unit No. 1 (the facility) located in Brookfield Township, La Salle County, Illinois.

The Amendment consists of a deletion of License Condition 2.C.(17) and changes the Technical Specifications as a result of hardware modifications to satisfy License Condition 2.C.(17). The Amendment is effective as of the date of issuance.

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 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 amendment. Prior pubic 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 August 19, 1982 and October 22, 1982 and (2) Amendment No. 10 to License No. NPF-11 dated December 9, 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 61348. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of December 1982.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82-34179 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247-SP, 50-286-SP]

Consolidated Edison Company of New York, et al.; Noticing Hearing

Order

December 10, 1982.

In the matter of Consolidated Edison Company of New York, (Indian Point, Unit No. 2) and Power Authority of the State of New York (Indian Point, Unit No. 3).

The evidentiary hearing on testimony offered by witnesses of Westchester County, scheduled by our Memorandum and Order dated December 2, 1982, will begin at 9:30 a.m. on January 10, 1983, in the Ceremonial Courtroom of the Westchester County Courthouse, 111 Grove Street, White Plains, New York.

It is so ordered.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Chairman, Administrative Judge.

[FR Doc. 82-34183 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co.; Limerick Generating Station, Units 1 and 2

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied the Petition and supplementing documents filed under 10 CFR 2.206 by Del-Aware Unlimited regarding the Limerick Generating Station, Units 1 and 2.

The Petitioner requested that actions be taken to compel submission of an alternative to the supplemental cooling water supply system planned at Point Pleasant, Pennsylvania and to prevent construction of the planned system. The planned system would, in part, serve to supplement the cooling water supply for the Limerick Generating Station. Various allegations related to the environmental impacts of the planned system were raised by the Petitioner. The Director concluded that a number of these allegations were not appropriate for consideration by the NRC. The

allegations which were considered did not warrant any action with respect to continued construction of the facility.

The reasons for the above conclusions are fully described in a "Director's Decision Under 10 CFR 2.206," dated December 7, 1982 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 Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania.

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 7th day of December, 1982

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-34180 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The revised Technical Specifications temporarily extend the inspection interval applicable to two inaccessible hydraulic snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's 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 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 October 19, 1982, as supplemented December 3, 1982, (2) Amendment No. 86 to License No. DPR-56, 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., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. 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 7th day of December 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-34181 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to provide surveillance requirements for the Scram Discharge Volume vent and drain valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's 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 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 October 5, 1981 (2) Amendment No. 73 to License No. PDR-28, 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., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. 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 29th day of November, 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-34182 Filed 12-15-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-35-38]

Footwear Industries of America, Inc. et al.; Initiation of Investigation

On October 25, 1982, the Chairman of the Section 301 Committee received a petition filed under Section 301 of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) from the Footwear Industries of America, Inc., the Amalgamated Clothing and Textile Workers Union, AFL-CIO and the United Food & Commercial Workers International Union, AFL-CIO alleging that the European Communities (EC) and the governments of France, Italy, the United Kingdom (UK), Spain, Brazil, Japan, Taiwan and Korea engage in a number of restrictive practices which cause a diversion of non-rubber footwear exports to the U.S. market and deny access to U.S. exports of such footwear in foreign markets. The restrictive practices listed in the petition include quantitative restrictions, restrictive licensing, bilateral restraint agreements, excessive tariffs, and subsidies. Petitioners allege that these practices are inconsistent with provisions of the General Agreement on Tariffs and Trade, the Agreement on Import

Licensing Procedures, the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade and the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade. It is further alleged that these practices are unreasonable and/or discriminatory and a burdern on U.S. commerce. A copy of the petition is available for public inspection at the address listed below.

On December 8, 1982, the United States Trade Representative made the following decisions regarding the initiation of an investigation under Section 301 on the basis of the petition:

(1) The United States Trade Representative decided to initiate four investigations with respect to allegations of restrictive practices (other than allegations that GATT-bound tariffs are excessive) which cause a denial of market access that have been made against Brazil (Docket No. 301–35), Japan (301–36), Korea (301–37) and Taiwan (301–38).

(2) The USTR decided not to initiate investigations concerning petitioners' allegations of trade diversion with respect to any country named in the petition. The information supplied in the petition was considered insufficient to initiate an investigation based on a claim of trade diversion. However, USTR and the Department of Commerce will work with petitioners in an effort to gather additional information on this matter.

(3) The USTR decided not to initiate investigations concerning the allegations of restrictive practices against the EC, France, Italy, the U.K., and Spain. With the exception of the alleged restrictive practices described in item (4) below, this decision was based on a determination that the information supplied in the petition was considered insufficient to serve as a basis for initiation of an investigation. Therefore, USTR is seeking additional information regarding these practices from the foreign governments concerned.

(4) The USTR decided not to initiate an investigation with respect to the following restrictive practices on the grounds that petitioners' allegations with respect to these practices were determined to be unfounded:

EC Import Surveillance System: USTR has learned that this system is limited to a requirement of expeditious reporting of statistics on footwear imports and does not restrict imports.

UK Quotas for Certain State Trading Countries: USTR has learned that the U.K. does not maintain quantitative restrictions against imports from Romania, Czechoslovakia and Poland outside the context of EC-mandated quotas.

Italian Subsidies: USTR has learned that footwear producers are not eligible for four of the six subsidy programs described by petitioners: Law No. 675 of 12 August 1977, Law No. 227 of 24 May 1977, Law No. 639 of 5 July 1964, and Law No. 773 of 8 November 1973.

Korean and Taiwanese Subsidies: USTR has learned that the subsidy programs alleged by petitioners were previously examined in two countervailing duty actions and the subsidy levels in each case were found to be *de minimis*.

The decision noted in items (2) and (3) are without prejudice to the right of petitioners to file a petition with respect to those allegations at such time as sufficient information about the alleged foreign practices and their effects is developed.

Interested parties are invited to submit comments on the petition and rebuttals to those comments. Submission should conform to the requirements outlined in 15 CFR 2006.8 and should be submitted no later than January 14, 1983, in the case of comments, and January 28, in the case of rebuttals. Submissions should be sent to the Chairman, Section 301 Committee, Office of the United States Trade Representative, 600 17th Street, N.W., Room 223, Washington, D.C. 20506.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 82–34146 Filed 12–15–82; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance a proposed amendment to Regulation 14A under the Securities Exchange Act of 1934, the regulation relating to solicitations of proxies. The proposed amendment to Regulation 14A is designed to facilitate the proxy distribution system. Notice also is hereby given that the Securities and Exchange Commission has submitted for clearance a proposed amendment to Rule 17a–3 under the Securities Exchange Act of 1934, the rule which imposes recordkeeping requirements on certain broker-dealers. The proposed amendment to Rule 17a–3 is designed to facilitate communications between issuers and consenting beneficial owners of securities registered in nominee name. A copy of this submission is available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Submit comments to OMB Desk Officer: Robert Veeder (202) 395–4814.

Agency Clearance Officer: Kenneth A. Fogash, Deputy Executive Director (202) 272–2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Revision:

Regulation 14A
File No. 270–56
Rule 17a–3
File No. 270–26

Dated: December 6, 1982.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82–33798 Filed 12–15–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 836]

State Department Performance Review Board Members

In accordance with Section 4314(c)(1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board Register, and in so doing amends accordingly Department of State Public Notice No. 703 (45 FR 6877–6878, January 30, 1980), effective December 6, 1982.

K. Scott Gudgeon, Assistant Legal Adviser, Office of the Legal Adviser;
Barry J. Kefauver, Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs;
William T. Lake, Attorney, Wilmer, Cutler & Pickering; and John T. Sprott, Director, Foreign Service Institute, Department of State.

December 2, 1982.

Joan M. Clark,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 82–34161 Filed 12–15–82; 8:45 am]

BILLING CODE 4710–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 150—Minimum system Performance Standards for Vertical Separation Above Flight Level 290; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 150 on Minimum

System Performance Standards for Vertical Separation above Flight Level 290 to be head on January 12–13, 1983 in the RTCA Conference Room, Suite 500, 1425 K Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on October 6–7, 1982; (3) Discussion of Methodology Used in Society of Automotive Engineers (SAE) Document AIR–1608 for Summing Altimetry System Errors; (4) Review and Discussion of Working Group Activities on System Performance Requirements, Altimetry System Errors, and Flight Technical Errors; (5) Assignmant of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, Suite 500, 1425 K Street, NW., Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

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

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-34227 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–6 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of the charting aspects of instrument approach procedures and charted visual approaches.

DATE: Beginning January 3, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1,800 Independence Avenue, S.W., Washington, D.C. 20591, by December 30, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on December 9, 1982.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 82-34078 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–7 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of current airspace designations, including a strawman proposal for a U.S. Airspace Classification which is similar to a Canadian Airspace Proposal.

DATE: Beginning January 3, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591, by December 30, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on December 9, 1982.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 82-34079 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

[AC No. 20–XX]

Advisory Circular; Fuel Drain Valves and Positive Locking Fuel Drain Valves

AGENCY: Federal Aviation Administration (FAA).

ACTION: Request for comments on proposed advisory circular (AC) 20–XX establishing an acceptable design for positive locking fuel drain valves in the closed position.

SUMMARY: The proposed AC would establish a spring loaded positive locking fuel drain valve design as an acceptable means of compliance with Federal Aviation Regulations (FAR) Sections 23.999(b), 25.999(b), 27.999(b), and 29.999(b).

DATE: Comments must be received on or before December 30, 1982.

ADDRESS: Please submit your comments in duplicate to: Federal Aviation Administration, Office of Airworthiness, Aircraft Engineering Division, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. J. Zahringer, Federal Aviation Administration, Aircraft Engineering Division, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–426–8323.

Dated: December 9, 1982.

M. C. Beard,

Director of Airworthiness.

Subject: Fuel Drain Valves

FAR Guidance Material

1. *PURPOSE:* This advisory circular provides an acceptable means, but not the only means, of compliance with the requirements of the Federal Aviation Regulations (FAR) for positive locking of fuel drain valves in the closed position.

2. *BACKGROUND.* FAR Sections 23.999(b), 25.999(b), 27.999(b), and 29.999(b) require, in part: "Each drain . . . must have manual or automatic means for positive locking in the closed position . . . ." This requirement

refers to the required drain valves. The purpose of this advisory circular is to respond to the question as to whether a spring loaded valve in the closed position could be considered a "positive locking valve."

3. *GUIDANCE.* Spring loaded fuel drain valves conforming to MIL-V-25023B or TSO-C76 or equivalent may be approved for those installations where the valve operator can visually confirm that the valve is closed, provided the applicant has shown that the valve will not open inadvertently under any foreseeable operating condition.

Director of Airworthiness.

[FR Doc. 82-34077 Filed 12-15-82; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-728]

United States Lines, Inc./Moore-McCormack Lines, Incorporated/ Moore-McCormack Bulk Transport, Inc.; Application

Notice is hereby given that in letter applications dated December 8 and 9, 1982, United States Lines, Inc. (U.S. Lines) and Moore McCormack Resources Inc. (MMR) have requested authority for U.S. Lines' parent company, McLean Securities, Inc. to acquire all the capital stock of Moore-McCormack Lines, Incorporated (MML). U.S. Lines is a party to Operating-Differential Subsidy Agreement MA/MSB-483 and MML is a party to Operating-Differential Subsidy Agreement MA/MSB-338. MML parent company, MMR is also the parent company of Moore-McCormack Bulk Transport, Inc. (MMBT). MMBT is a party to Operating-Differential Subsidy Agreement MA/MSB-295.

U.S. Lines currently provides approximately twice weekly service on a subsidized basis on TRs 5-7-8-9/11 (U.S. Atlantic/United Kingdom and Continent) and approximately weekly service on a subsidized basis on TR 12/29 (U.S. Atlantic and Pacific/Far East). U.S. lines operates eight container vessels in transatlantic service and eleven vessels in Far East service.

Moore-McCormack Lines is required to provide a minimum of 40 sailings annually in subsidized service between U.S. Atlantic ports and the east coast South America (TR-1) and approximately twice-monthly service Between U.S. Atlantic ports and South and East Africa (TR 15-A), with thirteen general cargo vessels.

Moore-McCormack Bulk Transport, Inc. operates three tankers in subsidized worldwide trading.

U.S. Lines has written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to engage in domestic intercoastal or coastwise service as a common carrier by water with its vessels as follows:

1. Intercoastal service between the U.S. east coast and the U.S. west coast on a weekly service via the Panama Canal as part of its service on a round voyage from the Atlantic coast of the United States to the Orient.

2. Between the U.S. east coast and/or the U.S. west coast and the State of Hawaii as a part of its service on a foreign trade voyage on a weekly service westbound only.

The current application contemplates no change or additional operating rights under section 805(a) than as described above.

U.S. Lines has indicated that it is now and plans to continue (1) chartering and operating the German-flag vessel NAUTILUS between certain ports in the United Kingdom, France, the Netherlands, and West Germany, as a feeder vessel transshipping cargo to and from its vessels operating on TRs 5-7-8-9/11, (2) owning and chartering out to a Taiwan corporation the Liberian-flag vessels Formosa Container and Strait Container for operation between Hong Kong and Taiwan. U.S. Lines has a waiver pursuant to section 804 for the above described foreign-flag operations.

In the event of approval of the sale of stock above described, MML will require waiver pursuant to section 804 and written permission pursuant to section 805(a) of the Act for the activities of U.S. Lines described above.

In addition, at the closing of the stock purchase/sale, MMR will receive certain preferred stock of McLean Securities, Inc. MMR will continue to own the stock of MMBT, therefore MMBT will also require section 804 waiver and section 805(a) written permission for the activities of U.S. Lines described above.

Interested parties may inspect the foregoing letter applications in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such letter applications and desiring to submit comments thereon must file comments in triplicate with the Secretary, Maritime subsidy Board/Maritime Administration by close of business on December 27, 1982. The Maritime Subsidy Board/ Maritime Administration will consider such comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential subsidies (ODS))

By Order of the Maritime Subsidy Board/ Maritime Administrator.

Dated: December 13, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-34211 Filed 12-15-82; 8:45 am]
BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP82-9; Notice 2]

Dunlop Tire & Rubber Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Dunlop Tire and Rubber Corp. of buffalo, New York to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on May 6, 1982, and an opportunity afforded for comment (47 FR 19611).

Paragraph S6.5 of Standard No. 119 requires tires to be marked with certain information on each sidewall. Dunlop has produced 562 tires with incorrect or missing information on both sidewalls. The tire in question is the 10-15LT Centennial Canyon Climber Nylon Bias Traction with raised white letters. The Tires were produced in Buffalo in the 40th, 47th, and 48th weeks of 1981, and the first week of 1982.

The correct sidewall making for the tire is: 10-15LY, Load Range B, 4 PR, Nylon Tread: 4 Plies/Sidewall: 4 Plies Max Load 1760 lbs. at 30 PSI Cold.

On the raised white letters side the word "POLYESTER" appears instead of the word "NYLON". On the black side or serial side, "Load Range C, 6 PR, Max. Load 2230 lbs. at 45 PSI Cold" appears.

Upon discovery, Dunlop impounded and corrected 345 tires in its possession, so that this petition covers only the remaining 217 tires shipped to the field.

It also "began a test program to determine the tires' capability to endure testing to the higher Load Range C requirements of FMVSS 119". In the endurance test (S7.2), the company extended the test at 131% of scheduled load (2921 lbs.) and ran a total of 10,000 machine miles. One tire "showed looseness at the ply turnup afterwards". In the strength test (S7.3), the tire registered 3795 inch-pounds, exceeding "the DOT minimum of 3200 inch-pounds by 18%". The company also conducted hydrostatic burst testing. In summary, Dunlop argues that if the tires are loaded to Range C limits, they will perform "very adequately" but that since the correct load and pressure appear on the raised letter side, "the likelihood of excess loading is diminished".

No comments were received on the petition.

With respect to the mislabeling of ply cord material on the raised white letter side of the tire, the agency has concluded that there is no adverse effect on safety as the tire test conditions for these two cord materials are identical. The incorrect load and pressure markings are on the black sidewall portion of the tire. Because the purchaser will have paid a premium for the white raised markings appearing on the other side of the tire with the correct pressure and load information, the agency has concluded that there is little likelihood that the tires will be mounted with the black sidewall outward. Were this to occur, Dunlop has shown that the tires will operate satisfactorily since they surpass the minimim requirements for Load Range C tires. The likelihood of mounting with the black sidewall outwards is diminished by the company's agreement of August 24, 1982, to supply each purchaser at the point of purchase with a letter about the mistake, and to notify owners of any of the 217 tires in the field as well.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and and Taylor Vinson, respectively.

(Sec. 102, Pub L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 8, 1982.

Ralph J. Hitchcock,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-33840 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-59-M

Rulemaking, Research and Enforcement Programs; Public Meeting; Change

The NHTSA/Industry Public meeting previously scheduled for January 18, 1983, has been changed to January 19, 1983. The meeting will begin at 2:00 p.m., run until 4:30 p.m. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

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

Ralph J. Hitchcock,

Acting Associate Administrator for Rulemaking.

[FR Doc. 33841 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held January 24, 1983, at 10:00 a.m. in the Board Room, Rapid Transit District Building, 425 South Maine Street, Los Angeles, California. The agenda for the meeting is as follows:

—Report on surety bonding program
—Report on short term financial assistance program

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 9, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 82-34170 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

Policy Statement Regarding Involvement of Labor in Federally Assisted Transit Industry Human Resources Development Activities

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of policy.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces in this Notice its policy regarding the willingness of grantees to encourage more active participation by transit labor in projects aimed at human resources devolpment activities sponsored under Federal assistance. Whenever human resources development activities are involved in funded projects, it shall be the position of UMTA to encourage the meaningful cooperation of labor representatives where there is an opportunity for labor and management to work together as a means of increasing performance and productivity. This Notice is being published in order to inform all interested and affected parties about UMTA's policy regarding support for transit labor's interest in participating in human resources development related programs and activities in the mass transit industry.

DATE: This policy takes effect on November 9, 1982.

FOR FURTHER INFORMATION CONTACT: James A. O'Connor, Office of Service and Management Demonstrations, UMTA, Room 6100, 400 Seventh Street, S.W., Washington, D.C. 20590, 202/426–4995.

Issued on: November 9, 1982.

Arthur E. Teele, Jr.,

Administrator.

The text of the policy statement is reprinted in full below:

Labor Involvement in Federally Assisted Human Resources Development Programs and Activities

1. *Purpose.* To provide policy guidance and to clarify the position of the Urban Mass Transportation Administration (UMTA) regarding labor-management cooperation in the planning and design of federally assisted human resources development related transit industry programs and projects.

2. *Scope.* This policy applies to all human resources development related programs and projects funded by UMTA.

3. *Background.* In view of the nature of the service which it performs, public

transit is a labor-intensive industry with total personnel compensation (including fringe benefits) accounting for up to eighty (80) percent of total operating expenditures in some cases. Inasmuch as effective utilization of industry personnel is essential to any efforts to improve transit system productivty and performance, special attention needs to be given to labor's perspectives and concerns during the planning and preparation of human resources development related projects and activities for which Federal funding will be sought.

The participation of labor leadership and consideration of its perspective during the planning phases of human resources development related projects can immeasurably enhance prospects for the successful attainment of local organizational goals and objectives. In demonstration of this concept, UMTA has sponsored several activities which are intended to foster a cooperative relationship between transit industry labor and management officials. National conferences on labor-management relations, to be held under UMTA auspices, will continue to explore ways in which the industry can better address issues of common interest confronting both management and labor in the 1980's.

Definition

Human Resources Development programs and activities are defined as personnel and other skills upgrading practices and procedures designed to improve the effectiveness and efficiency of transit system operations. Such actions would include, but not be limited to: employee assistance programs, employee safety programs, occupational health measures, personnel management and training, job reclassification, career mobility opportunities, quality circles, employee recognition and quality of worklife programs.

4. *Policy.* It is UMTA's policy to further encourage cooperative efforts between labor and management on all UMTA projects which relate to transit industry human resources development.

Priority consideration for available funds will be given to those grantees which provide for a labor perspective in the planning and design of human resources development related projects to be funded by UMTA.

[FR Doc. 82-33914 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. Sections 6 to 13). An underwriting limitation of $2,308,000 has been established for the company.

Name of Company:
IMPERIAL CASUALTY AND INDEMNITY COMPANY
Business Address:
700 Barker Building
306 South 15th Street
Omaha, Nebraska 68012
State of Incorporation:
Nebraska

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28877 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: December 9, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-34200 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1982 Rev., Supp. No. 14]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. 6 to 13). An underwriting limitation of $830,000 has been established for the company.

Name of Company:
Tri-State Insurance Company of Minnesota
Business Address:
One Roundwind Road
Luverne, Minnesota 56156
State of Incorporation:
Minnesota

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28883 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: December 9, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-34199 Filed 12-15-82; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 242
Thursday, December 16, 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

COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published December 8, 1982, 47 FR 55359.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., December 15, 1982.

CHANGE IN MEETING: Canceled. The date and agenda for the next meeting will be announced later.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3090, South Building, P.O. Box 2415, Washington, D.C. 20013; telephone (202) 447-7583.

[S-1824-82 Filed 12-14-82; 10:58 am]

BILLING CODE 3410-05-M

2

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, December 16, 1982.

CHANGES IN THE MEETING: 10 a.m., Tuesday, December 21, 1982:

New York Futures Exchange—New York Stock Exchange Equity Index Options.
Chicago Mercantile Exchange—Standard and Poor's 500 Stock Price Index Options.

[S-1823-82 Filed 12-14-82; 10:30 am]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION:

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 20, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from diclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W. Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389-4425.

Dated: December 13, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1831-82 Filed 12-14-82; 1:04 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 20, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Application for consent to merge and establish four branches.

Portland Savings Bank, Portland, Maine, an insured mutual savings bank, for consent to merge, under its charter and with the title "People's Savings Bank," with People's Savings Bank, Lewiston, Maine, and to establish the four offices of People's Savings Bank as branches of the resultant bank.

Application for consent to merge and establish two branches and for consent to redesignate the main office:

Melrose Savings Bank, Melrose, Massachusetts, an insured mutual savings bank, for consent to merge, under its charter and with the title "Northeast Bank for Savings," with Reading Savings Bank, Reading, Massachusetts, and to establish the two offices of Reading Savings Bank as branches of the resultant bank, and for consent to redesignate the main office of Reading Savings Bank as the main office of the resultant bank.

Application for consent to purchase assets and assume liabilities:

Application of United Virginia Bank, Richmond, Virginia, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Courthouse Road & Hull Street Branch, Midlothian, Virginia, of First Colonial Savings and Loan Association, Hopewell, Virginia.

Application for consent to purchase assets and assume liabilities and to establish one branch:

Hampton County Bank, Varnville, South Carolina, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Yemassee Branch of the South Carolina National Bank, Charleston, South Carolina, and to establish the Yemassee Branch as a branch of Hampton County Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,523–L—The Mission State Bank & Trust Company, Mission, Kansas
Case No. 45,525–NR (Amended)—United States National Bank, San Diego, California

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and Resolution re: Final amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which would remove existing provisions that (1) prevent insured nonmember commercial banks from accepting savings deposits in excess of $150,000 from businesses and certain other organizations, and (2) bar insured mutual and nonmember commercial banks from maintaining NOW account for public units.

Memorandum re: Budget of Administrative Expenses for Budget Year 1983.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 13, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1830–82 Filed 12–14–82; 12:48 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:30 a.m. on Monday, December 13, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a request by Suburban Bank, Bethesda, Maryland, for an exemption pursuant to § 348.4(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks."

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,520–NR First National Bank of Carrington, Carrington, North Dakota
Amended Resolution re: Delegations of Authority relating to the FDIC Capital Assistance Plan.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 13, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1829–82 Filed 12–14–82; 12:48 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:00 a.m. on Monday, December 13, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Elizabeth Savings Bank, Elizabeth, New Jersey, an insured state mutual savings bank, for consent to merge, upon its conversion to a state-chartered stock savings bank, with The Trust Company of New Jersey, Jersey City, New Jersey, under the charter of Elizabeth Savings Bank and with the title "The Trust Company of New Jersey for Savings"; to establish the twenty offices of The Trust Company of New Jersey as branches of the resultant bank; to designate the main office of The Trust Company of New Jersey as the main office of the resultant bank; and to exercise full trust powers.
Notice of acquisition of control of Lincoln State Bank, East Orange, New Jersey, by The Dreyfus Corporation, New York, New York.
Recommendations regarding Assistance Agreements entered into between the Corporation and two insured banks pursuant to section 13(e) of the Federal Deposit Insurance Corporation.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8) and (c)(9)(A)(ii)).

Dated: December 13, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

S–1828–82 Filed 12–14–82; 12:48 pm]

BILLING CODE 6714–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 6:40 p.m. on Friday, December 10, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Bollinger County Bank, Lutesville, Missouri, which was closed by the Commissioner of Finance of the State of Missouri on December 10, 1982; (2) accept the bid for the

transaction submitted by Security Bank of Bollinger County, Lutesville, Missouri; (3) approve the applications of Security Bank of Bollinger County, Lutesville, Missouri, for Federal deposit insurance, for consent to purchane the assets of and assume the liability to pay deposits made in The Bollinger County Bank, Lutesville, Missouri, and for consent to establish the two offices of The Bollinger County Bank as branches of the resultant bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 13, 1982

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-1827-82 12-14-82; 12:47 pm]

BILLING CODE 6714-01-M

8

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 55746, December 13, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 15, 1982.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

M-14—PL83- , Statement of Policy: take-or-Pay provisions in Gas Purchase Contracts

Kenneth F. Plumb,

Secretary.

[S-1832-82 Filed 12-14-82; 3:20 pm]

BILLING CODE 6717-01-M

9

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, December 16, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Implementation of New Powers; Limitations on Loans to One Borrower
Amortization Methods for Loan Discounts; State Concurrence In Use of Deferral Accounting
Examination Fees
Pricing of Payment Instrument Services
Management Official Interlocks

[No. 88, December 14, 1982]

[S-1833-82 Filed 12-14-82; 3:58 pm]

BILLING CODE 6720-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION:

TIME AND DATE: 10 a.m. on January 20, 1983.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: It is likely that, pursuant to 29 CFR 2203.3(b), the portion of the meeting dealing with specific cases will be closed upon a proper vote taken.

MATTERS TO BE CONSIDERED: The comments received on the Commission's Interim Rules implementing the Equal Access to Justice Act at 29 CFR Part 2204 and the adoption of final rules. Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: December 13, 1982.

[S-1826-82 Filed 12-14-82; 11:06 am]

BILLING CODE 7600-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION:

TIME AND DATE: 10 a.m. on January 13, 1983.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: December 13, 1982.

[S-1825-82 Filed 12-14-82; 11:06 am]

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federal register

Thursday
December 16, 1982

Part II

Department of Transportation

Federal Aviation Administration

Equipment Standards for Oxygen Dispensing Units; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 21571; Notice No. 82-16]

Equipment Standards for Oxygen Dispensing Units

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise the equipment standards for oxygen dispensing units. This proposal results from a petition for rulemaking submitted by the White Diamond Corporation to permit the use of nasal cannulas by pilots and passengers instead of an oxygen dispensing unit (mask) covering the nose and mouth of the user. The nasal cannula is a device frequently used in a hospital environment to supply supplemental oxygen to patients by fitting the device into the nose. This proposal provides relief from a specific equipment standard when oxygen dispensing units are installed in small airplanes.

DATE: Comments must be received on or before February 16, 1983.

ADDRESS: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Docket No. 21571, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 21571. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m. on weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: J. Robert Ball, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from the adoption of the proposal in this notice are invited. All initial comments received on or before the closing date for these comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed or withdrawn in the light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21571." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, ATTN: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Requests must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

Airworthiness standards for oxygen dispensing units in small airplanes have been in effect since June 17, 1970, and are applicable only if certification with supplementary oxygen equipment is desired. This proposal concerns an additional method, with limitations, of complying with the minimum safety requirements for small airplanes when oxygen dispensing units are installed.

The FAA, to obtain public awareness and early participation in this rulemaking action, published the White Diamond Corporation's recommended change to § 23.1447 of the Federal Aviation Regulations in the **Federal Register** (46 FR 30352) on June 8, 1981. Comments to the proposed change were requested with a closing date for these comments of August 10, 1981.

Numerous comments were received in response to the **Federal Register** publication and all comments received supported the proposal. Most comments cited the convenience and comfort of the nasal cannula and ease of communications when compared to a conventional oxygen mask covering both the nose and mouth. However, none of the comments spoke specifically to the physiological aspects nor presented physiological data on the effectiveness of a nasal cannula to supply supplemental oxygen.

The primary purpose of supplying supplemental oxygen is to prevent hypoxia and hypoxia's consequences. When a blood oxygen saturation level of 90 percent or less is present, a state of hypoxia, a term meaning deficiency of oxygen in the body, develops. Hypoxia has an insidious beginning. Most pilots who are trained to understand and recognize the subjective effects of hypoxia will notice that fatigue, sleepiness, or headaches develop in the early stages. As the symptoms progress, breathlessness and an abnormal feeling of well-being appear plus adverse effects on vision, mental processes, and body motor functions. Unfortunately, occasionally there are no subjective indications of hypoxia up to the time of unconsciousness. All persons begin to deteriorate in alertness and mental efficiency when exposed to high altitudes and when one ascends above 14,000 feet, a distinct impairment of mental functions occurs without supplemental oxygen.

In support of their petition, the White Diamond Corporation submitted a copy of an information report prepared by the Armed Forces Institute of Pathology (AFIP). This report cited the results of tests performed with test subjects using a nasal cannula at various pressure altitudes from ground level to 25,000 feet. These tests were conducted using only six test subjects and failed to provide a correlation between the test subjects and the general aviation population that might use a nasal cannula to provide adequate supplemental oxygen.

After an analysis of the results of the tests performed by the AFIP, and other physiological informaton obtained, the FAA has concluded that a nasal cannula is an effective oxygen dispensing device with certain limitations. The FAA is not persuaded that a nasal cannula will provide for effective utilization of the oxygen being supplied to persons at the maximum altitudes requested in the petition; i.e., 20,000 feet for pilots and 22,000 feet for passengers. The analysis of the AFIP test data and other information obtained indicates that a limitation of 18,000 feet should be imposed for approved use of nasal cannulas in lieu of the currently required unit covering both the nose and mouth to maintain a minimum level of safety.

There are two precautions which should be taken when the nasal cannula is installed. First, because the nasal cannula does not obstruct or cover the mouth, smoking is possible and each cannula or its connected tubing should have permanently affixed, a clearly visible warning against smoking while the nasal cannula is in use; and secondly, each nasal cannula should clearly illustrate to the user the correct method of wearing and securing it.

Discussion of the Proposed Amendment

The FAA concluded that the petitioner's proposal has merit. The proposed amendment permitting the use of nasal cannulas with limitations would serve as an optional method of complying with the minimum safety requirements for small airplanes when oxygen dispensing units are installed. The amendment, if adopted, would reduce a burden to use a specific type of oxygen dispensing unit when an alternate unit could be used and maintain the minimum level of safety to 18,000 feet with limitations and correct donning instructions. The proposed amendment is permissive; therefore, no economic burden is imposed on the industry, the government, or the private sector by this action. However, some of the comments received indicated that a fuel savings may be realized by flying at a higher altitude with a nasal cannula. It was stated that the inconvenience of having to remove the oxygen dispensing unit in order to communicate precluded the commenters from using the higher altitudes at the present time.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Safety, Air transportation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 23 of the Federal Aviation Regulations (14 CFR Part 23) as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. By amending § 23.1447 to remove paragraph (a)(2) and to redesignate paragraphs (a)(3) and (a)(4) as paragraphs (a)(2) and (a)(3), respectively; by redesignating paragraphs (b), (c) and (d) as paragraphs (d), (e) and (f), respectively; and by adding new paragraphs (b) and (c) to read as follows:

§ 23.1447 Equipment standards for oxygen dispensing units.

* * * * *

(a) * * *

(b) If certification for operation up to and including 18,000 feet (MSL) is requested, each oxygen dispensing unit must:

(1) Cover the nose and mouth of the user; or

(2) Be a nasal cannula. In addition, each nasal cannula or its connecting tubing must have permanently affixed—

(i) A visible warning against smoking while in use; and

(ii) An illustration of the correct method of donning.

(c) If certification for operation above 18,000 feet (MSL) is requested, each oxygen dispensing unit must cover the nose and mouth of the user.

* * * * *

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958, as amended (14 U.S.C. 1354(a) and 1421), Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 11.45 of the Federal Aviation Regulations (14 CFR 11.45))

Note.—This proposal would provide more flexibility for approval of oxygen dispensing units when type certification with supplemental oxygen equipment is requested by permitting optional use of an economical alternative. Accordingly, the FAA has determined that: (1) The proposal does not involve a major proposal under Executive Order 12291; (2) the proposal is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) it is certified under the criteria of the Regulatory Flexibility Act that the proposed amendment will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri on September 30, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-38942 Filed 12-15-82; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
December 16, 1982

Part III

Department of Transportation

Federal Aviation Administration

Number of Flight Attendants Required During Intermediate Stops; Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20843; Amdt. No. 121-180]

Number of Flight Attendants Required During Intermediate Stops

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment allows an air carrier certificate holder to reduce by one-half (rounded to the next lower number in the case of a fraction) the number of flight attendants required to remain on board an aircraft during intermediate stops when passengers remain on board. This amendment allows added operational flexibility while still maintaining a high level of safety in air transportation. In addition, it reduces burdens on air carrier certificate holders and, therefore, is consistent with Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: January 16, 1983.

FOR FURTHER INFORMATION CONTACT: Roger E. Riviere, Project Development Branch, (AFO-240), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1980, the Air Transport Association of America (ATA) submitted a petition for rulemaking in accordance with the provisions of § 11.25 of the Federal Aviation Regulations (FAR). A summary of this petition was published in the **Federal Register** on February 19, 1981 (46 FR 12981). No comments were received. This petition requested clarification of Section 121.391(a) in regard to the number of flight attendants required to be on board airline passenger-carrying aircraft other than during flight. The current regulation states that each certificate holder shall provide at least the following flight attendants on each passenger-carrying aircraft used:

1. For airplanes having a seating capacity of more than 9 but fewer than 51 passengers—1 flight attendant.
2. For airplanes having a seating capacity of more than 50 but fewer than 101 passengers—2 flight attendants.
3. For airplanes having a seating capacity of more than 100 passengers—2 flight attendants plus 1 additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

ATA stated in its petition that by memorandum of June 2, 1980, from the FAA's Acting Chief, Air Transportation Division, FAA regions were advised of a new interpretation from the Office of the Chief Counsel in regard to section 121.391. This interpretation stated that the minimum complement of flight attendants required by section 121.391 must be on board the aircraft whenever passengers are on the aircraft. This includes the periods of time during the boarding process and during intermediate stops. The interpretation also stated that if an individual (e.g., a gate agent) replaced a flight attendant and that flight attendant was part of the minimum crew complement, then the individual replacing the flight attendant would have to have received crewmember emergency training on that aircraft in accordance with section 121.417.

ATA further stated in its petition that its member airlines strongly disagreed with this interpretation and difficulties associated with the application of the June 2, 1980, FAA interpretation would adversely affect the airlines operationally and economically and could well create unnecessary hardship on the traveling public.

After review and analysis of the ATA petition, the FAA concurred with the ATA that the current regulation as intepreted by FAA contains unnecessary requirements. As already noted, the current regulation provides that all required flight attendants not only must be on board the aircraft during flight time but also must remain on board during intermediate stops. Analysis of the safety issues involved reveals that this is not necessary and precludes such personnel from performing other related duties. Such duties include aiding elderly or handicapped passengers, accompanying minors, and coordinating with ground personnel.

Section 25.803 and Appendix D to Part 121 of the FAR require that during a demonstration of emergency evacuation procedures, not more than 50 percent of the emergency exits in the sides of the fuselage of an airplane may be used for the demonstration. The 50 percent figure accounts for the posssibility that some of the emergency exits may be rendered inoperative in a crash situation due to fuselage damage or fire. At an intermediate stop, however, at least one floor-level exit will remain open, and time will not be lost in preparing that exit for evacuation during an emergency situation. In addition, most other exits should normally be operable.

Therefore, the FAA issued Notice of Proposed Rulemaking No. 82-1, which was published in the **Federal Register** on January 21, 1982 (47 FR 3068). In the notice, the FAA proposed to reduce the number of required flight attendants who must remain on board during intermediate stops. Intermediate stops are stops where passengers remain on board and proceed on that aircraft to another destination. They are usually of short duration. The FAA proposed that during such stops each certificate holder shall provide and maintain on board the aircraft at least one-half (rounded to the next higher figure) the required number of flight attendants. During such stops, the aircraft is in a static mode, in a level attitude, with the engines stopped. This is in contrast with a crash situation in which the aircraft often comes to rest in an unusual attitude with cabin contents dislodged and with exits blocked or inoperable because of impact damage.

Additionally, the FAA proposed that the certificate holder must ensure that at least one floor-level exit on that aircraft remains open during that stop and that such exit provides for the rapid deplaning of passengers. One or more additional exits may be open for servicing the galleys and lavatories. As part of their emergency evacuation duties, the required flight attendants on board are required to open, if necessary, additional emergency exits to provide for the rapid deplaning of passengers. Also, at most intermediate stops, flight crewmembers, mechanics, baggage handlers, security personnel, and other ground personnel are nearby to assist in the event of an emergency. Furthermore, the aircraft's engines are shut down while the aircraft is at the gate. This factor should mitigate the chances of an emergency arising from engine torching or overheating.

That proposal would also allow the substitution for required flight attendants of other personnel qualified in the emergency evacuation procedures for that aircraft required in § 121.417 of the FAR as long as they are identified to the passengers.

This provision will allow personnel such as passenger agents, customer service representatives, and ticket agents who have been trained in accordance with § 121.417 of the FAR to perform safety-related flight attendant duties in the absence of the required flight attendants at intermediate stops. These normally required flight attendants may be performing other related duties such as aiding unaccompanied children or ill passengers.

Finally, during many intermediate stops only a small number of passengers remain on board the aircraft. In most cases, passengers have the opportunity to proceed to a lounge or to other appropriate places instead of remaining on board the aircraft during any prolonged intermediate stop. Therefore, if the airplane is stationary, the engines are not operating, and one or more exits are open, allowing one-half of those flight attendants required by § 121.391 to remain on board the airplane at an intermediate stop would provide a necessary level of safety for all passengers and crewmembers.

Discussion of Comments

Nine persons submitted written views on this proposal. Four of these persons represent various flight attendant unions. Two persons represent airline associations, while another person represents an airline. One person represents an airline pilot union, with the remaining individual commenting as a member of the traveling public.

A majority of the commenters express approval of the intent of the proposal. All parties agree that at least a minimum number of flight attendants must be on board the aircraft at intermediate stops when passengers remain on board to ensure a safe evacuation. A majority of these commenters also agree that there may be a need for flight attendants to deplane to perform ancillary duties. However, several of the commenters suggest changes which would tailor the proposal to specific situations or specific operators. Where practical, these suggestions have been adopted.

Several commenters state that the required complement of flight attendants should be on board the aircraft if fueling occurs during the intermediate stop due to the increased hazard of a ramp fire.

Refueling of aircraft with passengers on board appears to have little impact on the safety of on-board passengers. An examination of accident and incident records of U.S. air carrier worldwide operations for the past 20 years revealed only two incidents resulting in fires associated with jet fueling operations at the gate. One incident occurred when passengers were on board, the other did not. These 2 incidents resulted in injury to 11 persons. Four of the injured were ground service personnel either involved in the fueling operation or injured because of their nearby location. Seven passengers received injuries from the ensuing evacuation. During the same period of time, it is estimated that over 22 million fueling operations (with and without passengers on board) were accomplished without fuel spill accidents or incidents. The accident history concerning fueling operations does not indicate a need for having the required complement of flight attendants on board the aircraft during aircraft fueling operations when passengers are on board. The most common parking procedure worldwide is nosed-in to the terminal building. The parking ramps slope away from the building. In the event of a fuel spill, the ramp slope would direct the spilled fuel towards the aft portion of the aircraft in most cases. The safer escape avenue could very well be to use the protection of the unruptured aircraft body tube to the forward portion of the aircraft.

Present and future transport aircraft and ground equipment have been and continue to be designed so as virtually to eliminate the potential of significant fuel spills and fires.

Several commenters oppose the use of personnel other than flight attendants during intermediate stops. Most of these commenters question whether the airline personnel would be properly trained in emergency procedures in each particular aircraft. These commenters also express concern that a brief training program for other airline employees does not compare with the experience and training continually gained by flight attendants in flight.

At most intermediate stops, flight crewmembers, mechanics, baggage handlers, security personnel, passenger agents, and other personnel are nearby to assist in any emergency. Passenger agents, customer service representatives, and ticket agents may perform the safety duties of a flight attendant on the ground at an intermediate stop if they are properly trained in emergency evacuation procedures for that type of aircraft in accordance with § 121.417 as long as they are identified to the passengers.

Those people who have completed the training in accordance with § 121.417 of the FAR have been trained under the same sections as a new flight attendant and have generally the same level of experience in this area as those flight attendants who are initially assigned duties with the air carrier. Those individuals being utilized as replacements for flight attendants must meet the same initial and recurrent training requirements of § 121.417 just as all flight attendants.

One commenter states that reducing the required number of flight attendants on board is dangerous and can affect the number of lives saved in an emergency. This commenter goes on to point out that all exits during boarding and at intermediate stops are unarmed to prevent inadvertent activation of the emergency slides, and passengers are not instructed on how to arm/activate the emergency evacuation equipment that could save their lives. This commenter contends that one floor-level exit remaining open at an intermediate stop does not justify reducing the number of flight attendants required to be on board.

The front door of the airplane is already opened and connected with a jetway or stairs, which allows the passengers an egress route without the delay required when opening the exit during an emergency. Most of the passengers will exit through this door which provides the necessary egress in the event of an emergency.

One commenter specifies that the flight attendants should be evenly distributed throughout the cabin in the vicinity of floor-level exits.

During intermediate stops, flight attendants are generally on board and evenly distributed since they are in the process of exercising their respective duties. However, the FAA agrees that the comment regarding an even distribution of flight attendants has merit, and the requirement for the even distribution of flight attendants to deal more effectively with a critical emergency evacuation, should one arise, is added to the rule. If there is only one flight attendant on board the aircraft, that person will be located in accordance with the airline's FAA-approved operating procedures.

Two flight attendant unions suggest that the provisions of § 121.391(a) should not be changed. One union contends that the minimum crew complement represents an adequate number of flight attendants required in an emergency to evacuate a fully boarded aircraft with only half of the available number of exits operable.

The FAA Office of Aviation Safety recently conducted a search of data of air carrier incidents at the gate before engine startup resulting in emergency evacuation. This survey covered 6 years and revealed four evacuations resulting from a bomb threat, smoke in the cabin, auxiliary power unit (APU) torching, and engine torching. This record indicates that there is no significant safety problem connected with reducing the number of flight attendants at the gate during intermediate stops. This reduction is acceptable since the aircraft is parked at the gate in a static mode in a level attitude with engines stopped and no structural damage evident. At least one floor-level exit is already open and available for immediate evacuation use. This exit is usually connected to a

jetway which furnishes additional protection from possible dangers outside the airplane. Crewmembers, mechanics, baggage, security personnel, and other ground personnel are nearby to assist in the event of an emergency.

On most intermediate stops, many passengers deplane the airplane. Therefore, it is reasonable to allow certain reductions in the number of flight attendants. When boarding begins, the full contingent of flight attendants has generally returned to their duties on the airplane.

Another commenter expresses concern that if a passenger on board becomes ill and requires emergency first aid, the number of required flight attendants proposed by the FAA may not be adequate to respond quickly enough to render timely assistance. Furthermore, flight attendants perform many important flight safety duties during passenger boarding and at en route stops.

As stated previously, from a recent search of data of air carrier incidents, there is no significant safety problem connected with reducing the number of flight attendants at the gate during intermediate stops. The very fact that the flight attendants may be allowed to leave the aircraft demonstrates that these flight attendants may aid the ill passenger in deplaning. The fact that the airplane is at the gate and connected to a jetway or stairs with the door open demonstrates that the airplane is prepared for evacuation prior to any emergency arising. The remaining flight attendants may then prepare other exits for evacuation should the need arise.

One commenter suggests that the air carriers should be allowed to tailor their procedures to suit their particular method of operation and to have these procedures approved and enforced by the FAA.

This comment in effect is asking that standards not be established for this type of operation. This amendment will continue the high level of safety that is required of each air carrier in the public interest.

One commenter raises the question of contractual agreements between some airlines and their unions that would preclude substitution of ground personnel for flight attendants.

Substitution of flight attendants by persons trained in accordance with § 121.417 of the FAR is appropriate and may be utilized by those air carriers wishing to avail themselves of this alternative. Those companies that have restrictions or contractual agreements prohibiting such substitution must resolve these differences by any means deemed appropriate by each party involved. The FAA is merely offering an alternative method by which aircraft at intermediate stops may be manned by appropriate personnel to provide for proper evacuation in case of any emergency that might rise.

Three commenters express concern that the FAA is proposing that all engines must be shut down and at least one floor-level exit must remain open during any stop where passengers remain on board the aircraft, regardless of the number of flight attendants on board the aircraft.

The FAA did not intend to require that all engines be shut down with the one floor-level exit open with passengers on board during intermediate stops when all flight attendants are on board. This provision was only meant for situations where certain flight attendants are away from the airplane when changing flights or where ancillary duties require them to be off the airplane. To clarify this, the rule is changed to provide that these provisions are only applied when the flight attendant complement is fewer than required by § 121.391(a) of the FAR.

Two commenters contend that cold or inclement weather operations would negate the practicality of having at least one floor-level exit remain open during a passenger stop.

In areas where inclement weather may make it impractical for the airplane door to be left open, the flight attendant complement may not be reduced. However, on board flight attendants may be replaced by the same number of other personnel qualified in the emergency evacuation procedures for the airplane as required in § 121.417 and the replacement personnel are identified to the passengers remaining on board at the intermediate stop.

For all the reasons previously mentioned, safety would not be jeopardized by changing the number of flight attendants from one-half of those required in flight rounded to the next higher figure as put forth in NPRM 82-1 to one-half of the number of flight attendants required for flight rounded to the next lower number in the case of a fraction. This change is made in response to the views presented by one commenter who represents numerous large air carriers. This commenter states that its major concern is with aircraft requiring an odd number of flight attendants in flight when that number is halved and rounded to the next higher figure when on the ground during an intermediate stop. The commenter further states that the notice did not provide the operational flexibility the airlines require and would impose substantial economic penalties.

This economic penalty may be illustrated when an airplane has a seating capacity of more than 100 passengers but fewer than 151 passengers which would require 3 flight attendants while in flight. In the notice, it was proposed to allow one-half of the flight attendants (rounded to the next higher number in the case of a fraction) to be on board the aircraft while on the ground during intermediate stops. In this case, it would require two flight attendants to remain on board. In this amendment, the requirement is changed to allow the number of flight attendants on the ground to be reduced to one-half of the flight attendants required in flight, rounded to the next lower number in the case of a fraction. In the previous example, which requires three flight attendants in flight, the number of flight attendants required on the ground at intermediate stops would now be one instead of two. The requirement for at least one flight attendant to be on board the aircraft was added to ensure that an aircraft which normally requires only one flight attendant while in flight is always attended while passengers are on board at intermidiate stops. This rule is in concert with the current procedures practiced by most of the carriers at this time. An appropriate level of safety is provided for by this amendment, and there is no reason to penalize the carrier and prevent other flight attendants from performing ancillary duties which may require them to be off the airplane. This rule has been changed accordingly.

Economic comments and responses are considered in the economic analysis which follows.

Economic Analysis

The economic impact of the amendment is clearly positive. The rule prior to amendment has been interpreted to require that the full complement of flight attendants must be on board at all times when passengers are on board. The amended rule requires only half, rounded to the next lower number in the case of a fraction, of the full complement for intermediate stops in a flight itinerary.

A number of commenters indicate that certain airline practices did not follow the rule as interpreted and argue against the FAA proposal. One commenter expresses concern that the economic and operational penalties of the FAA's proposed rule would overshadow the safety benefits gained. Examples were supplied of the operational and economic penalties that the airlines would incur if the FAA's proposed rule is implemented in its present form.

The proposal was modified with respect to the method used to determine the number of flight attendants required at intermediate stops, and the amendment eliminates the costs to which commenters point. The proposal would have required one-half of the flight attendants, rounded to the next higher number in the case of a fraction. Thus, for example, some makes and models of a B–727, a DC–9, or a B–737, may have between 101 and 150 seats, and would require 2 flight attendants at all times for intermediate stops on a flight itinerary. The amendment as adopted requires only one flight attendant at such points for these aircraft types.

The only other comment of substance received concerning any economic questions relates to the proposal which required that at intermediate stops the engines must be shut down and the doors must remain open. The proposal has been modified to make it clear that this part of the rule only applies when the flight attendant complement is reduced at an intermediate stop.

In view of the clarification in the amendment, this aspect of the rule should not create a cost for air carriers. Also, there is no derogation of safety, and thus no public cost.

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities." As discussed above, there is no negative economic impact associated with the amendment as it relates to operators covered by the rule.

List of Subjects in 14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft pilots, Airplanes, Airports, Children, Handicapped, Hours of work, Infants, Pilots, Smoking, Transportation, Common carriers.

Adoption of the Amendment

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Accordingly, § 121.391 of the Federal Aviation Regulations (14 CFR 121.391) is amended by adding a new paragraph (e) as follows, effective January 16, 1983.

§ 121.391 Flight attendants.

* * * * *

(e) At stops where passengers remain on board the aircraft and proceed on that aircraft to another destination, each certificate holder shall provide and maintain on board the aircraft during that stop at least one-half (rounded to the next lower figure in the case of a fraction) of the flight attendants as provided in paragraph (a) of this section or the same number of other personnel qualified in the emergency evacuation procedures for that aircraft as required in § 121.417 provided those personnel are identified to the passengers, but never fewer than one such person. These persons shall be uniformly distributed throughout the airplane to provide the most effective egress of passengers in the event of an emergency evacuation. Should there be only one flight attendant on board the aircraft, that person will be located in accordance with the airline's FAA–approved operating procedures. During such stops when the flight attendant complement is fewer than required by § 121.391(a), the certificate holder must ensure that the aircraft engines are shut down and at least one floor-level exit on that aircraft remains open during the stop and that such exit provides for the deplaning of passengers.

(Sec. 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421 through 1430); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this amendment relaxes requirements and allows more flexibility to affected Part 121 operators as it reduces by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. There are no apparent direct or indirect (nonindustry) costs associated with granting the requested relief, and the benefits far outweigh any direct costs associated with changing the present regulation. Therefore, it has been determined that this is not a major regulation under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

In addition, I certify that under the criteria of the Regulatory Flexibility Act, the amendment will not have a significant economic impact on a substantial number of small entities. This amendment applies to certificated air carriers, few of which are considered to be small entities. It allows all carriers to reduce the number of employees which must be on aircraft during certain parts of the operations, thus reducing overall costs.

Issued in Washington, D.C., on November 17, 1982.

J. Lynn Helms,
Administrator.

[FR Doc. 82–33943 Filed 12–15–82; 8:45 am]
BILLING CODE 4910–13–M

federal register

Thursday
December 16, 1982

Part IV

Department of Health and Human Services

Office of the Secretary

Consolidation of Grants to the Insular Areas

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 97

Consolidation of Grants to the Insular Areas

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: These rules authorize the consolidation of certain formula and block grants to the Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands. This rule also waives all requirements for matching that are imposed upon an insular area under any of the grant programs that are included in a consolidated grant. Previous regulations allowing for consolidations of grants of the Public Health Service (42 CFR Part 50, Subpart F) and the Office of Human Development Services (45 CFR Part 1300) are repealed. The rule is based on the premise that it is in the public and insular area interest to provide the insular areas with the maximum flexibility allowed by the statute in order to minimize their administrative burden and ensure that federal funds are available for use in a manner determined most appropriate by the insular area.

DATE: The rule is effective December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Catherine Carver, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Room 640F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, Phone: (202) 245–6156.

SUPPLEMENTARY INFORMATION: Section 501 of Pub. L. 95–134, the Omnibus Territories Act, as amended, 48 U,S,C, 1468a, authorizes federal agencies to consolidate grants to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands ("insular areas"). Specifically, section 501 permits:

(a) A federal agency to consolidate any or all grants to each of these insular areas except those grants used to make direct payments to individuals;

(b) A federal agency to waive requirements for matching funds, applications, and reports with respect to the consolidated grants;

(c) An insular area to use the consolidated grant funds for any purpose or purposes authorized under any of the grant programs that have been consolidated; and

(d) An insular area to determine the amount of funds to allocate to each program or purpose authorized under the consolidated grant.

The rule has two purposes: (1) To set out rules permitting consolidation of grants; and (2) to waive matching requirements for the programs included in a consolidation.

A notice of proposed rulemaking was published in the **Federal Register** on June 16, 1982. Twelve comments were received and all were supportive of the proposed rule. Based on our evaluation of the comments received, the rule is being made final. The provisions of the regulation are discussed below.

Consolidation

The Department previously issued regulations allowing insular areas to consolidate certain formula grant programs of the Public Health Service (42 CFR Part 50, Subpart F) and certain programs of the Office of Human Development Services (45 CFR Part 1300). The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) replaced many of those programs with block grant programs. Therefore, for the insular areas to take advantage of the consolidation authority of the Omnibus Territories Act, the Department is issuing this rule providing for consolidation of these newly authorized programs as well as of other formula and State grant programs.

The rule would allow consolidation of grants authorized by the following programs: the Preventive Health and Health Services Block Grant, the Alcohol and Drug Abuse and Mental Health Services Block Grant, the Primary Care Block Grant, the Maternal and Child Health Services Block Grant, the Social Services Block Grant, the Community Services Block Grant, the Low-income Home Energy Assistance Program, Child Welfare Services, Developmental Disabilities, Aging Supportive Services and Senior Centers, Congregate Meals for the Elderly, Home Delivered Meals for the Elderly, State Agency Administration (Aging) and Child Abuse and Neglect State Grants.

In the notice of proposed rulemaking, the Department asked for comments on whether other programs should be eligible for grant consolidation. Several commenters suggested including Head Start as an eligible program. We have not changed the rule in this regard because, under the Omnibus Territories Act, only programs which fund territorial governments are eligible for consolidation. Head Start funds are awarded to community organizations and local governments and not territorial governments.

An insular area may apply for a consolidated grant to allow the insular area to use any of the funds to which the insular area is entitled under one or more of the eligible programs for any purpose(s) authorized by any of these programs. (American Samoa and the Trust Territory of the Pacific Islands at the present time are not eligible for the Social Services block grant or the Child Welfare Services program.) Submit an application that indicates the amount of funds to be consolidated, the program authorities that are the sources of those funds, and the program authorities under which it will expend the funds made available under the consolidated grant. The insular area must comply with the application, reporting and other administrative requirements applicable to the program(s) under which it will expend the funds.

An insular area may choose to receive funds separately under each of the above programs or it may apply for a grant consolidating two or more of these programs. This decision is entirely at the discretion of the insular area. Some examples may help to illustrate the principle of consolidation:

- An insular area wants to provide for the activities and services authorized under each of the four health block grant programs, but it wishes to spend the funds in amounts that differ from those prescribed by the statutory formulas for each of those programs.

In this instance, the insular area should submit an application to consolidate the four health block grants. The application should contain the assurances and certifications required by each of the four block grant programs and a description of the intended use of the funds. It should include the amount of funds to be consolidated and the amount of funds that the territorial government will spend under each of the four programs.

- An insular area decides to spend all funds from the primary care block grant and from the low-income energy assistance program on the alcohol, drug abuse and mental health services block grant and on the maternal and child health services block grant.

In this instance, the insular area should submit an application consolidating: the primary care; low-income energy assistance; alcohol, drug abuse and mental health services; and maternal and child health services block grants. The application should contain the assurances and certifications—and meet other statutory requirements—applicable to the latter two programs.

• An insular area decides to consolidate the social services block grant with the other State grant programs administered by the Office of Human Development Services (i.e., child welfare services, services to the aging, to the developmentally disabled and to abused and neglected children) and to spend all funds under the social services block grant program rather than under the specific State grant authorities.

In this instance, the insular area should submit an application consolidating all of the programs administered by the Office of Human Development Services. The application should indicate the insular area's intention to spend funds from these programs under the social services block grant only and provide a pre-expenditure report which meets the requirements of the social services block grant statute and regulation.

Waiver of Matching Requirements

A second purpose of this rule is to waive all matching requirements imposed upon an insular area government by any of the statutes authorizing the programs eligible for consolidation when these programs are included in a consolidated grant.

Under Pub. L. 95–134, a federal agency may waive matching requirements with respect to a consolidated grant. The Department has determined that it is in the public interest to waive these requirements. Matching requirements are included in programs to ensure that State governments commit a portion of their own resources to federally supported services. In the case of the insular areas, the local tax bases are extremely limited and therefore matching requirements may not be effective ways to increase aggregate spending. Under the rules, the matching requirements for any program included in a consolidated grant would be waived automatically.

Applications for a Consolidated Grant

Applications for a consolidated grant should be submitted to the Deputy Under Secretary for Intergovernmental Affairs, 200 Independence Avenue, SW., Washington, D.C. 20201.

There is no prescribed format for a consolidated grant application. The content of the application is determined by the decisions the insular area makes regarding the programs to be carried out and how the funds will be used. However, the application must indicate the amount of funds to be consolidated, the program authorities that are the sources of those funds, and the program authorities under which the insular area will expend the funds included in the consolidated grant. It must also contain the submission information required by statute and regulation for the programs under which the consolidated grant funds will be expended.

Where statutory assurances or certifications in several programs are substantially the same, one assurance or certification will be sufficient.

As indicated in the regulation, an application may be submitted at any time during the fiscal year. However, a consolidated grant cannot included any funds already expended by the insular area.

State Plan Requirements

Territorial officials should be aware that in addition to these rules, Executive Order 12372 provides territories with further opportunity to reduce or simplify applications for Federal programs. The Executive Order, in the main, institutes a new policy providing elected officials of State, territorial and local governments the opportunity to establish their own process for review of Federal financial assistance. In addition, however, section 2(d) of the order directs Federal agencies to: "(a)llow the States to simplify and consolidate existing Federally required State Plan submissions. Where State planning and budgeting systems are sufficient and where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies".

An application under for a consolidated grant under Pub. L. 95–134 removes the need for submission of a State plan for each program included in a consolidated application. For programs eligible for consolidation, but which the Insular Area has chosen not to include in a consolidated grant application, a simplified, consolidated or substitute State plan may be submitted. Regulations governing simplification, consolidation or substitution of State plans will be published in the Spring of 1983. Territorial officials may contact Catherine Carver for more information. (See above for address.)

Further Assistance

An insular area requiring further information or assistance in matters relating to consolidated funding and Pub. L. 95–134 should contact Catherine Carver, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs (202) 245–6156.

Repeal of Existing Regulations

The Office of Human Development Services and the Public Health Service previously issued regulations allowing for consolidation of certain grants to the insular areas (45 CFR Part 1300 and 42 CFR Part 50, Subpart F, respectively). The Public Health Service regulations were removed effective October 1, 1982, by a notice in the Federal Register of October 1, 1981 (46 FR 48592). This rule removes the previous regulations of the Office of Human Development Services.

Reporting requirements are normally subject to approval by OMB under Pub. L. 96–511. However, this requirement is not subject to OMB approval because it applies to less than ten persons.

Regulatory Flexibility Act of 1980

This rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354, because the rule applies to a limited number of recipients of federal financial assistance which are not within the statutory definition of "small entities".

Executive Order 12291

This rule is not a "major rule" under Executive Order 12291 and thus a regulatory impact analysis is not required. This determination is based on our assessment that the rule will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; or

(3) Result in 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.

Effective Date

Because these regulations relieve restrictions on the use of grant funds, and in order to allow the insular areas to apply for a consolidated grant as early in the Federal fiscal year as possible, we are not using the customary 30-day delayed effective date, but are making these rules effective immediately.

List of Subjects in 45 CFR Part 97

Administrative practice and procedure, Aged, Alcoholism, Child welfare, Community action programs, Drug abuse, Energy, Grant programs-energy, Grant programs-health, Grant programs-social programs, Health care, Maternal and child health, Mental health programs, Public health.

For the reasons set forth in the preamble, Title 45 of the Code of Federal Regulations is amended as follows:

PART 1300—GENERAL REGULATIONS [REMOVED]

1. 45 CFR Part 1300 is removed.

2. Part 97 is added to Title 45 to read as follows:

PART 97—CONSOLIDATION OF GRANTS TO THE INSULAR AREAS

Sec.

Authority: Sec. 501, Pub. L. 95–134, 91 Stat. 1164, amended, Sec. 9, Pub. L. 95–348, 92 Stat. 495, Sec. 601, Pub. L. 96–205, 94 Stat. 90 (48 U.S.C. 1469a).

§ 97.10 What is a consolidated grant?

As used in this Part, a "consolidated grant" means a grant award to an insular area, the funds of which are derived from the allocations under two or more of the programs specified in section 97.12.

§ 97.11 Which jurisdictions may apply for a consolidated grant?

The Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands ("insular areas") may apply for a consolidated grant under this Part.

§ 97.12 Which grants may be consolidated?

These regulations apply to the consolidation of grants under the following programs:

Title and Statutory Citation

Block Grants

(a) Preventive Health and Health Services, 42 U.S.C. 300w–300w–8.

(b) Alcohol and Drug Abuse and Mental Health Services, 42 U.S.C. 300x–300x–9.

(c) Primary Care, 42 U.S.C. 300y–300y–11.

(d) Maternal and Child Health Services, 42 U.S.C. 701–709.

(e) Social Services, 42 U.S.C. 1397–1397f.

(f) Community Services, 42 U.S.C. 9901–9912.

(8) Low-Income Home Energy Assistance, 42 U.S.C. 8621–8629.

Other Grants

(h) Child Welfare Services, 42 U.S.C. 620, et seq.

(i) Developmental Disabilities, 42 U.S.C. 6061–6068.

(j) Aging Supportive Services and Senior Centers, 42 U.S.C. 3030d.

(k) Congregate Meals for the Elderly, 42 U.S.C. 3030e.

(l) Home Delivered Meals for the Elderly, 42 U.S.C. 3030f.

(m) State Agency Administration (Aging), 42 U.S.C. 3028.

(n) Child Abuse and Neglect State Grants, 42 U.S.C. 5103(b).

§ 97.13 How does an insular area apply for a consolidated grant?

(a) An insular area may apply for a consolidated grant in lieu of filing an individual application for any of the programs listed in § 97.12 for which the insular area is eligible.

(b) The chief executive officer or his designee may submit a consolidated grant application at any time prior to expenditure of the funds proposed for consolidation. The application must specify the amount of funds proposed for consolidation, the titles of the programs that are the sources of funds that are to be consolidated and the titles of the programs under whose statutory authority the funds are to be expended.

(c) The application must contain the assurances, certifications, and other information required by the statutes and regulations applicable to those programs under which funds will be expended. If any of the requirements for these latter programs are substantially the same, they may be met by a single assurance, certification, or narrative, as appropriate. The application need not meet the application or other requirements for programs which are sources of funds for the consolidated grant but under whose authority no funds will be expended.

(d) If after receiving a consolidated grant, an insular area wishes to use funds for a purpose authorized by an eligible program that is not included in the consolidated grant, or by an eligible program that was included in the grant but was not intended as a program under which funds would be expended, the insular area must submit an amended application indicating the proposed change and containing the assurances, certifications and other information applicable to that program.

§ 97.14 How will grant awards be made?

The Secretary, or his designee, will award a consolidated grant to each insular area that applies for a consolidated grant and meets the requirements of this Part and of the statutes and regulations applicable to the programs under whose authority the consolidated grant funds will be expended. As long as the amount requested does not exceed the amount for which the insular area is eligible under the programs that are being consolidated, the amount of the award will equal the amount requested in the application.

§ 97.15 For what purposes can funds be used?

Funds awarded under a consolidated grant must be used for purposes authorized by the statutes and regulations of the programs included in the consolidated grant. In its application for a consolidated grant the insular area is to indicate the amount of funds that will be allocated to the eligible programs.

§ 97.16 What fiscal, matching, and administrative requirements apply to grantees?

(a) An insular area receiving a consolidated grant must comply with the statutes and regulations applicable to the programs under which the funds are to be used, except as otherwise provided in this Part.

(b) In regard to programs included in a consolidated grant, an insular area need not comply with any of the statutory or regulatory provisions requiring recipients to match federal funds with their own or other funds.

(c) A single report may be submitted in lieu of any individual reports that may be required under the programs included in a consolidated grant.

Dated: November 4, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82–26108 Filed 12–15–82; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 28, 1982